

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, June 8, 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 and City Attorney George Cone were also present. There were approximately 16 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 Parker to lead the pledge of allegiance to our flag.

The Mayor announced that a flower arrangement had been brought in the room and placed by the Mayfield Garden Club. He announced that June 6 - June 12, 2010 is National Garden Week. He then thanked the Garden Club for bringing in this plant for us to enjoy.

Mayor Young then recognized Council Member Tom Lohr. Mr. Lohr commended the City Manager and those responsible for hiring the contractors who are currently involved in 'lining' the city's sewer lines. In the Forest Hills area, Mr. Doug Bullock informed Councilman Lohr that this contractor had to come into his yard to do work, and they promised to put everything back as it was before. Mr. Bullock said that he thought they actually put it back better than it was before. They were absolutely as polite as they could be and did exactly what they said they would do.

PUBLIC INPUT ON AGENDA ITEMS:

Ms. Marsha Johnson read aloud a letter from Dr. Lori Campbell, local veterinarian, who was unable to attend the meeting.

In her letter, Dr. Campbell expressed the following concerns with the city's proposed 2010-2011 budget:

- 1) The Business License tax increase in all the different business categories.
- 2) The increase in Council's portion of the budget and some members of Council were not aware of this. How is it that our council members are not aware of major points in the budget, but yet justify increasing taxes for all businesses to meet that budget?
- 3) Council has assured us that they are not increasing property taxes. Based on something referred to as "roll back", it is my understanding that if property values go up at all, the millage rate (83 Mills) will have to be adjusted down to prevent total taxes from increasing also. Has Council taken this into account?
- 4) At a time when the economy has forced the average family and business to make do with less, government shows no inclination to do the same. I understand that there are critical infrastructure costs that must be maintained, but I see no indication of cut backs in other areas. Council shows this every time they spend our money to hold "retreats" in expensive resorts.
- 5) Why does our Council not show us (the businesses) some adjustments because of the economy. Instead, what all levels of government seem to be doing is increasing taxes on small businesses.

In conclusion, Dr. Campbell pointed out that she felt that the City needs to cut back in certain areas and make a diligent effort to efficiently use taxpayer money. She stated, we only ask that this government be run like a business, with all the fiscal responsibilities, limitations, and efficiencies that are required to succeed. I personally feel there is more work to be done to accomplish that.

MINUTES/Page II

PUBLIC HEARING:

The Mayor opened a public hearing, duly advertised, to receive public comments on the following items:

1. Review Program Accomplishment and Performance - CDBG Grant # 4-CI-08-026 Closeout, Michelle Knight, Lowcountry Council of Governments.

Ms. Michelle Knight, Lowcountry Council of Governments (LCOG), was present to conduct this hearing. A copy of the sign-in sheet for this hearing is attached as part of these minutes.

In opening the hearing, Mrs. Knight stated that this public hearing is to address performance and accomplishments for the CDBG Project # 4-CI-08-026 which is the Pine Needle Pump Station Upgrade Project. This project was awarded to the City of Walterboro. The City received \$243,250 in Community Block Development Grant funds to upgrade an existing pump station located on Pine Needle Road. That involved replacing pumps, the motors and the control panels. The project benefitted 171 people, of which 72% were low-to-moderate income and served 64 houses.

Ms. Knight further reported that this project was under budget, so the City was able to amend and do some additional work in the same general area. Basically, the city did some water looping work along Rivers Street, by looping that line to a main transmission line and connecting Rivers, Proctor, and Henderson Street between the new Highway bypass and Mill Street. Fire hydrants were also installed along Rivers, Proctor, Henderson and Mill Street. This amendment benefitted an additional 241 people, of which 72% were low-to-moderate income.

In conclusion, Ms. Knight reported that the total cost for the two projects was \$348,263, of which \$243,250 came from CDBG funds and \$105,010 came from local funds, which is program income money that the city has, which is income-generated from old CDBG projects.

