

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, August 12, 2008 at 6:15 P.M. with Mayor Charlie Sweat presiding.

PRESENT WERE: Mayor Charlie Sweat, Council Members: Randy Peters, Charles Lucas, Bill Young, Franklin Smalls and Mary Anne Cannady. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. Council Member Ted Parker was absent. There were approximately 30 persons present on behalf of Mayfield Terrace and/or South Jefferies Boulevard.

The Mayor welcomed everyone to the meeting and called on Council Member Smalls for the invocation and Council Member Peters to lead the Pledge of Allegiance to our flag.

At this point the Mayor recognized City Manager Jeff Lord, who introduced the new Finance Director, Mr. Bill Floyd. Mr. Lord announced that Mr. Floyd has been with us for about 3 weeks now, and he is already exceeding our expectations. He comes to us from working with the Municipal Association doing financing for other cities and before that, he had a distinguished career with the Commerce Department.

Presentation of Certificates of Appreciation by World Changers Organization

Ms. Kathy Benton and Mr. Wayne Lake (Walterboro Fire Department) were present on behalf of the Word Changers organization to present Certificates of Appreciation to each Council Member. Ms. Benton stated that the Nails in Hand asked Council on March 6, 2007 to help with their housing repair projects in the community. She reported that the project was a total success. She stated that the North American Mission Board has slated Walterboro for another project coming in July 2009. In conclusion, she said, we, as your community, want to thank you for letting us experience the World Changers 2008 experience, and we want you to join us again. We are asking for your help again to experience the World Changers 2009. Mr. Wayne Lake then distributed certificates to Council and various department heads.

There were no Minutes before Council for consideration.

There was no Old Business before Council.

NEW BUSINESS:

Ordinance # 2008-10

(Note for file: This new ordinance # 2008-10 replaces the ordinance approved by title only on July 8, 2008 to correct the date set for the referendum. This new ordinance # 2008-10 was submitted to Council for first reading approval).

A motion was made by Council Member Cannady, seconded by Council Member Smalls giving First Reading Approval to Ordinance # 2008-10, being: An Ordinance Amending Ordinance # 2008-03, So As to Correct the Date for the Referendum on Changing the Election Method of the Mayor and Council Members of the City of Walterboro from the Partisan Primary. The motion passed with all members voting in favor, except Council Member Parker was absent and did not vote.

Ordinance # 2008-11

A motion was made by Council Member Lucas, seconded by Council Member Young giving First Reading Approval to Ordinance # 2008-11, being: An Ordinance to Change the Zoning on a Parcel of Land on Carn Street (property owned by Christy L. Scott at 108 Carn Street) from Medium Density Residential (MDR) to Neighborhood Commercial (NC). The motion passed unanimously. Council Member Parker was absent and did not vote on the motion.

Approval of CDBG Grant Agreement and Acceptance of Grant Award for Pine Needle Pump Station Upgrade

Council Member Cannady moved to approve the CDBG Grant Agreement and to accept the grant award of \$253,250 for the Pine Needle Pump Station Upgrade. Council Member Young seconded the motion. In discussing the motion, Council Member Peters pointed out that

the grant award amount is \$243,250 instead of \$253,250 which is a typo error shown on the agenda. Council Member Cannady then amended her motion with the approval of the second to approve the CDBG Grant Agreement and to accept the grant award of \$243,250 for the Pine Needle Pump Station Upgrade. **The motion passed unanimously**, except Council Member Parker was absent and did not vote.

Administrative Agreement with Lowcountry Council of Government

A motion was made by Council Member Lucas granting approval of the Administrative Agreement with Lowcountry Council of Governments and the City of Walterboro as submitted. Council Member Peters seconded the **motion that passed with all members voting in favor**. Council Member Parker was absent and did not vote.

