

Walterboro City Council  
Regular Meeting  
April 24, 2007

**MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, April 24, 2007 at 6:15 P.M., with Mayor Charles H. Sweat, Jr. presiding.

**PRESENT WERE:** Mayor Charles H. Sweat, Jr., Council Members: Charles Lucas, Bill Young, Johnnie Thompson, Ted Parker, Franklin Smalls and Mary Anne Cannady. Public Works Director Charlie Chewing on behalf of the City Manager, City Clerk Betty Hudson and City Attorney George Cone were also present. City Manager Tuck McConnell was absent.

There being a quorum present, the Mayor 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 then asked everyone to offer up a silent prayer for City Manager Tuck McConnell who is on his way to Texas to get his illness situation re-evaluated.

The Mayor announced that Public Works Director Charlie Chewing was sitting in to represent the City Manager, to help facilitate the meeting.

There were no Minutes before Council for consideration.

Under Old Business, Council considered Second Reading and Adoption of Ordinance # 2007-01, An Ordinance Authorizing the City of Walterboro to Convey its Reversionary Interest in Two (2) Parcels of Land Located on Moore Street in the City of Walterboro to Susan Street. Mayor Sweat noted that this ordinance had been postponed in order to hear from Ms. Susan Street on the progress she had made on the cleanup and maintenance of the property.

Before providing an update on the property, Ms. Susan Street asked Council if there were any questions she could answer. Council Member Lucas asked why the deed to the property was never recorded in her name until recently and why no taxes were paid on the property during the two-year period? She responded she also did not understand why the deed was not recorded in her name. She had asked her attorney, Wayne Unger, to get with the City Attorney to take care of this matter. Why this matter was not concluded, she was unaware of. When she noticed there was no tax bill for the property, she contacted her lawyer. She responded that she would be glad to pay the taxes. She apologized for this oversight on her part.

Council Member Cannady asked Ms. Street what her plans were for the property and the time frame for completion.

Ms. Street responded that when she purchased the building, she had agreed to clean up the property and secure the building. She has more than 400 hours of work invested in cleaning and securing the building. She had totally secured the property. Ms. Street told Council that when she purchased the Coastal building, she knew it would be a 3-year project. She stated she would like to complete that building before starting another building. She

stated that the building in question, is a very unique building and the only thing she can see as a use for the building is as a foundry. We could have one that could fire ceramic tile, clay and pottery, glass blowing, and pour iron for sandcasting. We could have the Colleton County rice bench with the rice and have the street lights and decorative benches. The building is ideally suited for this.

On the question of a time frame by Council Member Cannady, Ms. Street said she would not be able to start actual construction on the building for another year. However, she would be glad to do anything further in the way of cleanup that Council would want for appearances sake. She explained that she wanted to restore the beauty of the building and not tear anything down and scrap it out. She wanted to restore all the iron and metal work on the building as part of its history and then give it a new life as a foundry.

Ms. Street told Council that for the past few days, her crew has pressure washed the building and started painting. She will do some demolition on the building. She said when it is completed, this building will be beautiful like the Hubster House. It will be a lovely building and she has good tenants waiting for her to get it done. When the Coastal building is done, it will have the same wonderful appearance as the Hubster House. She will then move to the Moore Street building, but can only do one building at a time.

Ms. Street then asked for the City's assistance in debris removal. She said she understood it is her responsibility to remove the heavy construction debris, but asked for the City's cooperation in removing the initial brush debris which is stacked by the road, household debris and light construction debris.

It was Council Member Cannady's opinion that if Ms. Street is paying someone to do the cleanup work, then the debris should be hauled off by the person doing the job. Mrs. Street stated that when she was working on the Hubster House, there was a cooperative effort with the city. She took down what was a fallen down eyesore and made it beautiful.

Council Member Young then asked Mr. Charlie Chewning if the City still had trucks to park for debris removal. Mr. Chewning responded that the city did have trailers, but they were not suited for heavy loads. These trailers are no longer available. Mr. Chewning pointed out that Ms. Street's property is commercial and not residential. The City would have to pay a tipping fee to remove the debris. He pointed out that a few years ago, Council passed an ordinance stating that debris generated with heavy equipment that the city would not pick it up. Ms. Street responded that what her crew would put out on the curb for pickup would be debris that they would move by hand out to the street. She said she would be glad to pay the extra \$30 tipping fee for the landfill. Mr. Chewning reminded Ms. Street not to mix the debris for pickup and to remove all metals.

Council Member Young reminded that this matter of debris removal was not on the agenda and that it needs to be handled through the Manager's Office. He further explained that what's on the agenda tonight is the reversionary clause and what you have done to meet the restrictions on the deed and what you intend to do, so that Council can decide whether or not to remove the reversionary clause. Attorney Cone then showed Ms. Street a copy of the reversionary clause.

Ms. Street answered that it was her understanding that "progress" meant to clean the site and secure the property. She told Council whatever else you would like me to do over there, let

me know and I will do it. I just can't put in a foundry and an industrial arts complex now. I can start it next year.

Ms. Cannady asked if there was a reason why she wanted this clause removed at this time? Ms. Street stated that because of the reversionary clause on the property, she is unable to get venture capital on the property. No lender will touch it if there is a possibility that the property would revert back.

On a question by Council Member Smalls, Attorney Cone responded that the deed was signed in August 2004 and delivered to Attorney Unger's Office in November 2004, so the time on this has run out in August 2006 and at the latest November 2006.

Ms. Street asked Attorney Cone if he could recall a proposed ordinance for the depot district. She explained that she was the one who came and asked the city to designate this district as a district for industrial arts. What was required was to clear and secure the property, and this was her understanding of the agreement.