Ms. Knight then opened the floor to receive comments from the public. Council Member Buckner asked how many fire hydrants were installed. Utilities Director Wayne Crosby affirmed that there were seven (7) fire hydrants installed at various locations throughout the project.

2. Ordinance # 2010-07, An Ordinance to Change the Zoning on a Parcel of Land on Spruce Street, Tax Map # 147-15-00-116, from Medium Density Residential (MDR) to Highway Commercial District (HCD).

No public comments were received on this agenda item.

3. Ordinance # 2010-08, Ordinance Adopting the City Enterprise Budget for Fiscal Year 2010-2011 and Matters Relating Thereto.

Ms. Marsha Johnson addressed comments related to the two budget ordinances # 2010-08, the City Enterprise Budget, and # 2010-09, the City General Budget.

- A. Ms. Johnson suggested that Council drop the slogan "Bucks in the Boro". It was her opinion that it is probably embarrassing to have a slogan that the government itself does not support. She said, until February we thought you were focusing on our well-being. That is until you went off to Wild Dunes to spend your bucks somewhere else.
- B. She asked why does city council, the city attorney and the city judge have more favorable benefits than full time employees?

MINUTES/Page III

- C. Ms. Johnson asked why the city has done nothing to reduce the ever increasing liability in its retirement program, which is directly related to the insurance premiums.
- D. She pointed out that the city is only increasing its debt from the GASB 45. She asked if the estimate of \$2.5 million given at the February Wild Dunes retreat, included the 20% increase for insurance costs this year? She asked, will the \$320,000 that you are taking out of the general fund, cover what actually is going to be required, and will that be every year?
- E. Ms. Johnson asked why did City Council continue its policy of giving preferential treatment to itself over the retirement of full time employees. Employees receive fully paid insurance for life as a retirement benefit on a sliding scale, whereas City Council receives it much more generously. For full time employees, they have to wait 22 years to get 50% and 25 years to get 75%, and 28 years to get 100%, and yet City Council Members who are part-time employees get full benefits after 16 years.
- F. She also asked why has City Council not reduced its own portion of the budget to reflect the current red ink? Do we need \$10,000 for training, \$30,000 for travel and \$8,000 for a Christmas party with an open bar?
- Add to this additional amounts of \$2,000 in training for the City Manager and \$5,000 for travel and you'll get the largest portion of a policeman's salary.
- G. Since we pay membership in the state and national league of municipalities and since you send one voting member to one of those meetings, does Council really need to go on two trips to Washington and one trip to Beaufort each year and an additional fifth meeting to some resort for something you call a retreat. How many of these do we send the City Attorney to?
- H. With regard to sewer improvements, Ms. Johnson pointed out that the city has incurred an obligation of \$137,500.00 for 20 years, and we have 19 years to go. It seems like that department is doing an excellent job getting grants. So, why can't we plan for these kinds of expenses in a better way, by exercising better fiscal restraint in other ways?
- I. Ms. Johnson criticized the city's decision to increase garbage fees instead of limiting garbage pickup to once a week instead of twice a week, as is currently being done.
- J. With regard to the Great Swamp and increasing carrying costs, it was Ms. Johnson's opinion that even though the city was facing a year of red ink in 2010 and 2011, it chose to spend \$70K from the general fund on the purchase of additional land for the Great Swamp Sanctuary. She stated, sure the goal is to raise contributions for this, but the operating costs and personnel costs for this non-essential and non-revenue generating building (Discovery Center) will fall on the citizens. What fees and licenses will you access for? If we spend all our money on this, how will we ever compete for meaningful industries and businesses?
- K. Ms. Johnson urged the city to combine the fire services of the city with the county. She stated, it is time to move on this. Sure it will take planning, but it is inevitable and in the best interests of the citizens you

MINUTES/Page IV

serve, especially citizens who live in the city, have businesses in the city and have a place at Edisto.

Concluding, Mrs. Johnson stated, I think that one of the things that is wrong is that you think that citizen input is just about criticizing instead of trying to get you to see how we can make the city better. Walterboro is a unique place to live. It's a great place to live, but we need to become fiscally responsible because you are dipping into that general fund, that you have been telling us for years, as being the great reserve. A 34% increase is an indication that you have a problem. You need to look at ways to save money.