Consideration of Bids for the Safari Pump Station Upgrade Project

Next Council reviewed a list of bids received by the City to replace the I-95 Sewage Pump Station and Main Force. This is known as the Safari Pump Station Upgrade Project. The bids received were as follows:

James F. Pedersen Co., Inc. 5568 Highway 62 Hollywood SC 29449	\$298,147.50
Malphrus Construction Co. 30 Red Oaks Lane Ridgeland, SC 29936	\$313,039.00
Jordan Construction 3792 Okatie Highway Bluffton, SC 29910	\$318,022.00
Green Construction Co. 143 Berkeley Circle Summerville, SC 29483	\$326,865.00
Baucom's Grading, LLC 247 Baucom Lane Summerville, SC 29483	\$339,777.00
L.W. Inc. 205 Hobson Rd. Anderson, SC 29621	\$375,854.00
Republic Contracting Corp. 869 Pepper Street Columbia, SC 29290	\$565,000.00

Utilities Director Wayne Crosby stated that this project has been in the plan for about 3 years, now. This is essentially a two-phased project - wastewater upgrade for 2 additional lift stations. This is actually the Safari Lift Station located on the other side of I-95. Mr. Crosby reported that the city accepted bids which ranged from \$185,615+. The low bidder (Metro Utilities) has declined to enter into a contract with the city due to some clerical errors and mistakes made in their bid. Therefore, this contractor withdrew his bid. Mr. Crosby reported that the city then investigated the second lowest bidder, Mr. James F. Pedersen Company, Inc. Mr. Crosby stated that this seems to be a competent company. He then recommended that Council accept the bid of James F. Pedersen Company, Inc. for the Safari Pump Station Upgrade Project in the amount of \$298,147.50. When questioned by the Mayor on the reason for the error with the first low bidder, Mr. Crosby explained that the contractor actually had a clerical error on the bid, where he actually forgot to add in labor costs.

A motion was then made by Council Member Peters, seconded by Council Member Cannady to accept the bid of James F. Pedersen Company, Inc. as recommended in the amount of \$298,147.50 for the Safari Lift Station Upgrade Project. In discussing the motion, Council Member Peters asked if the money for the project had already been funded. Mayor Sweat responded in the affirmative. **The motion then passed with all members voting in favor**, except Council Member Parker was absent and did not vote.

Consideration of Engineering Services Contract to Design the Forest Hills Water and Fire Protection Improvement Project

Utilities Director Wayne Crosby informed Council that this project is a 12-inch water line extension for the Forest Hills area, not just for the Forest Hills Subdivision. For some time, the city has had a low fire flow in those areas. This line is designed to increase those fire flows

and accommodate all the ISO criteria's requirements. Mr. Crosby stated that staff had asked B.P. Barber and Associates for a submittal, and has been negotiating with them for a number of weeks now. The total for the engineering for this site plan and the observation for this project is \$81,500. Mr. Crosby then recommended acceptance of the bid from B.P. Barber and Associates.

A motion was then made by Council Member Young to accept the bid from B. P. Barber and Associates in the amount of \$81,500. Council Member Smalls seconded the motion that passed unanimously. In discussing the motion, Council Member Peters asked if any other companies submitted bids. Utilities Director Wayne Crosby reminded Council that a number of months ago, staff asked Council if staff could judge some of the engineering firms based on several different criteria. One is familiarity with the system, cost, experience, and location to Walterboro. B.P. Barber was the number 1 firm that we selected. They have done work for us for a number of years and they are familiar with our system, so that's why they were chosen. **The motion then passed with all members voting in favor.** Council Member Parker was absent and did not vote.

Request by Band of Blue to Place Banner Across Jefferies Boulevard for 2008 Walterboro Band Classic

A request by the Band of Blue Booster Club to place an informational banner across Jefferies Boulevard announcing the 2008 Band Classic, to be held on September 27, 2008, was **approved** on the motion of Council Member Peters, seconded by Council Member Lucas, and passed unanimously. Council Member Parker was absent and did not vote. The banner would be put up on September 22, 2008 and removed on September 29, 2008.

