

Walterboro City Council
Regular Meeting
March 10, 2009

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, March 10, 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, City Attorney George Cone and Attorney Ashley Amundson were also present. There were approximately 22 persons present at the meeting.

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

PRESENTATIONS:

Colleton Education Foundation - Ms. Lynn Huggins

Ms. Huggins opened by stating that she was not asking Council for any money or making a complaint. Ms. Huggins told Council she was attempting to start the Colleton Education Foundation with other interested people in the county. This foundation will provide money, resources, input from the business community, and would be a vehicle for networking with the business community for school children initially and hopefully later on to anybody that has a need for a better education, to better themselves, their lives and hopefully to better our county.

Ms. Huggins stated that the Colleton Education Foundation will be a nonprofit foundation, and will be able to raise monies by accepting corporate donations that are not now being accepted or unable to be accepted by the school system. This foundation will put money into the hands of kids, who don't have the resources, don't have the backup and the support from home that they need to participate in academic pursuits. Hopefully, this will be a way that we can facilitate the raising of money by everybody, and it will be something that everybody can participate in, through a lot of different avenues, no matter what their abilities or their own resources.

She then told Council, what I hope to get from you tonight is to put the idea in your mind and have you start thinking of ways that the business community can participate on the board, as well as input to the foundation as to the needs that might be out there, and the ways that we can put money and resources into the hands of the educators and the kids, so that they are better prepared, first of all to stay in school, and secondly when they get their education, they have something to use to actually get a good job and support themselves.

Council Member Cannady indicated that the program sounded great. Ms. Huggins then said, if any of you have any input or you feel you know a business leader in the community who would like to participate in this process, please let me know. She said I will be glad to have any input or ideas from anybody.

Council Member Young asked if she had received any more money to get things going. Ms. Huggins said, before we begin to accept money, we have to have bylaws in place, and we have to be designated as a nonprofit organization. We are working with the Coastal Community Foundation, which is already a nonprofit organization. We have been in contact with them, and they indicated that they probably will accept us. They (Coastal Community

Foundation) will be our fiscal sponsor. They will do our record keeping and bookkeeping, and file our taxes. Council Member Young then asked Ms. Huggins if she had any more filing fees. Ms. Huggins explained that she is planning to pay for the filing fees to have the nonprofit corporation established which will be about \$125.00 or \$150.00. She said, we'll decide at a later date if we are actually going to request our own 501(c)3 status, which will require about a \$350.00 fee with the IRS. The Coastal Community Foundation will provide us a 501(c)3 umbrella to operate under, so that all the donations that are made to the foundation will be tax deductible.

No action was taken on this agenda item and was ACCEPTED by Council as INFORMATION.

There were no Minutes before Council for consideration.

OLD BUSINESS:

Consideration of Appointments to City Boards and Commissions

At this point, Council Member Lucas asked if this agenda item would be discussed in Executive Session, and then come out and make the appointments after that. Mayor Sweat responded not tonight. He said, if you want to make the appointments, you can make them now.

Council Member Peters then asked what will Council do about all the other letters. He did acknowledge that letters were included in the Council packet, except one letter was missing. - John Rodgers' letter. Council Member Peters said, his letter still was not in my package, and I know that he came up with a new letter this year for the Accommodations Tax Board. City Manager Lord explained that Mr. Rodgers' letter was for the "hospitality" vacancy on the board, and this vacancy was filled by Council. Mayor Sweat explained that the two vacancies left was for two motel owners. Council Member Peters then questioned whether Council will consider the letter received from the past. Mr. Peters felt that the appointments were made by considering one candidate and not considering the other candidate (John Rodgers). He said, and that's the only thing. I just don't feel good about going forward tonight.

Mayor Sweat explained that the appointments were made. He then asked Council if anyone wanted to make reappointments or to make new appointments that we have to make tonight. Council Member Peters then said, I think that we should take into consideration all the letters from all the candidates, regardless of who gets appointed or don't get appointed. We can say we looked at them and we made this decision. He then said, I just feel like that's a lot more transparent than the fact that we just consider one person and they get the appointment. We didn't talk about it.

Mayor Sweat then suggested that this agenda item be deferred until the next meeting.

NEW BUSINESS:

Resolution # 2009-R-03

Resolution # 2009-03, A Resolution Authorizing the City to submit an application to the South Carolina Water Quality Revolving Fund Authority for a Loan of approximately \$600,000 to Finance the Cost of Rehabilitating an Elevated Concrete Water Storage Tank was before

Council. A motion was made by Council Member Peters, seconded by Council Member Parker to adopted Resolution No. 2009-03. The motion passed unanimously. A copy of the resolution is attached as part of these minutes.