Mayor Young told Ms. Johnson, you made some comments that were incorrect and I am not going into it, but it was not a 34% tax increase. I think the newspaper reported a 34% sewer increase, not a tax increase and that was what we were taking an issue with. You said something about us going to Beaufort. I don't ever remember Council going to Beaufort. We did not make two trips to Washington, and there are a lot of other things that were incorrect that you said, but we appreciate your opinion and we like to hear positive input from time to time also.

Former Mayor Charlie Sweat then pointed out that Ms. Johnson had just criticized the City on a lot of things that she has a problem with. He said, however, I think people need to actually learn what government is all about. You know what government is all about, especially those of you who have been there for more than 15-20 years. Government is doing what you have to do to satisfy your citizens. This is important, because the citizens are the ones that elected you. Government is not just going through a budget. It is going through a budget and evaluating what has to be, and what does not have to be done. I think you have done a good job. I praise you for what you have done this year and in the past.

The Mayor then asked if there were any more comments on this item. No further comments were given on the Enterprise Budget.

- 4. Ordinance # 2010-09, An Ordinance Adopting the City Budget for Fiscal Year 2010-2011 and Matters Relating Thereto.**

The Mayor pointed out that the Enterprise Budget is the budget for water and sewer and the City Budget is the rest of the budget. No further comments were received.

- 5. Ordinance # 2010-10, An Ordinance of the City of Walterboro, South Carolina Establishing a Comprehensive Fee Schedule for Administration; Building and Codes Department; Finance Department; Public Safety Department; Sanitation Department and Utility Support Department.**

No further comments were received. The public hearing was then closed and the regular meeting began.

APPROVAL OF THE MINUTES:

The Minutes of the May 25, 2010 Regular Meeting were approved as submitted on the motion of Council Member Parker, seconded by Council Member Smalls and passed unanimously.

OLD BUSINESS:

- 1. Ordinance # 2010-07 - Second Reading and Adoption**

MINUTES/Page V

Upon motion by Council Member Lucas, seconded by Council Member Smalls Ordinance # 2010-07 was given Second Reading and Adoption, being: AN ORDINANCE TO CHANGE THE ZONING ON A PARCEL OF LAND ON SPRUCE STREET, TAX MAP # 147-15-00-116, FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO HIGHWAY COMMERCIAL DISTRICT (HCD). The vote on the motion for adoption was unanimous.

2. Ordinance # 2010-08 - Second Reading and Adoption

A motion was made by Council Member Peters, seconded by Council Member Lucas, giving Second Reading and Adoption to Ordinance # 2010-08, being: AN ORDINANCE ADOPTING THE CITY ENTERPRISE BUDGET FOR FISCAL YEAR 2010-2011 AND MATTERS RELATING THERETO.

In discussing the motion, Council Member Buckner stated that he would vote against the Enterprise Budget for the simple reason that it increases fees. He stated, I just don't think that we, as government, have tightened our belts as the citizens have had to tighten their belts as it relates to the downturn in the economy. The motion passed with a vote of 6/1 with Mayor Young, Council Members Peters, Lucas, Smalls, Parker and Lohr voting in favor. Council Member Buckner voted against the motion for adoption.

3. Ordinance # 2010-09 - Second Reading and Adoption

A motion was made by Council Member Parker, seconded by Council Member Lucas, giving Second Reading and Adoption to Ordinance # 2010-09, being: AN ORDINANCE ADOPTING THE CITY BUDGET FOR FISCAL YEAR 2010-2011 AND MATTERS RELATING THERETO.

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

4. Ordinance # 2010-10 - Second Reading and Adoption

A motion was made by Council Member Lucas, seconded by Council Member Peters, giving Second Reading and Adoption to Ordinance # 2010-10, being: AN ORDINANCE OF THE CITY OF WALTERBORO, SOUTH CAROLINA ESTABLISHING A COMPREHENSIVE FEE SCHEDULE FOR ADMINISTRATION; BUILDING AND CODES DEPARTMENT; FINANCE DEPARTMENT; PUBLIC SAFETY DEPARTMENT; SANITATION DEPARTMENT AND UTILITY SUPPORT DEPARTMENT.

