

Walterboro City Council  
Public Hearing and Regular Meeting  
August 11, 2009

### MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, August 11, 2009 at 6:15 P.M. with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Franklin Smalls and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. Council Member Ted Parker was absent. Approximately 25 persons were in attendance at this meeting.

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.

At this point, Mayor Young announced that City employee Cleveland Wright was involved in an accident with his garbage truck yesterday and sustained some severe injuries and was flown to MUSC. He will have surgery tomorrow. He asked those persons in attendance to keep Mr. Wright and his family in our prayers. Mayor Young also announced that Councilman Parker was ill and would not be able to attend the meeting tonight.

The Mayor announced that the next Mayor's Round Table meeting will be held on next Tuesday, August 18, 2009 at 5:15 P.M. He invited everyone to attend.

With the consensus of Council, Mayor Young made the following changes to the agenda:

- 1) New Business agenda item No. 3, "Approval of Temporary Use License to Cross Railroad Property on Green Pond Highway Jointly Owned with Colleton County for Robbie Hooker and W. R. Richards" - **This agenda item was deferred.**
- 2) Under Proclamations and Resolutions, **add Item No. 3**, a proclamation recognizing Ms. Eva Doctor on her 100<sup>th</sup> Birthday.

The Mayor then opened the floor to receive public comments on the agenda items. No public comments were made.

### **PUBLIC HEARING:**

The Mayor then announced a public hearing, duly advertised, to receive public comments on proposed Ordinance #2009-07, being:

A Series Ordinance Approving the Financing of the Costs of Improvements and Related Construction and Equipping of the Wastewater System and Upgrades to the Pump Station of the City of Walterboro, South Carolina, Through the Borrowing of Not Exceeding Three Million One Hundred Sixteen Thousand Five Hundred Eighty Eight Dollars (\$3,116,588), Plus Capitalized Interest, If Any, from the State Water Pollution Control Revolving Fund, by Agreement with the South Carolina Water Quality Revolving Fund Authority, Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Providing for the Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement Between the City of Walterboro, South Carolina, and the South Carolina Water Quality Revolving Fund

Authority, the Execution and Delivery of a Promissory Note from the City of Walterboro, South Carolina, to the South Carolina Water Quality Revolving Fund Authority; and Other Matters Relating Thereto.

No public comments were given. The hearing was closed, and the regular meeting then began.

#### **APPROVAL OF MINUTES:**

Upon motion of Council Member Peters, seconded by Council Member Lucas, the minutes of the following meetings were approved as submitted: Minutes of the July 14, 2009 Regular Meeting, Minutes of the July 21, 2009 Special Called Joint Meeting with Colleton County Council and the Minutes of the July 28, 2009 Regular Meeting. The vote on the motion for adoption was unanimous. Council Member Parker was absent and did not vote.

#### **PROCLAMATIONS AND RESOLUTIONS:**

**Proclamation No. 2009-06**, a proclamation designating October as Domestic Violence Month was before Council, along with a letter from Victims Advocate Denise Pinckney setting October 17, 2009 as the Annual Mayor's Walk Against Domestic Violence.

A motion to adopt the proclamation was made by Council Member Peters, seconded by Council Member Smalls. In discussing the motion, Council Member Buckner pointed out that there are certain instances and times when men are also the subject of domestic violence, as well as women. He suggested changing the proclamation to include "men".

Council Member Lucas suggested using the word "adults" instead. Council Member Buckner agreed using the word gender neutral is also an option. City Manager Lord suggested returning the proclamation to Victims Advocate Denise Pinckney for correction. The proclamation would then be resubmitted to Council for approval. With the approval of the first and second, the motion for adoption was withdrawn and this matter was deferred to a later date.

**Resolution # 2009-R-10**, to adopt the requirements for approval of requests to place banners on Jefferies Boulevard, was approved. Mayor Young noted that this is to meet the requirements requested by SCE&G. The motion for adoption was made by Council Member Peters, seconded by Council Member Buckner and passed unanimously. Council Member Parker was absent and did not vote. A copy of said resolution is attached as part of these minutes.

As an add-on agenda item, **a proclamation** recognizing Ms. Eva Doctor on her 100<sup>th</sup> Birthday was read into the records in its entirety by Mayor Young. A motion to adopt the proclamation as submitted was made by Council Member Lucas, seconded by Council Member Peters and passed with all members voting in favor, except Council Member Parker was absent and did not vote. A copy of the proclamation is attached.

