

(AMENDED)

Walterboro City Council
Regular Meeting
January 13, 2009

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, January 13, 2009 at 6:15 P.M. with Mayor Charlie Sweat presiding.

PRESENT WERE: Mayor Charlie Sweat, Council Members: Randy Peters, Charles Lucas, Bill Young, Ted Parker, Franklin Smalls and Mary Anne Cannady. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present.

There being a quorum present, the Mayor called the meeting to order and called on Council Member Smalls for the invocation and Council Member Peters to lead the Pledge of Allegiance to our flag.

PUBLIC HEARING: (Ordinance # 2008-15)

The Mayor then announced a public hearing duly advertised to receive public comments on proposed ordinance # 2008-15, being: An Ordinance Authorizing the City of Walterboro to Convey Ten and Seven Tenths (10.7) Acres of Land Located at the Intersection of Trinity Street and Jefferies Boulevard in the City of Walterboro to Henry Belk Cook, Jr. and W. Harry Cone, Jr.

This ordinance authorizes the exchange of above-mentioned property for a 3.5 acre parcel of land bounded by Washington Street and Klein Street. The proposed use is a park maintenance facility and a dog park.

There were approximately 39 persons present at the public hearing. This was the second advertised public hearing on this ordinance. The Mayor reminded everyone of the ground rules for the public hearing that each individual would be given a maximum of 3 minutes, one time and one time only. He also reminded everyone to sign in if they plan to speak during the hearing. Some comments received in opposition to approval of the ordinance were as follows:

Ms. Marsha Johnson, a resident at 320 Dowling Avenue in Mayfield Terrace, stated that she wanted to speak on this issue particularly as it relates to the amount of resources that are being put toward the Swamp. **I have told you all that I have been an attorney with the McLeod, Fraser Law Firm, but I have also been the Director of Operations at Magnolia Plantation, which is an international known tourist attraction.** She said, one of the things that I am concerned about when government does things rather than when private people do things, is that you take away what should rightly be that of private individuals to have businesses and employ people. I love the Great Swamp, and I have walked in it many times. It is gorgeous, it's beautiful, but the City has a lot of needs. When you allocate a very large proportion of the resources of the city to one project, **by necessity because resources are limited**, you take away from other things. There are a lot of grants to build things. There are **very few** grants to support operations. The Swamp is beautiful, but it can also be built up gradually, and as your **attendance** comes to be more and more in the Great Swamp, then you'll have more resources to allocate to it.

Ms. Johnson further stated, the dog park which was stated as a use, although there is nothing in the budget for the dog park, seems to be a very silly use of funds at a time when so many people are facing tough economic times. Knowing what I know from having been the Director of Operations of a large organization, the maintenance shed is much more reasonably located close to the main activities. So, if you are going to build buildings there and have a lot of functions, having your maintenance shed near makes a lot of sense. And, you can make your maintenance shed either attractive and part of the regular facilities or you can make it through planting materials, a screen from that. Your expenses, again for your maintenance shed, will be your ongoing operating costs, your labor costs, and those kinds of things drain your resources. My plea is that you do not continue to allocate so many resources to the Great Swamp. Don't abandon it, it's a wonderful thing, it's a great resource that can attract a number of people to the area, but there are a lot of other important functions, like the fact that we don't have sufficient things for kids to do, either on school vacations or after school. It's really essentially to look at those kinds of things and not just allocate all of your resources. Another thing, I have seen nothing from any of the paperwork you have shown me that makes sense financially for this transfer. You really do have to get more information on this to convince us that this makes any sense. Whenever you have a like-kind exchange, you've got to really show people that it's really a good use of those resources, or people will feel like it's just nonsense.

Dr. Lori Campbell, a local veterinarian and a resident at 410 Dowling Avenue addressed Council. She said that I have problems with this issue coming from different perspectives. As a taxpayer, this does not make sense to me. I understand that Mr. Young said at the last

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meeting there are some things that (Council) may have looked at, some legal issues, that we can't look at. When it comes right down to it, this is our money. You may not be able to tell us everything, but I think it's a reasonable thing to ask (you) to justify why, when something doesn't look right on the surface. Why does a like-kind exchange here make sense? So, the taxpayers are having problems. As far as the dog park goes, you are not going to find anybody who loves animals more than I, but I think there are other things that the city needs, and I think a dog park brings up issues. There are liability issues. Dr. Campbell pointed out that in responsible cities; there are no longer sand boxes at kids' playground anymore. There's a reason for that . . . because there are issues with parasites. I can guarantee you just because somebody loves their dog and takes it to the park that does not mean that the animal will be well vaccinated and well-taken care of as far as parasites. You have that chance for disease transmission. When you put dogs together, you also have a change for fights. When you have the **chance** for fights, someone is going to try and breakup that fight, and somebody's kid or the owner of the dog is going to get bit. I want to know from a liability aspect, how are you going to take care of that.