In discussing the motion, Council Member Buckner said he always wants the City of Walterboro to be friendly towards businesses. He stated, we want to attract more businesses and help established businesses already in the city to continue to do business. However, in this particular ordinance, we are looking at increasing fees for business licenses and also taxes, and therefore, I will not support this ordinance based on the fact that we want to encourage businesses into the city by reducing taxes and not increasing fees.

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

NEW BUSINESS:

MINUTES/Page VI

1. Consideration of Bids Received for Water Systems Improvements for Hampton and Washington Streets

Next, Council reviewed a list of bids received for water systems improvements for Hampton and Washington Street. City Manager Lord told Council the city received bids for two water line looping projects at Hampton Street by Robertson Boulevard and on Washington Street to connect with the Forest Hills and the Mayfield Terrace Subdivisions. Both of these projects are under the de-commissioning of the downtown water tower. We also have a dual purpose of increasing our flows in those areas for ISO. Mr. Lord reported that a total of 6 bids were received ranging from a low of \$119,889.40 to a high of \$162,572.05. The low bid was submitted by Green Construction Company of Summerville in the amount of \$119,889.40. Mr. Lord recommended approval of Green Construction as the low bidder for the project.

A motion was made by Council Member Buckner to accept the low bid of \$119,889.40 by Green Construction Company of Summerville for the water system improvements for Hampton and Washington Streets. Council Member Smalls seconded the motion.

In discussing the motion, Council Member Peters asked if staff initially felt that this project would cost more than the \$119,000. Mr. Lord believed the amount was around \$128,000. He explained that there was another bid associated with that which came in higher, so it will probably come out about the same total. When questioned by Council Member Peters further about the figures, City Manager Lord responded that there are several items in that capital budget. More than just the water lines were bid out in this project. There are several projects associated with the de-commissioning of the water tower, this is just one part of it.

The motion then passed with all members voting in favor.

2. Appeal of Tree Protection Committee Ruling, 105 Howell Street, Ben Mitchell

Mr. Ben Mitchell of 105 Howell Street appeared before Council to appeal a ruling by the Tree Committee denying Mr. Mitchell's request to cut down a magnolia tree in his yard. Mr. Mitchell argued that this tree is causing problems with backup in his sewer line. He told Council, it's likely that small roots from the tree are growing in the sewer line and causing the problem. He told Council that the Tree Committee told him instead of cutting the tree down to reroute his pipe. Someone from City Management came out and told him the same thing. I say this to Council, if you want to come there and reroute that pipe to save that tree you have my blessings, because I cannot afford to reroute a pipe to save a tree. In the next year or two, that tree may push this pipe out the way. So, I am here today asking you to overturn the Tree Committee's ruling and give me permission to remove this tree to have safe sanitation in my house. It is not likely that the line will stop up every day, but when it does, I have to screw the pipe off and the waste has to come in my yard. As you see in the pictures, there is a trench that I dug for that.

In further discussion, Mr. Mitchell stated that he needed to take two trees down, not one. The total price for two trees would be about \$1,000. Mr. Mitchell also pointed out that small roots have penetrated some place in the pipe.

Attorney Cone suggested that Council take the matter under advisement and he will do research with regard to rules that would allow a person to take down a tree. When questioned by Council Member Buckner for his opinion on this matter, Attorney Cone stated that he had not been involved in looking at whatever backups there have

MINUTES/Page VII

been or how often, and how often he has cleaned it out. These are questions we can ask him; if he has had a plumber, who the plumber is, how often he has come out, what he has done, and if he had the roter rutter there. All of this would give a history whether there is a problem and if it has risen to the nature right now of being an imminent danger to life or health. I mean, I don't know the answers to those questions.

