

Walterboro City Council
Public Hearing and Regular Meeting
January 27, 2009

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, January 27, 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 Lucas to lead the Pledge of Allegiance to our flag.

There were approximately 18 persons present at the meeting.

PUBLIC HEARING:

The Mayor then opened a public hearing, duly advertised, to receive public comments on three items:

1) **Project Replacement of Interstate 95 and Highway 63 Sewage Pumping Stations.**

The Mayor asked Utilities Director Wayne Crosby to explain this project. Mr. Crosby reported that the city is starting up this project which consists of two pump station upgrades. These pump stations were built in 1973. They have exceeded their useful life and are now unable to handle the additional flow. The two pump stations are: the Safari Pump Station, serving the west side of I-95 and the Exxon Pump Station that receives all of the flow to the west of this site and includes all the flow that comes from the Safari Pump Station. One pump station actually pumps into another and then sends it onto the Wastewater Treatment Plant.

Mr. Crosby further stated that a number of criteria were used to design the upgrades: the number of restaurant seats, the number of travel trailer sites, mobile homes, motel rooms and retail establishments. We (the City) decided that this was needed because of several reasons, which include:

- 1) Compliance with SC DHEC. The DHEC regulations require that there be a certain capacity of these lift stations. The Safari Lift Station had exceeded that capacity and as a result, DHEC has not allowed us (the city) to have any additional flow to that lift station.
- 2) They have exceeded their useful life. We expect most lift stations, because of the climate and the environment they are subjected to, to last about 20 years. These pump stations have lasted 35+ years at this point.

Mr. Crosby pointed out that part of the requirements of this public hearing is to divulge the funding that will be provided for the pump station upgrades. They are:

- 1) The SC Budget and Control Board, Office of Local Government Grant Program. That funding amount was \$200,000.
- 2) SC Department of Commerce - \$125,000.
- 3) Ongoing Commitment from Coastal Electric Cooperative - to date, the city has received \$91,950, and should receive over the next two years an additional \$180,000.
- 4) Local Funds - this is out-of-pocket expense to be paid by the City.

Mr. Crosby stated that these two pump stations will increase the capacity of the Safari Lift Station from 80 gallons per minute to 270 gallons per minute. The Exxon Life Station will increase the capacity from 140 gallons per minute to 594 gallons per minute.

In conclusion, Mr. Crosby stated that it has been determined that there is no feasible alternative for this project. This was one thing they asked us to look at, which was whether or not there is any other way to perform what we had asked to be done. The cheapest and most feasible way is to rebuild what we already have. The only other alternative is to do nothing.

Mr. Crosby then stated that this upgrade will allow the city to remain in compliance with DHEC requirements, reduce maintenance costs and provide good future capacity for development. The cost estimate for the Exxon Lift Station is \$560,385. This lift station has been engineered and will be bid February 12, 2009. The Safari Lift Station, because of time constraints, has already been designed and already bid. The City accepted the bid from James F. Pederson Company. That low bid was \$298,147.50. The total expected cost on these two projects is \$858,532.50.

No further comments were made on this public hearing item.

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2) Ordinance # 2009-01

The second public hearing item was Ordinance # 2009-01, 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 International, Inc., LLC.

Only one question was raised by Council Member Lucas. He asked if Marketing International, Inc. LLC would be the company to actually use the property, or if this company was just a middle man. City Manager Lord responded that it was the middle man. Attorney Cone added that the holding company for Novell Company, according to Mr. Peter Arnoti, will be the operating entity.

3) Ordinance # 2009-02

The third public hearing item was on Ordinance # 2009-02, 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 Transient Merchants; to Provide Penalties for Violation of this Article; and to Provide for An Appeal Process.

Mayor Sweat explained that this ordinance requires a peddler and solicitors' license for the City of Walterboro and the city is updating the ordinance. For example, it covers when persons or individual students come off of I-95 and operate out of a van. You see them pick up toys and run out on the streets and start peddling. Now, they have to get a license. This makes it harder for them to do it, and also it's not something that you can just get a license for right now and start selling. There is a waiting period that they will have to go through.

Mr. Raiford Jarrell, of 132 Elmwood Street, asked the Mayor how long is the waiting period. Mayor Sweat responded that this is 60 days.

Mr. Jarrell stated that over the last couple of years, he has seen peddlers right across the street from our shop, and they are not only in the parking lot, they are actually on the grass or closer to the sidewalk. I want to know if that's legal. Can they do that, or where did they get their permit to use that parking lot?

