

Walterboro City Council
Regular Meeting
July 27, 2010

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, July 27, 2010 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson, City Attorney George Cone and Attorney Ashley Amundson were also present. There were approximately 26 persons present in the audience.

There being a quorum present, Mayor Young 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 INPUT ON AGENDA ITEMS:

Marsha Johnson, city resident, raised a concern with the Accommodations Tax Advisory Committee's recommendation regarding the Walterboro Soccer Club. This organization had submitted a funding request for \$25,000. She asked what kind of community the Walterboro Soccer Club serves. Ms. Alta Mae Marvin, present on behalf of the A-Tax Advisory Committee, pointed out that the Soccer Club had requested funds of \$25,000, and the Committee had recommended only \$15,000 in A-Tax funds, pending on the jurisdiction to be decided by Columbia.

Ms. Alta Mae Marvin further explained that the Accommodations Tax funds have to be spent on bringing in people from out-of-town. Ms. Johnson then asked, who do they serve, who are the members of the club and what part of the community will they serve? Ms. Marvin responded that the Soccer Club will serve the entire community and most of the hotels that the tourists will be staying in are in the city limits and will be adding to the accommodations tax and benefitting the citizens of Walterboro. Ms. Johnson then asked specifically, who are members of the Walterboro Soccer Club? Mayor Young responded, I think that anybody that wants to be a member, can be a member. Finance Director Bill Floyd added, this is a 501(C)3 organization. He stated, it is a mandate of the Accommodation Tax Laws that the money be spent on tourism. Ms. Johnson then stated, there is nothing in the paperwork presented which indicates who the Walterboro Soccer Club is, who can join it and how many kids are in it.

Mr. Young responded that when his children played soccer, it was open to anybody in the county.

PRESENTATION OF CERTIFICATES BY WORLD CHANGERS:

Mr. John Barnes and Wayne Lake were present on behalf of the World Changers organization to thank the City for its support with their 2010 World Changers Project just completed. Mr. John Barnes, Project Coordinator for World Changers, told Council, our collective efforts serve to help many in our community. This year's effort also included a block party where a large number of our residents came together for a great time in fellowship. He announced that the organization will sponsor another project next year on July 11-16th. Again, we would be honored to be able to partner with the City in this endeavor. Certificates of appreciation were then given to City Council, the City Manager, the City Building Department, and the City Fire and Police Department.

Mayor Young told Messrs. Barnes and Lake, we appreciate what you do. I can't tell you how much it means to the needy in our community and all those who needed repairs and got repairs, that they would not have gotten otherwise. You had a huge

Walterboro City Council
Regular Meeting
July 27, 2010

MINUTES/Page II

task just feeding and housing everybody here. You did a great job, we are proud of you, and proud we can be associated with you.

Concluding, Mr. Barnes announced that we have churches that are anxiously waiting for the August 1 sign up date. Also, the churches from abroad have already told us that they are ready to come back to Walterboro.

PUBLIC HEARING:

Next, the Mayor opened a public hearing, duly advertised, to receive public comments on proposed Ordinance # 2010-**10** (corrected to # 2010-**11**), being: An Ordinance Authorizing the City of Walterboro to Join with the Walterboro-Colleton County Airport Commission in Conveying its Interest in One Hundred Twenty (120) Acres, More or Less, of Land to the County of Colleton, Subject to Limitation and Restrictions and Matters Related Thereto.

The Mayor opened the floor for public comment. Attorney Cone pointed out that the ordinance copy enclosed with the agenda packet, has one amendment to it. The amendment allows the City to reserve any easements necessary for any utilities, sewer and water lines that pass through it. Other than that, the ordinance is the same. Mayor Young asked if this takes care of the timber rights. Attorney Cone answered that the City is not addressing the timber rights in our ordinance, but it is our understanding that the Airport Commission is requesting that the timber rights be reserved with the funds going to the Airport Commission.

Council Member Peters then asked whether the Airport Commission voted to pass this? Mayor Young responded that the Airport Commission had voted to pass this. Also, you will receive a legal briefing in Executive Session, and hopefully if you have any questions those will be answered.