City Manager Lord pointed out that the ordinance reads that the tree must pose an immediate safety hazard to nearby buildings, persons, utilities lines or traffic. Mayor Young stated that the tree is a 32 ½ inch protected Magnolia Tree. It is protected under the Tree Ordinance, and it is on a corner on Hampton Street, which is a main gateway into the city.

City Manager Lord noted that the mitigation cost on the tree would be between \$300 - \$400.

Mayor Young stated that by the time you pay to cut the tree down and you mitigate the tree, you could reroute the line, pretty close or for about the same money.

Mr. Mitchell told Council there is also a water line there on top of the sewer line. City Manager Lord stated, you should reroute that anyway. You don't want your water line and your sewer lines that close together. If you have an opportunity to reroute your sewer line away from your water line, it might be something you might want to take advantage of. Mr. Mitchell said, it sounds like the city is going to help me out with this. I've got to throw that out.

Mr. Lord told Mr. Mitchell that when our people went out there, they identified two different routes that you could go with the sewer line, because you have sewer available on both streets. Right now, it is going to Hampton Street and the Howell Street line is closer. Charlie Chewning stated, if he were to get a tap on Howell Street and go to his property line, it would be something like 20 or 25 feet. Mr. Chewning also pointed out if the tap came from Mr. Mitchell's property to Howell Street, it would be a shorter distance than from Hampton Street.

Public Works Director Charlie Chewning also reported that the City had offered to check out the sewer line using a camera to see what the problem is, but Mr. Mitchell opted to bring the matter before Council. Mr. Chewning told Mr. Mitchell, if you have a chronic problem, there has got to be something there that the flow is hanging up on creating your problem.

Mayor Young said, if the problem is something other than roots, then we would be taking the tree down unnecessarily and you'll still have a problem. The camera could tell us that. At this point, Mr. Mitchell agreed to let the City come in and use the camera to see what is causing the problem.

Mayor Young then stated, why don't we let Mr. Chewning run the camera and come back to us with some recommendations, and then we'll see what we need to do. It may be to your benefit to look at it another way rather than just cutting the tree down. We won't make a decision tonight, but we'll just take this under consideration and get some more information.

3. Request to Use Downtown Waterfall Plaza for Flag Day Ceremony - Joe Mire

Mr. Joe Mire appeared before Council and explained that the purpose of the Flag Day Ceremony is to honor our country's flag, to celebrate the anniversary of its birth

MINUTES/Page VIII

and to recall the many achievements. For the past two or three years, we have had our ceremony at the Veterans Victory House. This year, we have decided to have a public ceremony to give the community an opportunity to witness our Flag Day Ceremony. Mr. Mire requested use of the downtown plaza on Saturday, June 3, from 3:00 to 6:00 P.M. Mr. Mire invited Council and the entire community to attend this ceremony.

A motion was made by Council Member Buckner to approve the downtown plaza for the Flag Day Ceremony as requested by Mr. Joe Mire. Council Member Lucas seconded the motion that passed unanimously.

4. Request to Use City Parking Lot for Additional Day for Farmers Market by Clemson Extension

After a brief explanation from Ms. Sherry Cawley, present on behalf of Ms. Marilyn Peters of Clemson Extension, a motion was made by Council Member Lucas to approve Tuesdays as an additional day for the Farmer's Market in the City Parking Lot. The market will be held from 2:00 P.M. to 6:00 P.M. as requested. Council Member Smalls seconded the motion that passed with all members voting in favor, except Council Member Peters did not vote on the motion due to a potential conflict of interest. A copy of Mr. Peters Recusal Statement is attached as part of these minutes.

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

The Mayor then announced that the meeting would convene into an Executive Session for a discussion of a personnel matter related to Boards and Commissions appointments and for a discussion of matters relating to proposed provision of services encouraging the location or expansion of an industry or other businesses in the area.

The meeting returned to Open Session and there being no further business to consider, a motion to adjourn the meeting was made by Council Member Lucas, seconded by Council Member Peters and passed unanimously. The Mayor adjourned the meeting at 7:46 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: June 22, 2010