#### **OLD BUSINESS:**

**Ordinance # 2009-07** was before Council for Second Reading Approval. A motion was made by Council Member Peters, seconded by Council Member Smalls giving Second Reading and Adoption to Ordinance # 2009-07, being:

A Series Ordinance Approving the Financing of the Costs of Improvements and Related Construction and Equipping of the Wastewater System and Upgrades to the Pump Station of the City of Walterboro, South Carolina, Through the Borrowing of Not Exceeding Three Million One Hundred Sixteen Thousand Five Hundred Eighty Eight Dollars (\$3,116,588), Plus Capitalized Interest, If Any, from the State Water Pollution Control Revolving Fund, by Agreement with the South Carolina Water Quality Revolving Fund Authority, Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Providing for the Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement Between the City of Walterboro, South Carolina, and the South Carolina Water Quality Revolving Fund Authority, the Execution and Delivery of a Promissory Note from the City of Walterboro, South Carolina, to the South Carolina Water Quality Revolving Fund Authority; and Other Matters Relating Thereto.

In discussing the motion, Council Member Buckner expressed concern with article 2 of the loan, which deals with repayment of the loan by the City.

Council Buckner said, my concern here is if the revenues from the System are not enough, this particular clause allows them to take whatever state appropriations the City has or become entitled to. I think that we need to specify what specific state appropriations that they should have, so there is not a negative adverse effect on our citizens. So, I wanted to get some clarification on this.

Ms. Margaret McGee, the city's bond attorney, stated that this clause is actually a requirement from the South Carolina Revolving Fund. They require you to pledge that money or those appropriations in the unlikely event that the revenues are not sufficient. It is pretty much a "take it, or leave it" provision. I don't think they will negotiate it, but I can certainly call them tomorrow and ask, but I am fairly certain that their answer will be "no." You have a great interest rate, which is 1.84%. That's a blended rate. Half the money is at 0% which is from the stimulus act money and the other half of the money is 3.5%. We are not going to find money at that interest rate again. But I can certainly try to negotiate that if you would like. Council Member Buckner then stated, I guess as I understand this is a contract of adhesion - we really don't have any negotiation. Ms. McGee, responded, well, you can certainly walk away from the deal, you don't have to get the money from here, but you won't find this interest rate somewhere else.

Finance Director Bill Floyd pointed out that the only state revenues that would be at risk in the unlikely event the water fund was unable to repay the loan would be the "aid to subdivisions money," which is the only thing that the state appropriates to us. They have already cut that, so now we are only getting about \$150,000 or slightly less a year, so that's the money at risk.

It was Attorney Cone's opinion that the income from the system, which is the income that has been pledged, is more than sufficient. So there should never be a problem, but there could be an act of war, act of God, etc., but in that case, the State would take it into account even though they are not required to.

**The motion then passed with all members voting in favor, except Council Member Parker was absent and did not vote.**

**Agreement with SCE&G Regarding Tree Trimming Operations in the City Limits**

Mayor Young pointed out two changes to the agreement since it was read at the last meeting. The changes are: 1) That there is an "ISA Certified Arborists" instead of just an "Arborist," and 2) That the City has asked to be notified two weeks prior to commence of non-emergency trimming.

A motion was made by Council Member Peters, seconded by Council Member Lucas to approve the Agreement with SCE&G Regarding Tree Trimming Operations in the City Limits as submitted.

In discussing the motion, Council Member Smalls asked if the Tree Committee had looked over this agreement. Mayor Young noted that the Tree Committee met with SCE&G and the changes in this new agreement reflects the action from that meeting.

Council Member Buckner expressed two concerns with the agreement, which were: 1) It needs to be spelled out that SCE&G shall bear the burden of all costs associated with their responsibilities under this contract; and 2) There is no integration clause or merger clause in this agreement, which basically keeps any oral agreements that may be between the parties from being a part of the contract. Basically, a merger clause says that "This is the final and true agreement" of the parties. I think that needs to be in the contract, so that there are no oral side agreements that may be litigating later.

Mayor Young responded that the agreement is in addition to our Franchise Agreement, which I would assume covers most everything else. There was no further discussion.

**The motion then passed with all members voting in favor. Council Member Parker was absent and did not vote.**

#### **NEW BUSINESS:**

#### **Acceptance of COPS Hiring Recovery Program Grant in the Amount of \$138,729 from the U.S. Department of Justice, Office of Community Oriented Policing Services**

City Manager Lord stated this is the same COPS Grant that has been around for years. It was additionally funded through the Recovery Act. This will pay for one new sworn officer position for 3 years, and the City is obligated to maintain the position for the 4<sup>th</sup> year. Council Member Lohr asked if this grant was purely competitive or based on population. City Manager Lord stated the grant is competitive, but political. He concluded, I would wager a guess that it has something to do with what support you have from members of Congress, but this is our first time getting this grant that I know of. Mr. Lord noted that the city requested three police officers, but we were approved one.

A motion was made by Council Member Smalls, seconded by Council Member Peters to accept the COPS Hiring Recovery Program Grant in the Amount of \$138,729.