Council Member Buckner then made a comment concerning the exchange of the property that the City is proposing in the ordinance. He said, it is my hope that we would receive something in exchange for the City of Walterboro giving up its interest in that 120 acres. My hope would be that the Colleton County Council would approve us having a seat on the Colleton County Recreation Commission in exchange for the City of Walterboro relinquishing its interest, and I have spoken with all of the County Council Members except Dr. Flowers, who I could not reach. They don't have a problem with giving the City of Walterboro a seat on the County Recreation Commission in exchange for us giving up our interest in the 120 acres. So, I would hope that after the Executive Session that we could add that to the Ordinance.

As a point of order, Mayor Young reminded Council Member Buckner that the appropriate time to discuss that concern would not be in the public hearing, but after the Executive Session under Old Business.

APPROVAL OF THE MINUTES:

The Minutes of the July 13, 2010 Regular Meeting were approved as submitted on the **MOTION** of Council Member Buckner, seconded by Council Member Lucas, and passed with all members voting in favor.

PROCLAMATIONS AND RESOLUTIONS:

A proclamation recognizing and congratulating Ms. Octavia W. Kinsey on her 100th Birthday and designating August 7, 2010 as "Octavia Kinsey Day" in the City was declared by the Mayor and read into the records. Ms. Kinsey, a Walterboro resident for over 60 years, was present along with members of her family. A written copy of

MINUTES/Page III

the proclamation was presented to her by the Mayor. A copy of said proclamation is attached as part of these minutes.

NEW BUSINESS:

1. Consideration of Bids Received for the Francis Street Water System Improvements Project

The City Manager briefed Council on this agenda item. He stated that on April 13th, Council approved the submittal of a CDBG grant application for the Francis Street Waterline. This is a looping project which will provide increased water flow through that area, as well as help with the new commissioning of the downtown water tower. The City was awarded this grant. This is to accept the low bidder for the construction of that project. The recommendation from the City's engineers is to accept the low bidder, BES, Inc. of Beaufort in the amount of \$298,403.

Eight bids were submitted as follows:

BES, Inc., Beaufort, SC	\$298,403.00
Green Construction Co., Summerville, SC	\$305,754.25
Eadies Construction, Ridgeville, SC	\$324,227.00
James F. Pederson Co. Inc., Hollywood, SC	\$334,368.80
Tideland Utilities, Summerville, SC	\$336,716.75
Terry Lee Contracting Co., Inc., Hardeeville, SC	\$348,996.00
JR Wilson Construction, Inc., Hampton, SC	\$350,053.00
L-J Inc., Columbia, SC	\$523,935.40

A **MOTION** was made by Council Member Parker to accept the low bid of \$298,403 from BES, Inc.(Beaufort Engineering Services, Inc.). Council Member Smalls seconded the motion. In discussing the motion, Council Member Buckner asked the City Manager, in our approval of this proposed contract with BES, did we include any stipulation that they would have to hire any local people for jobs as subcontractors on this work? City Manager Lord responded that this was not included, but their subcontractor who will be doing the majority of the work is located off Cane Branch Road, which is almost in the city limits.

Council Member Buckner then stated, in the future, I would like to see more stipulation that local workers are hired when we award contracts, because right now at least from the project that's going on right now, I don't really see that happening.

City Manager Lord then pointed out that federal funding has its own guidelines as to what is required. We have to follow their guidelines first, and it would not allow us to do that. He further stated, they have requirements for the low qualified bidder, and they also have other requirements based on minority representation.

The motion then passed with all members voting in favor.

2. Funding Recommendations from the Accommodations Tax Advisory Committee

Finance Director Bill Floyd reported that the Accommodations Tax Advisory Board had made several recommendations for funding. It is projected that the City will receive \$212,000 in accommodations tax this year from the state. That money is allocated so that the first \$25,000, plus five percent (5%) of the balance goes to the City. The next 30% goes to a designated agency, and then the balance goes into a 65% Tourism Fund. Most of the money that is being allocated and requested here is from that fund. Mr. Floyd noted that the total amount of A-Tax funds available through Fiscal Year 2011 is \$137,491.00.