Resolution # 2009-R-04

Resolution # 2009-04, A Resolution Authorizing the City to Submit an Application to the South Carolina Water Quality Revolving Fund Authority for a Loan of approximately \$3,110,000 to Finance the Costs of Rehabilitating the City's Wastewater System and Updating the Bells Highway Pump Station, was before Council. A motion to approve said Resolution was made by Council Member Cannady, seconded by Council Member Smalls and passed with all members voting in favor. A copy of this resolution is attached as part of these minutes.

Mayor Sweat then told the public, a lot of what you're seeing us go through tonight is going through the steps in order to be eligible for some of the funds that are being passed down through Washington in the near future.

Consideration of Bids Received for the Highway 63 Lift Station Improvements

Next, Council reviewed a summary sheet showing the bids received by the City for the Highway 63 Lift Station Improvements. Utilities Director Wayne Crosby told Council that this project is the second part of a larger rehabilitation project serving facilities on the I-95 and Highway 63 corridor. The first part of this project is currently underway and is scheduled to be completed by June 30, 2009. Mr. Crosby reported that staff accepted bids for the Highway 63 Lift Station on February 12 and received 11 bids, which ranged from a high of \$308,690 to a low of \$143,163.95. The low bid was submitted by Landmark Construction of North Charleston. Based on the certified bid tabulation submitted to Council and the confirmation letter submitted by Landmark Construction, Mr. Crosby recommended that Council accept the low bid in the amount of \$143,163.95 from Landmark Construction.

The bids received were as follows:

Kris Mechanical, Inc., 2888 Farris Bridge Rd., Easley, SC	\$308,690.00
Wateree Construction Co., Inc., 3060-B Broad St., Sumter, SC	\$189,386.00
James F. Pedersen Co., Inc., 5568 Highway 162, Hollywood, SC	\$241,412.50
D.R. Terry Construction Co., Inc., 616 Cox St., Simpsonville, SC	\$170,732.00
Goodwater, Inc., 729 Mauldin Rd., Greenville, SC	\$187,025.00
DuPriest Construction Co., Inc., 1850 Ribaut Rd., Port Royal, SC	\$278,599.00
B&C Land Dev., Inc., 3785 Old Charleston Hwy., Johns Island, SC	\$248,000.00
Landmark Construction, 3255 Industry Dr., North Charleston, SC	\$143,163.95
Metro Utilities, 2526 Caney Branch Rd., Batesburg-Leesville, SC	\$285,336.00
Tom Brigman Contractors, Inc., 1509 Sunset Ave., Newberry, SC	\$260,368.76
Seaside Utilities, Inc., 1363 Old Highway 52, Moncks Corner, SC	\$246,911.00

A motion to accept the low bid of \$143,163.95 from Landmark Construction as recommended was made by Council Member Parker, seconded by Council Member Lucas and passed with all members voting in favor.

Consideration of Bids Received for Sewer Line Repair

Public Works Director Charlie Chewing explained that this repair was for a 60 or 70-year-old sewer line that serves the nursing home, the schools, all of the North Lemacks Street

and some of the Wichman Street area. He stated that staff had conducted a point repair on this line, which surcharged the line and showed that the entire line, which is about 900 ft, is in very bad shape. Staff received bids from four qualified contractors in the area to repair this line as follows:

J. H. Hiers	\$108,900.00
James F. Pedersen	\$ 48,952.50
Seaside Utilities	\$ 53,392.00
R. H. Moore Co.	\$ 76,585.00

Mr. Chewning then highly recommended the acceptance of the low bid of \$48,952.50 from James F. Pederson for the repair of this sewer line. A motion was made by Council Member Cannady, seconded by Council Member Parker, to accept the low bid of \$48,952.50 from James F. Pederson to repair the sewer line. Mr. Chewning added that this item could be covered under the sewer system cost in the Public Works budget. Council Member Peters asked how soon the contractor could get started. Mr. Chewning responded that their plans right now are to get started on either Friday or Monday. The motion then passed unanimously.

Recommendation to Award Engineering Services Contract for the Design of the Witsell Street Water System Improvement Project

Utilities Director Wayne Crosby told Council that this year the City has an opportunity to apply for some grant funding through LCOG. This is a new program called "Ready to Go." It's on a first come-first serve basis. We would like to apply for this funding, but one of the criteria is that we are ready to go within 30 days after making the application through LCOG. That means that all the engineering has to be done, surveying has to be done and all of our permitting has to be done. Mr. Crosby stated that B. P. Barber and Associates has agreed to do the engineering work in the amount of \$8,500 and the observation work in the amount of \$7,000, with a total contract price of \$15,500.