In discussing the motion, Council Member Buckner asked the City Manager what community policing plans that the City has in place for this particular officer who will be hired.

City Manager Lord responded that the City implements a community policing policy through all its police officers. We actually have an in-depth ongoing program currently where we have our officers going door-to-door using those community policing principles.

So, this could be any officer, but I do see this person having a strong role in organizing those community policing efforts.

**The motion then passed with all members voting in favor, except Council Member Parker was absent and did not vote.**

**Consideration of Requests for Qualifications (RFQ) for Landscape Design Services**

Next, City Manager Lord reported that on June 12, the City received 32 submittals for Request for Qualifications (RFQ) for both the I-95 Loop Streetscape Project and the Downtown Arborscape Project. After review of the submittals, staff recommended 3 firms to be interviewed by staff. They were:

- 1) Coleman-Snow Consultants Partnered with Robert Marvin Howell Beach and Associates.
- 2) Verdant Enterprises, LLC Partnered with Thomas and Hutton Engineering Co.
- 3) Wood+Partners Inc. Partnered with BP Barber.

Mr. Lord stated that after conducting an interview with each of these firms, it was staff's unanimous recommendation to seek proposals from two firms for the city's landscape design projects: Wood+Partners, Inc. partnered with B. P. Barber and Verdant Enterprises.

A motion was then made by Council Member Smalls, seconded by Council Member Lucas to seek proposals from Wood+Partners Inc. and Verdant Enterprises for the city's landscape design projects as recommended. In discussing the motion, Council Member Buckner asked what percentage of the project would Verdant Enterprises have as a consultant. He stated, I know we want to "Keep our Bucks in the Boro." Out of 100% and its split 3 ways, would Verdant be looking at 33 a% of this project?

City Manager Lord explained that this agenda item is just to accept the qualifications of the firm. If we were to consider that, it would be during the negotiations of the proposals. For any projects that we do, we would have a proposal from the team. That proposal would then come to Council for approval. Mr. Lord further stated, right now there are no percentages, because there is no money. We have not reached that point yet.

**The motion then passed with all members voting in favor, except Council Member Parker was absent and did not vote.**

**Approval of Temporary Use License to Cross Railroad property on Green Pond Highway Jointly Owned with Colleton County for Robbie Hooker and W. R. Richards**

As identified by the Mayor at the beginning of the meeting, this agenda item was deferred by Council to a later date.

**Request to Use City Parking Lot for Business and Community Expo, September 24, 2009, by Walterboro-Colleton Chamber of Commerce**

A motion to approve the request as submitted by Walterboro-Colleton Chamber of Commerce to use the City Parking Lot on September 24, 2009 for the Business and Community Expo was made by Council Member Smalls, and seconded by Council Member Lucas.

In discussing the motion, Council Member Lucas asked Mr. David Smalls if they had considered the temperatures that will be in September for an outside event. Mr. Smalls responded that his group took this into consideration and tried to find the right time. However, as you look into the fall, there are so many other events that will be going on. We tried to get the date as late in September as possible and we also thought it would be timely now with trying to incorporate the Shop Local Campaign. We are encouraging the use of tents and we are looking at getting a big tent to put several vendors in one location.

City Manager Lord explained that the Chamber would be using only 1/3 of the parking lot for this function. There will be one entry and one exit lane and parking will still be available in the parking lot.

Council Member Peters asked if the group had any rain plans for the event. Mr. Smalls responded that one location could possibly be the USC Salkehatchie gym. We are still in discussion with them about a cover for the gym floor. Council Member Peters then asked if electricity would be available for the event. Mr. Smalls responded that electricity would be available on the Lucas Street side and the side by the church. We want to be able to offer electricity.

**The motion then passed with all members voting in favor, except Council Member Parker was absent and did not vote.**

**Acceptance of Resignation of Gary Pollard and Hank Amundson from the Economic Development Commission**

Council received written notice that Mr. Pollard resigned because he would not be able to attend midday meetings and Mr. Hank Amundson resigned because he has been hired by the City as the new Economic Development Coordinator.

A motion to accept the resignations of Gary Pollard and Hank Amundson from the Economic Development Commission was made by Council Member Peters, seconded by Council Member Smalls and passed unanimously. Council Member Parker was absent and did not vote.

**There were no committee reports before Council.**

A motion to enter an executive session for a discussion of negotiations incident to proposed contractual arrangements was made by Council Member Lucas, seconded by Council Member Smalls and passed unanimously. The meeting then convened into an executive session.

The Meeting returned to Open Session and there being no further business, a motion to adjourn was made by Council Member Smalls, seconded by Council Member Lohr and passed unanimously. The Mayor adjourned the meeting at 7:41 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: September 8, 2009**