MINUTES/Page IV

The following funding recommendations were submitted by the A-Tax Advisory Committee for approval by Council:

	<u>Requested</u>	<u>Approved</u>
<u>Request for 30% money</u>		
Walterboro-Colleton Chamber of Commerce	\$ 50,000	\$ 50,000
<u>Requests for 65% Tourism Fund</u>		
Chamber as sponsor for Walterboro Criterium	\$ 18,000	\$ 18,000
Colleton Co. Historical & Preservation Society	\$ 7,850	\$ 5,000
Salkehatchie Stew	\$ 7,000	\$ 7,000
Walterboro Exit 53 Merchants Association	\$ 19,860	\$ 15,000
SC Artisans Center- Marketing & Promotion	\$ 14,000	\$ 14,000
Colleton County Rice Festival	\$ 15,000	\$ 10,000
Walterboro Soccer Club	\$ 25,000	\$ 15,000
City of Walterboro Billboard Program	\$ 20,000	\$ 20,000
Total 65% Requests	\$126,710	\$104,000

With regard to the Walterboro Soccer Club's request, Mr. Floyd reported that the Club requested \$25,000, and the committee approved \$15,000. The Committee approved this request subject to the interpretation of the State A-Tax Board on whether it's acceptable to spend money from this fund outside the city limits of Walterboro. Mayor Young added, this is also a unique case too, because the City actually owns that land with the county that the Soccer Club is using. Even though it's not in the city limits, it is owned by the City.

A **MOTION** was made by Council Member Peters to approve the funding recommendations as submitted from the Accommodations Tax Advisory Committee. Council Member Lohr seconded the motion. In discussing the motion, Council Member Buckner asked Mr. Floyd, could you tell me the rationale behind the Advisory Committee's decision to cut the funding for the Colleton County Rice Festival from \$15,000 to \$10,000. Mr. Floyd responded that one of the things they looked at is the amount of money they have available. The past funding for that festival by this committee has been in the \$5,000 range. So, this was a significantly larger increase. The amount awarded basically doubles what was given this festival last year.

It was noted that this was the first time a funding request had been submitted by the Walterboro Soccer Club. Council Member Buckner then asked Mr. Floyd, could you tell me the committee's rationale behind a first-time organization receiving more funding than the Rice Festival? What was the rationale behind that appropriation? Mr. Floyd responded that each organization submitted a budget, and each only received a portion of what they asked for, and they are totally different programs.

Council Member Lohr then commented on the Walterboro Soccer Club. He pointed out that in Lexington County, they have a tremendous tennis complex and they host tournaments, etc. So, I think Brantley, who is present tonight, could tell us that we have had a good turnout at recent tournaments at our baseball complex. The participants were not all close enough to return back home. That's proof that it will, at some point, have some attraction to people coming and lodging overnight. It will also involve a good many kids who perhaps have no interest in other sports. This should tie in to keeping some of our youth busy. Again, it's going to be county-wide, but there will also be some kids in the City who probably will be very interested.

Ms. Alta Mae Marvin told Council Member Buckner that there are only certain things that the accommodations tax funds can be spent on. So, often we (the committee) have to eliminate budgetary items when looking at requests, because they

Walterboro City Council
Regular Meeting
July 27, 2010

MINUTES/Page V

don't meet the guidelines. Also, the money has to be spent on bringing tourists into the community. It cannot be spent on something that is mostly for the people from Walterboro. So, we have to be very careful about it. The committee is extremely conscientious about being sure we strictly follow those guidelines that are issued by Columbia.

Council Member Peters then stated, I know the Accommodations Board has accommodated certain projects for the Rice Festival, but isn't this the first time that they have directly given money to the Rice Festival for the festival itself? Ms. Marvin responded, for the City of Walterboro's Accommodations Tax Committee, that is correct. Ms. Marvin then said, we did give some advertising money for the Rice Run last year, but this is the first year that the Colleton County Rice Festival has approached the Accommodations Tax Committee for funding.