Mayor Sweat responded that the peddlers will have to go through the same process as anyone else in town. They have to come in and apply for a permit. They have to give the reasons; they will have to state the kind of merchandise they plan to sell, etc. Then, there is a 60-day waiting period. So, you won't have what we had before with people coming off the interstate, selling toys door-to-door.

Mr. Jarrell explained that the people he is referring to are not coming off the interstate. They seem to be local. He said, I have no problem with somebody trying to make a little money, but we are here year-round trying to make a little money. That is the only conflict that we have.

Mayor Sweat explained that the ordinance is to try to help those who have permanent businesses here, to help prevent them from fighting with someone - let's say a person, who goes to the mall and buys 5 cases of whatever, and then come back to Walterboro and sells them at a discount price just to make the money back. That's not right, it's not helping us, it's not helping you, and it's not helping the community.

City Manager Lord pointed out that under the current ordinance, peddlers are completely allowed. They only have to get a business license and permission from the property owners. They can't sell in the right-of-ways, but they can sell as long as it's on private property. This ordinance will severely restrict that.

On a question raised by Council Member Parker, Mr. Lord responded that peddlers cannot sell on sidewalks or rights-of-way right now, but this (ordinance) will severely restrict their ability to sell anywhere.

Mr. Dwayne Buckner, of 202 Bailey Street, also addressed Council on this matter. He stated, I want to ask a question about the language in this ordinance that says "provide for the posting of private property to prohibit peddlers." He said, does that allow the City of Walterboro to be able to prohibit peddlers on private property? Mayor Sweat responded, if you post your property with a sign saying "No Peddlers," then the City Police will abide by your posting, as the property owner of that property, so that no peddlers are allowed to come on

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your property, because you posted it, regardless of whether they have a license or not. You have already said they can't do it, so we will abide by what you (the property owner) say.

Mr. Buckner then asked if this restriction had to be posted. Mayor Sweat affirmed that the prohibition for peddlers had to be posted by the owner.

Council Member Cannady then stated that she assumes that "no soliciting" and "no peddling" means the same thing. Both the Mayor and City Manager agreed.

Mr. Raiford Jarrell then asked how long will the permits last that the peddlers will get, or are they temporary? City Manager Lord responded that if the permit is for peddlers, the permit is bought on a 7-day basis, and if the permit is for a transient merchant, it's bought on an annual basis.

There were no further comments received and the public hearing was closed. The regular meeting began.

APPROVAL OF MINUTES:

A motion was made by Council Member Cannady, seconded by Council Member Smalls to approve both the December 9, 2008 and January 13, 2009 Regular Meeting Minutes.

The Mayor asked if there were any questions or comments on the motion. Ms. Marsha Johnson, a resident at 302 Dowling Avenue, said there were a couple of inaccuracies in the January 13, 2009 Regular Meeting Minutes where I spoke. She said, I would just like to get them corrected because they are totally misleading and it may have just been hard to hear. She said, there are just a couple of errors, probably because the tapes are sometimes hard to hear, and the sentences under the section where I was talking didn't make sense. So, I just wanted to be able to get with Betty and make sure that the wording is changed.

City Manager Lord then stated that she (Ms. Johnson) can submit that, and suggested that if Council wished, it could postpone the approval of the January 13, 2009 Minutes to the next meeting.

With the approval of the second, Council Member Cannady withdrew her motion. She then made a new motion to approve only the December 9, 2008 Regular Meeting Minutes. Council Member Smalls seconded the motion that passed with all members voting in favor. The Mayor then told Ms. Johnson to get with the City Clerk after the meeting to get the corrections taken care of.

OLD BUSINESS:

Ordinance # 2009-01 (Adopted)

A motion was made by Council Member Parker, seconded by Council Member Cannady and passed unanimously giving second Reading and Adoption to Ordinance # 2009-01, 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 (Adopted)

A motion was made by Council Member Lucas, seconded by Council Member Smalls and passed unanimously giving Second Reading and Adoption to Ordinance # 2009-02, 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 TRANSIENT MERCHANTS; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ARTICLE; AND TO PROVIDE FOR AN APPEAL PROCESS.

NEW BUSINESS:

Recommendation to Award Engineering Services Contract for the Bells Lift Station Improvements Project

Utilities Director Wayne Crosby told Council that the Bells Lift Station serves the Bells Highway from around the Old House Café, back to the interstate, and all of the new

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developments on the western side of the interstate, including Wal-Mart and the retail shops at Wal-Mart. Because of the overloaded recent additions to that lift station and the age of the station, it is something that we need to take into consideration and to refurbish that lift station. He reported that staff asked B. P. Barber and Associates, our engineers, to give us a total for this project. They have given us a total, which includes engineering and design, in the amount of \$18,000 and observation and services to be \$11,600, which is a total of \$29,600. He informed Council that this is the same price they (B. P. Barber) gave the city to engineer and observe the construction for the Pine Needle Lift Station. He then recommended to Council to allow B. P. Barber and Associates to engineer this project in the amount of \$29,600.