Dr. Campbell further stated, as a Mayfield Terrace resident, I have a big problem with this. Theoretically, it would be nice for me, it's a great place to take my dogs, but I am not taking them there, because of the concerns with disease transmission and dog bites. She pointed out that animal control was turned over to the county with the idea that the county would enforce county regulations, not city regulations. Therefore, as city residents, we lost our rights to have a leash law, per se. They (the county) will enforce this law if it's pushed, but they won't just enforce it in general. We also had a licensing thing, but we let that slide. I agreed with this at that time, because it was making progress, but since then there has been no progress. You are talking about bringing a dog park in. You are putting more pressures on animal control because that will be something they will have to deal with, but yet you are not doing anything for animal control. Animal control has very few people to patrol more than 1,052 square miles of county. I think they do what they can, but they are going to be limited on what they can do. We already have a stray dog problem in the neighborhood. I think the Great Swamp is great, but we had two stray dogs running through there at one time. I brought this up to Mr. Lucas that the Great Swamp Sanctuary isn't going to be so great when you get tourists who are getting their dogs attacked by other dogs and being chased by other dogs. I just believe this swap has not been thought through as far as the dog park. As far as the maintenance shed, I don't think I have an issue with that. I have the issue of the taxpayer's money being used for something like this at a time when the economy is so bad.

Ms. Mary Ann Burt, a resident of 120 Paul Street, then addressed Council. She stated that at the previous hearing she expressed concern that this supposed like-kind exchange did not seem like a like-kind exchange. She said, I don't see that this is a good financial decision for the city to make based on the information we were given. I question whether a dog park is something the city needs to spend any money on. I would say that presently dogs run free in the whole city. We do have a loose dog problem in the city. For those people who want to walk their dogs on a leash, we have the wonderful Great Swamp Sanctuary. I worked with Robert Marvin in those earlier years on trying to develop the swamp. We think it's a tremendous asset for the people who live here, and the people who walk, exercise and walk their dogs. I am concerned, as I expressed last time, that I have come before Council on numerous times in the past to explain about the inability for people to work in the center of town on a decent sidewalk on a state highway. Every time, I bring up that issue, I am told by members of Council, there are sidewalk problems all over town. But, I don't see Council developing any plan to put sidewalks where sidewalks need to be. So, I would much rather see the city develop a plan to put in necessary sidewalks, rather than spend money for a place to walk dogs, when we already have an adequate place to walk dogs.

Ms. Carol Black, a resident at 1123 Wichman Street, then addressed Council. She stated, I am here to speak in opposition to this like-kind exchange. She said, I am a lawyer; I have done a lot of research since I spoke to you last. I have already heard the other people who have spoken against this, saying they don't think the like-kind exchange meets the requirement. You have an \$189,000 piece of property proposed to be exchanged for a \$445,000 piece of property. Those are from the city's own appraisers. We have heard from the former Mayor Harry Cone, one of the owners of the \$189,000 appraised piece of property, that he has copies of appraisals which he and Mr. Cook ordered on their property that state differently. We have not seen any evidence of that, and they are not in the city's files, so there is no way any of us can go and see if there is, indeed, an argument that there is a difference in value. Secondly, the dog park, I am not going to address that issue, because I think Dr. Campbell has already done that sufficiently.