Council Member Buckner then asked, what is the Walterboro Exit 53 Merchants Association? Finance Director Floyd responded that this organization includes every merchant, hotel and restaurant at that exit, which is twenty plus businesses in Walterboro. This is a fairly new organization. This is about the 3rd time, I believe, that they have come to the Accommodations Tax Board. They are a 501(C)3 organization.

Council Member Peters pointed out that the request from the Merchants Association is just for billboards. It's not like we are giving them money to help form their association, this is for billboards. Ms. Alta Mae Marvin pointed out that those billboards will have to have a red rocker and meet the guidelines set by the City of Walterboro's Tourism Commission. So, they will tie in with the other billboards being funded by the Accommodations Tax Board.

The motion then passed with all members voting in favor.

Without objection, the Mayor then announced that he would add one item to the agenda, under Committee Reports - An Update Report on the Youth Advisory Commission by Council Member Lohr.

NEW BUSINESS (Cont.)

3. Appeal on Water Bill for St. Jude's Episcopal Church - Paul Pye

Mr. Paul Pye, junior warden of St. Jude's Episcopal Church, appeared before Council concerning a water bill received by the Church. He told Council that a leak caused by a lightning strike on a pipe had caused gallons of water to flow into the ground. As a result, St. Jude's Church received a water bill for \$2,840.00. The City graciously took off the sewer part, because the water did not enter the sewer. Then, the church received a final bill of \$725.17 for the water itself. He stated, what I am asking Council to do is to lower that amount. The church is on a very strict budget. Mr. Pye told Council that the church's water bill usually runs about \$153 bimonthly. He asked if the bill could be reduced to double the \$153 amount, come down to \$153, or \$300 (twice that amount). Anything less than \$725 would be appreciated, he said.

A **MOTION** was made by Council Member Buckner to reduce the water bill for St. Jude's Episcopal Church to their normal average water bill rate of \$153.00. He said, I am familiar with their work in the community, their help to those who are less fortunate and their help to individuals with their electric bills. Also, they have a yearly Thanksgiving feast where they feed the community.

MINUTES/Page VI

City Attorney Cone then told Council, you might want to inquire of the City Manager if any of our bond issues prohibit us from forgiving water bills. I hate to bring that up, but I think it's appropriate, because we have certain agreements with the state in connection with bond issues to bill our sewer and water systems.

City Manager Lord informed Council that in the past when it comes to sewer forgiveness that's in the ordinance - that's something that we can handle in house, but when it comes to water because it did go through the meter, that's something that we do not have the authority to reduce.

Mayor Young then stated, I think that what George is saying - are there any restrictions placed on us from doing that by the bond company? Mr. Lord responded that he did not have an answer to that question.

Mayor Young felt that no action could be taken on this until we get that information. Mayor Young stated, we need to know whether or not we are prohibited by law from doing that. Council Member Buckner then **WITHDREW** his motion. City Manager Lord said, I'll check on it and get some information to you. The Mayor suggested that this item be carried over to the next meeting.

When questioned by Council Member Lucas on whether this matter could be handled tonight, Mayor Young suggested that Council could entertain Mr. Buckner's motion to approve it, pending finding out if we are allowed to do that, and then the matter would be taken care of.

Council Member Buckner then **MOVED** that Council reduce the St. Jude's Episcopal Church's water bill to their average water bill of \$153 a cycle, provided that doing so does not violate any agreements in our bond issues. Council Member Smalls seconded the motion. In discussing the motion, Council Member Peters said, I am for doing this, but I must point out that everybody else who has come before us in the past, we have not done this, that I can remember. Now, we have dropped services, dropped cut-off fees and have allowed them ample time to pay the bills, but because of these issues, we have not been able to waive anybody's water bill. Mayor Young said, most times, we will cut things in half or something like that, without actually reducing it completely. **The motion then passed with a vote of 5/0, with Mayor Young, Council Members Buckner, Peters, Smalls and Parker voting in favor. No votes were cast against the motion. Council Member Lucas abstained as a member of the Church, and Council Member Lohr abstained since his wife is also a member of the Church.**

Mayor Young reminded Mr. Pye that the matter is contingent upon the City not having a problem with the bond issue. Mr. Pye then stated, I will wait to hear from you.