A motion was then made by Council Member Parker, seconded by Council Member Smalls, to award the engineering services contract for the Bells Lift Station Improvements Project to B. P. Barber and Associates in the amount of \$29,600. The motion passed with all members voting in favor.

Discussion of the 2009 City Boards and Commissions Appointment

The Mayor then announced the following vacancies on the City's Boards and Commissions:

Accommodations Tax Board - 3 vacancies
Building Board - 1 vacancy
Board of Zoning Appeals - 1 vacancy
City Appearance Board - 1 vacancy
Election Commission - 1 vacancy
Economic Development Commission - 3 vacancies

The Mayor pointed out and recognized that some incumbents had agreed to serve another term on some of the boards and commissions. The Mayor requested that if anyone is interesting in serving on any of the City's Boards and Commissions to send a letter or let one of the Council Members know of your interest. The Mayor also announced that Council will probably start in February to reappoint persons to those boards.

City Council Retreat Announcement

Next, in compliance with state law requiring a notice of public meetings, the City Manager read the following public notice for inclusion in the public records: "Walterboro City Council will conduct its 2009 City Council Planning Retreat beginning Friday, January 30, 2009 and running through Sunday morning, February 1, 2009, to be held at Wild Dunes Conference Center, Isle of Palms, South Carolina. No formal action will be taken on any item at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration." On a question by Council Member Parker, City Manager Lord noted that the facilitator will be Mr. Ed Thomas.

Consideration of Support Letter for USC Salkehatchie

The Mayor indicated that as a result of a meeting with County Council, the City had agreed to join the County by signing a letter to Governor Sanford to show support in keeping USC Salkehatchie open due to a proposed budget cut to close down this educational facility in Walterboro.

A motion was made by Council Member Cannady to approve this letter as submitted. Council Member Lucas seconded the motion which passed unanimously. City Manager Lord then read the letter in its entirety. A copy of this letter is attached as part of these minutes.

There were no Committee Reports given.

The Mayor then asked if there were any public comments.

Mr. Dwayne Buckner, a resident at 202 Bailey Street, told Council he was glad to be back in the community. He said, since I have been home there has been one thing that has concerned me. This is the amount of stray dogs in the Walterboro area. He noted that one does not feel as safe walking throughout the City of Walterboro without thinking that maybe some dog is going to bite you. A lot of times, these dogs have no collar, no identification, and we (the citizens) have no way of knowing whether they are carrying any kind of disease or not. He pointed out that he believed that it was a county issue to round up these stray dogs. However, they are either falling down on their jobs or I don't know if the City of Walterboro has its own dog catcher, but that's something of great concern. He said, I think that people need to feel safe when they are walking throughout the City of Walterboro, and not have to

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worry about whether or not they will get bit by a dog. He encouraged Council to at least consider looking into the matter to try and round up these dogs and put them somewhere so they are not on the streets. We are not talking about a dog with a license; we are talking about dogs with no identification, seem to have no owner, and are just hanging out in the middle of the streets.

Council Member Peters then asked if the city has a leash law. Mayor Sweat responded affirmatively, and noted that animal control is handled by the county. Council Member Peters and Lucas noted that the county does not have a leash law.

City Manager Lord then told Council that Chief Rhodes had already contacted county animal control and would coordinate with them to try and address this issue. It has been brought up before, and so staff has been talking with the county about how best to implement it. So, it is an issue we are working on.

Mr. Horace Simmons raised a concern with the issue of the closing of USC Salkehatchie. He asked if citizens could have a say-so in this matter. Mayor Sweat told him that citizens have a point of view which they can convey to the Governor or any of the elected officials, such as the State Representatives or Senators. Council Member Lucas recommended to Mr. Simmons that a letter be written to all of them - the Governor, Senators and Representatives. Council Member Young added, especially a letter should be written to the Representatives because they can vote up or down on the Governor's budget. Council Member Parker suggested that Mr. Simmons might want to get a petition going and get as many signatures on it as he can. Mr. Simmons agreed that this was his thinking.

Council Member Young stated, we need to fight to keep Salkehatchie here. Mr. Simmons said, we are all concerned because we have kids and young people in this city and county, who really need this educational facility.

There being no further business to consider, a motion to adjourn was made by Council Member Parker, seconded by Council Member Smalls and passed unanimously. The Mayor adjourned the meeting at 6:55 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