Mr. Crosby told Council that this waterline project would extend the 6" main water line from Sweat Street to Springwood Drive and loop the entire block in the area. This would provide increased fire protection not only for low-to-moderate income housing in that area, but also for the rest of the community. Mr. Crosby then said, it's our recommendation that we move on this so that we might be able to take advantage of this grant money.

A motion was then made by Council Member Lucas, seconded by Council Member Cannady to approve an engineering services contract award in the amount of \$15,500 to B. P. Barber & Associates for the design of the Witsell Street Water System Improvement Project. The motion passed unanimously.

Proposals to Construct Parks Department Maintenance Facility

Public Works Director Charlie Chewning reported that staff advertised for bids on a Parks Department Maintenance Shed, which will be used for storage and to house an office for the Parks Department. Staff received 4 qualified bids as follows:

IP Builders	\$ 87,275
Mitchell Construction Co.	\$ 93,000
Brightwell Engineering & Constr.	\$ 98,984
Commercial Steel Builders	\$103,245

Mr. Chewing recommended the acceptance of the low bid by IP Builders in the amount \$87,275. Council Member Parker then MOVED to accept the low bid of IP Builders in the amount of \$87,275 for the construction of a Parks Department Maintenance Shed. Council Member Smalls seconded the motion. In discussing the motion, Council Member Peters asked where staff decided to put the shed. Mr. Chewing responded that the shed would be built out at the Sewer Treatment Plant area. Mr. Peters then reminded the public that this was the maintenance shed that we were talking about (building on West Washington Street) - would it be feasible to put the maintenance shed there. So, people in Mayfield Terrace don't have to be concerned about that maintenance shed, it will be put at the Sewer Treatment Plant. The motion then passed unanimously.

Consideration of Local A-Tax Set-aside for Matching State Funding for the Criterium Bike Race

Mayor Sweat stated that it is the recommendation from those who attended the A-Tax Board Meeting that the state uses its discretionary funds that we use in our A-Tax Money Set-aside for matching state contracts, to use that money this year to fund the \$10,000 that is needed for the criterium bike race. Mayor Sweat pointed out that this information was in last Monday's Current Events and is up tonight for approval.

A motion was made by Mayor Sweat to use local A-Tax discretionary funds in the amount of \$10,000 for the Criterium bike race. Council Member Parker seconded the motion.

In discussing the motion, Council Member Young asked about the local A-Tax set-aside. Mayor Sweat explained that this was money we use for matching the grants, like working with the Highway Department. Council Member Young asked if this was money that automatically comes to the city before it's distributed to anybody else. City Manager Lord explained that there are two sources for A-Tax money: Local A-Tax and State A-tax. He said, now what you are talking about is part of the state A-Tax. What the Mayor is talking about is the local A-Tax monies which come to the city directly from the business owners. Council Member Young then said, but what I am asking is that we have 65% money, which is for promotions and events and then we have 35% money. Mayor Sweat explained that this was out of state money, not out of local money. Council Member Young then asked Finance Director Bill Floyd, whether the \$25,000 is state money. Finance Director Bill Floyd stated, there are two completely separate pots of A-Tax. One is the state A-Tax; that's the one that is divided between the \$25,000 plus 5% for the City, 65% for tourism, then the remaining 30% goes to a nonprofit for tourism. Totally separate from that, there is a local A-Tax we levy directly on the hospitality and accommodations industry. This is the money that the Mayor is talking about.

Council Member Cannady then asked, are you saying then that the City of Walterboro is going to endorse this program this year? Mayor Sweat said, I am saying that the City of Walterboro is taking the money that was requested from the A-Tax committee and fund it out of the other A-Tax funds, not the one coming from the state. Council Member Cannady then asked, the other A-tax declined it, is that correct? Mayor Sweat responded no, that they couldn't fund it because they did not have any money. Council Member Cannady responded, that's what I know - they didn't get any money from them. That's the point I am trying to make.

Council Member Peters then pointed out that other groups have come to Council and asked for money, and we cut their requests in half. What would happen to the Criterium if we cut their money in half? Mr. Peters asked if we could make it happen without that amount. Mayor Sweat affirmed "no" that the event could not happen if the money was cut.