COMMITTEE REPORTS:

Ad-on Agenda Item - Update on the Youth Advisory Commission by Council Member Tom Lohr

Council Member Lohr gave a brief report on the first meeting of the Youth Advisory Commission held on July 20. The following items were discussed by the Commission members.

1. Nature of what the Advisory Committee would be.
2. Council Member Lohr would give all the reports to City Council, since most of the members are very busy people.
3. The definition of youth - did we want to narrow it down or leave it open.

MINUTES/Page VII

4. Activities - what kind of activities.
5. When will the activities be held. It will be different in summer time from school time.
6. If it's an activity, we have to have a place, we would need to get permission from certain places.
7. I think that anything you do where you will have at least 3 or 4 kids, you will need adult supervision, have some resources, volunteers or something like that.

Mr. Lohr stated the committee had no problem coming up with something new, but I think the first thing we need to do is to keep from being a typical bureaucratic organization, where we go out and start doing things that somebody else is already doing. I can tell you already, that I have been highly enlightened as far as some of the things that are already going on in our City.

We felt like one thing that would be good to do is getting kids information about what we do have, or if we come up with something new, how will we get that information to them. So, we talked about City Council agreeing in some way (we did not define how) to be a clearinghouse for information. We talked about a website and newspaper notices, but I am not limiting how we get the information out. We will accept any information that you want to suggest to us.

Some questions that were raised: 1) Don't forget that we have the old football stadium in town, 2) next year we will probably have the Colleton Middle School gymnasium and facilities. We don't have any ownership of them, but we are brainstorming to answer these questions about what kind of activities and where are they going to be.

Mr. Lohr stated that Mr. Wayne Bennett had suggested the following idea: If you want to know the commonality of people who are currently incarcerated, it may have something to do with whether they were kept busy throughout their growth, but the main thing that they have a commonality on is the lack of literacy. If they don't have a certain level of education, they are not going to get a job and then if they don't have a job, they have time on their hands at very inopportune times. Councilman Lohr pointed out that Mr. Bennett has a perspective on what to do, and how to try and help kids to stay off the streets and stay on the straight and narrow. He was not opposed to having fun activities for the youth, but you have to remember what's the common factor down at the end as they turn the key and incarcerate them. Council Member Lohr also reported that Mr. Bennett suggested that the Commission deal with youth from 0 to 17 years of age.

Council Member Lohr told Council of an announcement that had been requested by Mr. Wayne Bennett, who works with the SC Dept of Juvenile Justice. They are trying to present good role models for children who may be potential problems. There will be a Mentor Training Session at Clemson Extension Auditorium (which is at the old hospital) on Thursday, July 29, from 6:00 P.M. to 8:00 P.M. They have a goal of 50, they now have 20 and need 30 more people. Mr. Lohr also reported that Ms. Cathy Turner also announced that on August 7, they will be having an After School Bash at the current Colleton County High School Track.

In concluding, Council Member Lohr told Council that he would not be opposed to considering submitting something in the budget for the committee down the road at the next budget time, depending on what was requested to be funded.

Walterboro City Council
Regular Meeting
July 27, 2010

MINUTES/Page VIII

The Mayor then entertained a motion to enter an Executive Session. Council Member Parker so **MOVED**, and Council Member Smalls seconded the motion. The motion passed unanimously.

The Mayor then announced that the meeting would convene into an Executive Session for: 1) a personal matter to consider boards, commissions and officers appointments, 2) for a discussion of matters relating to proposed provision of services encouraging the location or expansion of industry or other businesses in the area, and 3) for a discussion of negotiations incident to proposed contractual arrangements and receipt of legal advice. The meeting then convened into Executive Session.