Thirdly, we already have a maintenance shed. We have it at the Wallace Dean Center at the bypass. We already have city trucks parked there, and we have equipment there. I

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don't see why we need to get another piece of property just so we can have it close to the entrance on West Washington Street. I think it's a great expenditure of money when for the most part, I have seen the women who do most of the work in the park, use small lawn mowers, use leaf blowers, use smaller equipment, and they don't need a \$160,000 maintenance-shed built on that piece of property. Finally, I take great issue with both what the Mayor has said to the newspapers, to the Post and Courier and to the Press Standard, and what Mr. Lord has said to them, in terms of 'we need to do something about this property on Jefferies Boulevard, because it houses a former landfill'. This landfill, we are told, was abandoned in the 1930's. Mr. Lord has led the people of this town to think by the statements made to the newspapers, that there is a possibility of environmental contamination of the property or the water. We see no evidence of that. He has also led people in this town to believe that if the city doesn't own the property any longer, that it (the city) wouldn't be liable for any environmental cleanup. That's not the law. I've gotten concerned, so I went around to the Great Swamp Sanctuary, and I'd like for the people in this audience and City Council Members to see the fact that this used to be a city dump. We've got rusty cars, we've got washing machines. We have all kinds of city garbage that was put on that property and it has not been cleaned up, and that's from the Great Swamp Sanctuary. (Ms. Black displayed to the audience and Council samples of rusty debris which she said came from the Great Swamp Sanctuary). She said, you are welcome to look at these and I will show the rest of them to the people in the audience. She then asked, have you contacted DHEC to tell them you haven't cleaned up the Great Swamp property? Do you know how many layers of trash you have out there, and I have brought 2 pieces with me. I've gone to the GIS Department here in the county. We've got oil, we got rusty toasters, and we've got lots and lots of cars on that property. We have a lot of problems that we need to have cleaned up there. So, I'd like to know, are you going to spend the money to clean up the Great Swamp that you already have developed before you try to get federal money (for \$4 million) that you say you have already secured \$1.75 million for, but you haven't explained to the people in this room that's bonded indebtedness and that's borrowed money? The taxpayers here are going to have to be pay for this. So, you think about whether or not you 're going to have people getting off I-95, who are going to come and pay for all the cleanup you are going to have, when I contact DHEC tomorrow.

Mr. Henry Belk Cook, Jr., one of the owners in the proposed land swap, then addressed Council. He said, Harry and I have owned that piece of property at the end of Washington Street for 20 years. We never could find anybody that wanted it. You hold down a piece of property out there that's nearly 70 years old that nobody wants. He said, and we didn't come to the city to trade, the city came to us. I can't see why anybody here at this meeting tonight can't see the future for Walterboro. Walterboro is going to grow. That piece of property at the end of Washington Street down there is going to be the center of things. Eventually you are going to have to probably build a city hall, a fire station, or whatever. That's what I was looking at. I think that if the city can get it for nothing, I think it's foolish not to do it. Twenty or thirty years from now, a piece of property like that at that location will cost over \$1 million.

There were no further comments received and the hearing was closed.

APPROVAL OF MINUTES:

The Minutes of the November 18, 2008 Rescheduled Regular Meeting were approved as submitted on the motion of Council Member Cannady, seconded by Council Member Lucas and passed unanimously.

There was no Old Business before Council.

NEW BUSINESS:

Ordinance # 2009-01 was given First Reading Approval on the motion of Council Member Cannady, seconded by Council Member Parker and passed unanimously, being: An Ordinance Authorizing the City of Walterboro to Join with the Walterboro-Colleton County Airport Commission and the County of Colleton in Conveying Eight (8) Acres, More or Less, of Land to Marketing Services International, LLC.

Ordinance # 2009-02 was given First Reading Approval on the motion of Council Member Parker, seconded by Council Member Smalls and passed unanimously, being: An Ordinance to Amend Chapter 13, Postings, Soliciting, Advertising, Article I, Soliciting of the Code of Ordinances of the City of Walterboro, So As to Revise the Provisions for and Set New Requirements and Standards for the Permitting of Peddlers and Transient Merchants; to Provide Exemptions for Charitable, Educational or Religious Organizations; to Provide for the Posting of Private Property to Prohibit Peddlers; to Regulate the Activities of Peddlers and

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Transient Merchants; to Provide Penalties for Violation of this Article; and to Provide for An Appeal Process.

Resolution # 2009-R-01, authorizing a Loan Application to be submitted to the SC Water Quality Revolving Fund Authority for a loan in the amount of \$600,000 to finance the costs of upgrading two lift stations, was approved on the motion of Council Member Cannady, seconded by Council Member Young, and passed unanimously. A copy of said resolution is attached as part of these minutes.