Code Violations Concerns - Mayfield Terrace and/or South Jefferies Boulevard by Ms. Carol Black

Ms. Black stated, I am here as a spokesperson. I am not here on my own behalf. I am here on behalf of all the residents, property owners, renters, business owners and church members along South Jefferies Boulevard. Ms. Black said, it has come to our attention that there is a number of code violations both along South Jefferies Boulevard and in Mayfield Terrace. We would like Council to support the city's efforts to try to do something about the code violations, along with David Dodd, who has been very receptive to our concerns. Ms. Black stated that she and Mr. Dodd spent at least 2 hours riding around Mayfield Terrace and South Jefferies Boulevard to look at all the violations. Most of them encompass abandon cars, overgrown lots, tractor trailers parked in back yards. These are all violations of the zoning law. Unfortunately, we also have some issues in terms of businesses that do not have landscaping buffers behind them. The Zoning Law that was passed in 2003 required any business being constructed to have a landscaping buffer behind it. This is in the Highway Commercial District.

Ms. Black then said, we need the Council's support to make sure that the city has the manpower and the funds to do whatever it needs to be done to make sure that these code requirements are enforced.

Ms. Black then commented on Mayfield Terrace. She stated that Mayfield Terrace has declined since her grandmother lived there, and since other people's parents have lived there. We would like Mayfield Terrace to be brought back up to the standards it had during the earlier time. Starting in 1938, it was one of the first subdivisions planned here, and we feel that it deserves the same amount of attention that other parts of the town get. Our properties are not worth as much as other parts in town, but we have a long-standing history, and we are now the gateway to the Great Swamp Sanctuary. We are also the entrance to the southern entrance to town, and we think there are a lot of businesses that are conducting themselves in such a way as prone to constitute a "nuisance". Others are just unattractive, and we are afraid that it's giving the wrong impression of Walterboro when people enter that side of town.

Concluding Ms. Black again asked Council to give its support to David Dodd and Jeff Lord and the manpower to help them to try and enforce these code violations.

Council Member Cannady remarked that Council had received a copy of the violations. She stated, I think everyone of us has had an opportunity to read it, and we see some of the things that may need to be done. Give us time to work on them.

This agenda item was accepted as INFORMATION. No formal action was taken by Council.

Appeal of Tree Protection Committee Ruling, 1123 Wichman Street (Ms. Betty Black)

Ms. Carol Black then stated that she was appearing on behalf of her mother, Ms. Betty Black. Ms. Black stated she brought a letter giving her the authorization to speak on her mother's behalf. Ms. Black stated that her mother and father bought their house 47 years ago, and her mother, unfortunately, was not able to take care of some of the work that needed to

be done to maintain the trees. The trees grew up and she let them get so large that she needed a permit to have them cut. The cutting of the trees went before the Tree Committee, and they approved cutting all of the trees requested, except two. The two that were denied were magnolia trees. Ms. Black stated, we need to have those trees removed, and the Tree Committee suggested that they felt like they could not approve it based on the parameters of their guidelines of being on the Tree Committee, but that we should ask that you (Council) take into consideration the fact that my mother unfortunately was not able to look after the trees during the time she should have and let them get too large. She is doing everything she can. She is having a worker to come in and take care of these trees for 4 days, and you can imagine how much money she's going to spend. We would appreciate it if you would allow her to cut these two magnolia trees.

Mayor Sweat recognized that Council had reviewed a report from the tree committee where they denied the cutting of the two magnolia trees. Attorney Cone then asked if anyone was present from the Tree Committee. No member of the tree committee was present. Attorney Cone then stated, it would be good for Council to hear both sides of the matter before making a decision.