The meeting returned to Open Session at approximately 8:00 P.M. and the Mayor announced the next agenda item.

OLD BUSINESS:

1. **Ordinance # 2010-10 (Corrected to # 2010-11** - NOTE # 2010-10 HAD ALREADY BEEN USED PREVIOUSLY, SO THIS ORDINANCE WAS RENUMBERED TO # 2010-11)

A motion was made Council Member Peters, seconded by Council Member Lucas, giving **Second Reading and Adoption** to Ordinance # 2010-11: being: AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO JOIN WITH THE WALTERBORO - COLLETON COUNTY AIRPORT COMMISSION IN CONVEYING ITS INTEREST IN ONE HUNDRED TWENTY (120) ACRES, MORE OR LESS, OF LAND TO THE COUNTY OF COLLETON, SUBJECT TO LIMITATION AND RESTRICTIONS AND MATTERS RELATED THERETO.

In discussing the motion, Council Member Buckner stated that he will vote "no" against this ordinance, because we are giving up our interest in 120 acres of land to the county in exchange for \$3. I have spoken with Councilman Whetsell, Councilman Buckner, Councilman Robinson and Councilman Murdaugh, who did not have a problem with the exchange of giving up our interest in this property, and allowing the City Council to have an appointment on the Colleton County Recreation Commission. Therefore, as the way it reads now, our citizens is left with nothing - \$3 in exchange for giving up our interest in this property. Therefore, I cannot support the ordinance as written.

Mayor Young then stated, I am going to support the ordinance because we are giving up our interest in the property, so that the county can provide recreational opportunities for all of our citizens, as we agreed to work toward when the county took over active recreation in the county and the city took over passive recreation in the City, that we agreed on some months ago. So, I will vote in favor of this, so that we can have increased recreational opportunities for all the children in Colleton County.

Council Member Parker then stated, this project is going to be a \$2.5 million dollar project that's going to benefit everybody in Colleton County, not just the citizens of Walterboro, and not just the citizens of the county. It will benefit everybody within the boundaries of Colleton County.

Attorney George Cone explained that the City is only giving up its interest in the property for 20 years, if that's how long it takes them to pay if off, but not more than 25 years. When paid off after that time, the ownership will revert to the way it is now, except it will have the improvements on it. The Airport Commission will also resume their care and custody control of the property.

Walterboro City Council
Regular Meeting
July 27, 2010

MINUTES/Page IX

Council Member Buckner then stated, from my understanding, the citizens of Walterboro not only pay county property tax, but in addition to that, I believe they also pay city taxes. So, therefore, our citizens should have a say in what happens at the Colleton County Recreation Complex, and if we are giving up our interest with nothing to show but \$3. The county is willing to give us a voice on their Recreation Commission. I just wanted to point that out. Our citizens desire to have some say in what happens out there at the Recreation Commission.

Council Member Lohr, stated, I know that the current structure of the Recreation Commission is advisory in nature only. It has far less to no power from the previous Recreation Commission. So, I don't know what we are gaining by having someone on the committee which basically is an advisory committee.

Council Member Peters stated, if the \$3 is a problem, why don't we just say \$0 dollars? Attorney Cone explained that some consideration has to be cited. It's just reciting that you have something of value which is \$3. So, basically we are gifting it to them for the period of their loan.

Mayor Young then stated, I think if we want to talk to the county about representation, we can talk to them about it, without trying to blackmail them into it through this ordinance. So, I would be opposed to trying to add that language to the ordinance. We negotiated this with them in good faith, and they are expecting us to pass the ordinance tonight and that's what we need to do.

The motion then passed with a vote of 6/1 with Mayor Young, Council Members Peters, Lucas, Parker, Smalls and Lohr voting in favor, and Council Member Buckner voting against the motion for adoption.

There being no further business to consider a motion to adjourn was made by Council Member Parker, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at 8:10 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: August 10, 2010