Bids Received for the Pine Needle Lift Station Upgrade Project

Utilities Director Wayne Crosby reported that the city accepted bids for the Pine Needle Lift Station Improvements on December 19, 2008. There were 13 bids received as follows:

Seaside Utilities, Inc., Moncks Corner, SC	\$139,500
DR Terry Construction, Simpsonville, SC	\$148,070
James F. Pedersen Company, Inc., Hollywood, SC	\$150,945
Triad Engineering & Contracting Co., Mt. Pleasant, SC	\$153,500
Wateree Construction Co., Inc., Sumter, SC	\$154,216
Southern Champion Construction, Inc., Savannah, GA	\$158,590
Maxcy Hicks & Sons, New Zion, SC	\$165,000
Tideland Utilities, Inc., Summerville, SC	\$167,500
Green Const. Co. of Summerville, Inc., Summerville, SC	\$168,000
Sand Hills ALS Construction, Hardeeville, SC	\$189,000
Watts, Inc., Dalzell, SC	\$198,450
DuPriest Construction Co., Inc., Port Royal, SC	\$238,160
Sanders Brothers Const. Co., Inc., N. Charleston, SC	\$257,800

Utilities Director Wayne Crosby recommended the acceptance of the low bid of \$139,500 from Seaside Utilities, Inc. of Moncks Corner. He reported that the City had received a grant to rehab this pump station in the amount of \$243,250. He further stated that the project came in under budget, but the city will be required to have a 20% match for this project. He stated that staff is currently trying to find different alternatives to take advantage of the excess grant monies. He pointed out that the city may be able to add a standby generator for emergency reasons. On a question raised by Mayor Sweat, Mr. Crosby responded that the pump station was located on Pine Needle Road, but it also serves Red Comet Road and part of the Gadson Loop area.

A motion was made by Council Member Parker, seconded by Council Member Lucas, to accept the low bid for the Pine Needle Pump Station Upgrade and award the contract to Seaside Utilities, Inc. in the amount of \$139,500. The motion carried unanimously.

Bids Received for the Forest Hills Water System Improvements

Council reviewed a summary sheet, showing a total of 19 bids received on December 19, 2008 for this project, as follows:

Seaside Utilities, Inc., Moncks Corner, SC	\$338,413.00
Tideland Utilities, Inc., Summerville, SC	\$378,451.00
R.H. Moore Company, Inc., Murrells Inlet, SC	\$381,726.50
Metro Utilities, Inc., Leesville, SC	\$381,765.50
Maxcy Hicks & Sons, New Zion, SC	\$381,853.00
Green Const. Co. of Summerville, Inc., Summerville, SC	\$397,556.25
Watts, Inc., Dalzell, SC	\$416,926.25
BES, Inc., Fairhope, AL	\$419,360.85
Southern Champion Construction, Inc., Savannah, GA	\$428,439.00
Triad Engineering & Contracting Co., Mt. Pleasant, SC	\$439,130.00
James F. Pederson Co., Inc., Hollywood, SC	\$444,522.00
Baucom's Grading, LLC, Summerville, SC	\$445,176.50
Wateree Construction Co., Inc., Sumter, SC	\$459,700.25
Jordan Construction of Hilton Head, Inc., Bluffton, SC	\$488,791.70
Sanders Brothers Const., Co., Inc., N. Charleston, SC	\$508,288.00
San Hill ALS Construction, Hardeeville, SC	\$517,177.00
DuPriest Construction Co., Inc., Port Royal, SC	\$553,086.00
C&W Construction, Inc., Jackson, SC	\$553,627.50
Griffin Contracting, Inc., Pooler, GA	\$573,088.15

Utilities Director Wayne Cosby stated that the low bid of \$338,413 was submitted by the same contractor that won the bid for the Pine Needle Lift Station Project. He informed

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Council that this project will loop the Bells Highway well and storage tank to the Forest Hills area, which is about 9,400 feet of 12" water line and several fire hydrants between the two areas. The project will also upgrade 15 fire hydrants in the Forest Hills area and the surrounding area as well that don't meet the required ISO ratings. This project came in well under what we had estimated. He then recommended that Council accept the low bid of \$338,413 from Seaside Utilities.

A motion was made by Council Member Young to accept the low bid of \$338,413 from Seaside Utilities for the Forest Hills Water System Improvements. Council Member Cannady seconded the motion that passed unanimously.