Council Member Cannady then asked, when is the time going to come when we quit funding every thing that comes along that we want to do. I mean it's great, but there has to

come a time when we stop spending this money. Council Member Parker stated he felt that this event brings a lot of money into the city. He said they spend the night here and they eat in our restaurants. In response to a question by Council Member Cannady on how many people this event brought into the city last year, Ms. Donna Laird, Tourism Director, responded that we had about 120 racers that stayed the night. Some of them stayed more than one night. Further discussion was held.

Council Member Peters then stated, the Criterium is great, but what do we tell the other people that come to us and want money. Are we going to be able to figure a way to help these other groups too? Mayor Sweat responded that pot is empty right now. That's why we are trying to get this money for that fund. Council Member Smalls said he thought with all the persons that requested something that we would cut it in half. Council Member Cannady pointed out that she had a letter from the Colleton County Literacy Council, they've been cut, and they want money. She stated that everybody needs money. We can certainly help everybody that comes before us and that would be great because they all need help. Then who is going to help us, when we don't have any money. We've got to quit spending money, she said.

Mayor Sweat then called for the vote on the motion. Council Member Young then said he had another question. He asked the Mayor, are you basically telling us that if we don't approve this, then the Criterium will not come to Walterboro. Mayor Sweat affirmed that the statement was true. Council Member Cannady then asked who was in charge of the Criterium. Mayor Sweat responded that the Criterium Board was in charge, and they met today at lunch time. Council Member Cannady then asked what they (the Board) were trying to do to raise money. Mayor Sweat responded that the Board has to take care of the other \$20,000 that the City is not giving.

The motion then passed with a vote of 4/3, with Mayor Sweat, Council Members Young, Smalls and Parker voting in favor of the motion. Council Members Peters, Lucas and Cannady voted against the motion.

Mayor Sweat then opened the floor to receive Public Comments.

Mr. John Rodgers then addressed Council. He said, as far as the letter that I sent in for the A-Tax Board, it was sent in 2008. I understand that it was not considered for several months. When there was an opening on the board in January, I was informed by a Council Member that my letter had expired, so I sent another letter back to you. I would appreciate at least that it goes to a vote. I understand that the gentleman who was put on the A-Tax Board was contacted and asked to serve on that board. I'm asking the Mayor Pro-Tem of Council to stop allowing this Mayor to hand pick these committees and boards.

Dr. Lori Campbell then addressed Council. She brought Council's attention to an article in the Charleston paper. The article was entitled "Pit Bulls Attacks Kills Puppy at Dog Park." Dr. Campbell read several quotes from the article concerning the killing of the puppy at the dog park. She said, I just wanted to bring this article to your attention, because we have a wonderful Great Swamp Sanctuary where dogs can walk, leashed controlled. So, I remind you again, if it was still up on your objectives, that you are about ready to open a can of worms.

Council Member Peters told Dr. Campbell that was last year's objective. In 2009, it's on the B-list of things. That is not even being considered at this time.

Ms. Marsha Johnson then stated, I don't understand why this meeting was rushed through the way it was and why it was necessary to cut off other Council Members. The purpose of this meeting is to inform the citizens, as well as give the Council Members an opportunity to speak. And I think it's important that they be allowed to do it, and I thought it was very uncivil and I am disappointed when that happens by people who are elected by us to conduct the business.

Mayor Sweat then said, I am going to impose an executive privilege or rule that allows me to speak. He then made the following statement:

"The City elected me in 1978 to fill an expired term or unfulfilled term of Mr. Joseph Wyman, and then turned around and elected me continuously until I ran for Mayor in 2005. Unfortunately, in 2007, I was involved in a major accident in the Sanctuary, and have come back from that accident about 75% of what I was in 2007 and for the many years that I worked and handled things for the City. To me a person that always looks for his goals in the City to do the best they can possibly do, that's not all right anymore. I can't give but that 75%. I have not been able to come up with that 150% dedication that I have in the past. And I do not feel that I can, for the citizens of Walterboro, handle the same problems that I have in the past. I want to tell staff and I want to tell the department heads that I truly appreciate all the time and effort that you put in for the City and make for the City Council. You make it an easy job for us. Also, sometimes it may not seem that way, but you really make it an easy job for us to be up here, to sit behind this desk and to take the action that we take. You make it an easy job for the citizens of this community and regardless of what you read in the paper all the time, the citizens of this community are blessed. They have a higher caliber of people here running this city than a lot of people would like to admit. For this reason, and this reason only, I have decided to not seek reelection when the filing starts next week. I thank you for the time that you have allowed me and I want to let you know I greatly appreciate it, and I want to thank you for the effort and the time that you all have put into this City."

The Mayor then entertained a motion to adjourn. 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 7:00 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: March 24, 2009