Mayor Sweat responded that the report is right here in front of us and we have looked at it. Council Member Young and Council Member Cannady agreed that they would like to hear what the Tree Committee has to say on the matter. With the consensus of Council Mayor Sweat then deferred this agenda item to a later date. Mayor Sweat told Ms. Black there would be no decision tonight on the matter.

Ms. Black rebutted stating that her mother has workers coming next week. She asked if there were any way that Council could act on this request tonight. Mayor Sweat responded that the action on this has to be made in a formal meeting. Since the Tree Committee is not present tonight to present the other side of the story, then we'll leave it like it is. Ms. Black then said, I wished that I had been notified that this was necessary, and I could have asked one of them to come or all of them to come or taken statements from them. Is this the way this is normally handled, she asked. Mayor Sweat responded affirmatively. Ms. Black then stated that Ms. Bonnie Ross is the counsel for the tree committee and she did not advise me of that. Mayor Sweat then stated, we have to hear both sides of the story to be fair. Further discussion was held by Ms. Black on why she was not notified that the committee member(s) should be present.

Ms. Black stated that she hoped this decision was not personal; it's a matter concerning her mother. Council Member Cannady responded that this is not personal. If I looked at those pictures, probably I would have some questions for the tree committee. But they are not here, and I can't make a decision until I talk to them myself, stated Council Member Cannady. Council Member Young stated, if we over-ruled the Tree Committee and we don't hear their side of it- and you tell us they said they just couldn't do it because it does not fall within the parameters of what they can do. I'd like to be sure before we over rule one of our committees, that we are not going to put them in a position that they say - Well, there's no point in us going out and doing our job because anybody who wants to can go to City Council and they'll just over rule us. So, we have to be careful about handling it that way too.

Again, Ms. Black asked why she was not advised that the Tree Committee had to be here tonight, so she would have been prepared. Council Member Young responded that we didn't know until we got here tonight that we were going to take this action. We did not know that we were going to say that we wanted to talk to the Tree Committee.

Ms. Black then stated, so this isn't the normal way it's handled. Council Member Young responded, well, I mean it's at the pleasure of Council. Council Member Cannady added that this is the normal way that things are handled. It just so happened that we have questions and we are not going to make a decision until we have our questions answered, and you can't answer them - the Tree Committee has to do that. Ms. Black then asked if Ms. Ross could answer the questions since she was there. Ms. Cannady responded, No, we need the Tree Committee here. We got a report now. Understand, to hear them give us their side of the story is in your favor for us to listen to them, rather than trying to take a vote tonight and have a negative vote. This agenda item was deferred to a later date.

There were no committee reports given.

Next the Mayor announced an Executive Session to be held to discuss the following matters: 1) Discussion of negotiations incident to a proposed sale or purchase of property; 2) Discussion of an appointment, 3) Discussion of negotiations incident to a contract and 4) Discussion of matters relating to the proposed expansion of services.

A motion to enter an Executive Session to discuss the matters as stated by the Mayor was made by Council Member Cannady, seconded by Council Member Smalls and passed unanimously. Council Member Parker was absent and did vote on the motion.

At this point before entering into an executive session, Mayor Sweat thanked all the residents from the area who attended the meeting tonight. He told them, please note that we are all concerned with everything that goes on in this city, and we do like to hear from you other than times when you come to our meetings. So, please let us know.

The Meeting then entered into an Executive Session.

The meeting returned to Open Session and a motion was made by Mayor Sweat to appoint Mr. Scott Steedley to the Keep Colleton County Beautiful Committee. Council Member Lucas seconded the motion that passed unanimously. Council Member Parker was absent and did not vote

A motion was made by Council Member Peters for the City to donate \$1,100 to the Tuskegee Airmen organization. Council Member Lucas seconded the motion that passed unanimously. Council Member Parker was absent and did not vote.

There being no further business to consider, a motion to adjourn was made by Council Member Young, seconded by Council Member Cannady and passed unanimously. The Mayor adjourned the meeting at 7:32 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 9, 2008