Request for Funding from Colleton County Arts Council - Heather Strickland, Director

Ms. Heather Strickland, new Director of the Colleton County Arts Council, appeared before Council requesting funds in the amount of \$10,000 to continue Arts Council programs and projects for the upcoming calendar fiscal year. She told Council that the City of Walterboro currently gives no funding to the Arts Council and that she is hoping to change that. She told Council that like all the nonprofit organizations, the Arts Council is hurting tremendously right now. The Arts Council has received a 7 percent across the board cut from the SC Arts Commission, with another 7% pending. The organization has also had to lessen the amount it will receive from Colleton County. The Council currently receives about \$26,000 from Colleton County. Ms. Strickland gives some of the highlights and activities of the Arts Council.

- It is a school in the city that teaches arts to a multitude of children every day.
- It is a recreation center for the City.
- In a given day, we have roughly 80 youths and adults coming in our doors for everything from seasonal art classes to arts education to the arts after school program. She said, it is my opinion that this is one of the largest and best things that this entire community has going for it right now. We have certified teachers and working artists who teach our youth from 4th to 12th grade everything they need to know about art.
- In addition, we have the Colleton County Children's Theater, which attracts an average of 70 children per play. Seventy children that we are teaching drama, speech, art, costume design and confidence boosting skills about 3 times per week, 12 months out of the year. Ms. Strickland pointed out that she had received copies of surveys from parents showing that students' attendance at school is better; the parents have something to bargain with for their child, their behavior at home is better, and their grades at school are better.

In summarizing what the Arts Council does, Ms. Strickland stated that in addition to the arts after school program, and the Colleton County Children's Theater which attracts children and adults from Jasper, Dorchester and Hampton Counties, the Council also has the Colleton County Artists and Quilt Guild. We are a monthly sponsored artist's commission on local art work. We bring in at least 4 shows a year to the Hampton Street Auditorium. That's local, regional and national talent that we bring in. I really believe that this gives a sense of pride to this community. These are skills that are going to bring back more well-rounded children to our community in the future, and it's really going to give us a better sense of who we are as a family in this area. The Council also offers a summer art camp for all the youth and the Council also provides artists residences, where we send working artists approved by the state into our schools to work with the art teachers and the principals. In conclusion, Ms. Strickland told Council that her organization is reaching out into other counties seeking funding as well. So, I'm not coming to you saying that you are our only source. I'm not trying to tell you we are going to take this money and won't be back again, and that the money is going to go to administrative or overhead costs. This money is going into programs.

On a question raised by Council Member Peters on the total operating budget for the Arts Council, Ms. Strickland responded that the amount is about \$226,000 per year. Of that amount, about 25% is administrative and overhead costs. We rent our classrooms from the Colleton Center. So that money goes toward all the programs that we offer, all of the classes, performances and it pays 12 to 15 teachers a month.

Council Member Peters asked if a person rents the Hampton Street Auditorium, where does that money go. Ms. Strickland responded that all that money goes to the Colleton Center, which is a separate nonprofit organization. The Colleton Center is the physical Hampton Street structure; the Arts Council just rents its space from the Colleton Center.

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No action was taken by council on the funding request, and it was accepted as information.

Council Member Lucas then asked, do you understand that when the citizens of Walterboro pay their county taxes that they are also supporting the Arts Council. Even though the check is coming from the county, the city is supporting it?

On a question raised by Council Member Parker, Ms. Strickland noted that the elevator had been completed at the Colleton Center.

Next, Council Member Mary Anne Cannady handed out a brief written report to Council on the NLC Meeting held November 11-15, 2008 in Orlando, Florida and was accepted as information.

The Mayor then asked if any one who has not already commented tonight wished to speak to Council at this time? Without being recognized by the Mayor, Ms. Carol Black said, I believe that I need to ask Mr. Parker to step down and not vote on this when the time comes for a vote, due to his long standing friendship with both the owners of the dog park. Mayor Sweat told Ms. Black that this matter would not be voted on tonight.

A motion was then made by Council Member Lucas, seconded by Council Member Cannady to go into an executive session. Mayor Sweat announced that the meeting would convene into an executive session for a discussion of negotiations incident to proposed contractual arrangements. The meeting then entered into executive session.

The meeting returned to Open Session with no action taken as a result of the executive session.

There being no further business to consider, a motion to adjourn was made by Council Member Cannady, seconded by Council Member Young and passed unanimously. The Mayor adjourned the meeting at 7:57 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: February 10, 2009