Mayor Sweat then called for a motion for Second and Final Reading of Ordinance # 2007-01. Further discussion was held on the progress made by Ms. Street in cleaning up the lot. Ms. Street said she believed she had done what she said she would do and would like to proceed with the project. Council Member Young asked Ms. Street if she were in the process of securing venture capital on the property at this time. He asked are you on a timetable that necessitates us taking action on this tonight? Ms. Street confirmed that she was in the process of securing venture capital right now, and explained that she could not take a partner in on the project with the reversionary clause remaining.

A motion was then made by Council Member Young to adopt Ordinance # 2007-01 on Second and Final Reading. Mayor Sweat seconded the motion. He then commented that he felt Ms. Street has been of help to us for a long time by taking in an area that was very blighted in our community. She has made some progress in trying to correct some of the problems in this very blighted area. Council has recognized this and tried to work with her and I think it behooves us to continuing working with her through the process, if Council is in agreement.

In discussing the motion, Council Member Lucas expressed his opposition to the motion. He said he did not feel there has been substantive progress toward what the deed says. I feel it is not fair if we do not hold her to it, as opposed to someone else who may have purchased the property, but did not because of the inability to perform the work in 2 years. It was his opinion that Council should take back the property and put it on the market without the clause.

Council Member Young then asked Attorney Cone if the City Manager felt that progress had been made on the property and recommended that Council remove the reversionary clause. Attorney Cone affirmed that this was his understanding. Mr. Cone further commented that from old correspondence, this never was included in the deed. It was proposed but was not approved by City Council. Attorney Cone then read the following "substantive progress shall mean the cleaning and the clearing of the properties of underbrush and trash, removal of debris and potential hazards, removal or repair of existing fencing and an overall improvement of the appearance of the property." He again noted that this statement

was proposed at one time, but was never approved or adopted. Further discussion was held, after which **the motion passed with a vote of 4/3 with Mayor Sweat, Council Members Smalls, Thompson and Young voting in favor of the motion and Council Members Lucas, Cannady and Parker voting against the motion.**

Next, Council reviewed a proposed lease agreement with the Colleton County Historical and Preservation Society for the Little Library located on Hampton Street. The term of the lease begins June 1, 2007 and ends May 31, 2012. A motion was made by Council Member Parker giving Second and Final Reading to Ordinance # 2007-05, An Ordinance Authorizing a Lease Agreement for the Little Library with the Colleton County Historical and Preservation Society. Council Member Thompson seconded the motion that passed unanimously.

Next on the agenda was consideration of appointments to the City's Boards and Commissions. On a motion by Council Member Lucas, seconded by Council Member Cannady, Ms. Virginia Bullard was newly appointed to the Friends of the Great Swamp Sanctuary Commission. Motion for approval was unanimous.

A motion was made by Council Member Cannady, seconded by Council Member Parker, to newly appoint Ms. Linda Gottschalk to the Historic Preservation Commission for a 2-year term. It was noted that a letter of interest had also been received from Ms. Karen Ferguson. The motion passed unanimously.

Ms. Marilyn Peters, on behalf of Clemson Extension, appeared before Council with a request to use the City Parking Lot for the Farmer's Market as they have in the past. Ms. Peters informed Council that their plans are to open the market on Thursday, May 3<sup>rd</sup>.

Ms. Peters presented a revised request for the layout of the market in the City Parking Lot. Ms. Peters stated that the change from last year to this year, is that they are requesting to use both sides of the first lane in the parking lot to concentrate more of the market at the Washington Street end of the parking lot and close it to traffic.

Council Member Cannady moved to grant permission to Clemson Extension for use of the City Parking Lot for the Farmers Market as requested. Council Member Young seconded the motion. On a question by Council Member Young, Ms. Peters responded that an ending date for the market had not yet been set. She believed the ending day would be October 15, which is the ending date for redeeming the USDA food vouchers. Council Member Cannady then amended her motion, with the approval of the second, giving permission for the Farmers Market in the City Parking Lot through October 15<sup>th</sup>. The motion passed unanimously.

Mr. Shawn Jadrnicek then appeared before Council on behalf of the Leadership Colleton Class. He informed Council that his organization had decided to scale back their project at the Water Tower. At this point, they would like to install a new table and some plants at the water tower area. This will eliminate the grading previous required. On a question by Council Member Thompson, Mr. Jadrnicek stated that this revised project would be at no cost to the City. Member Thompson commented that there are

so many areas in the city that need a park. You have Pinckney Park two or three blocks from there. He stated, I can understand the reason for historical preservation and the water tower is a historical item, but I believe your group should look around and see where a park is needed where children will be able to use it.

A motion was then made by Council Member Parker, seconded by Council Member Young, to accept the proposal by Leadership Colleton to provide a picnic table and plant flowers around the water tower. The motion passed unanimously.

Under New Business, Finance Director Jeff Lord informed Council that the city has received and reviewed 5 proposals from independent auditing firms as requested by our RFP. Of the 5 firms, 2 were selected for an interview. As a result, Mr. Lord recommended the selection of Baird & Company, CPA's LLC as the city's new auditing firm. The proposed contract amount listed for Baird & Company, CPA's, LLC was \$17,900 for 2007, \$18,400 for 2008 and \$18,900 for 2009. If required, a single audit for Federal grant funds exceeding \$500,000 per year, will cost an additional \$1,500. Mr. Lord stated that this is a one-year contract, renewable for two 1-year extensions. In addition, Mr. Lord told Council that Mr. Jim Mellon was not completely retired and had agreed to check our books at the end of the year to prepare us for the audit.

A motion was then made by Council Member Cannady to accept the auditing contract proposal by Baird & Company, CPA's, LLC as noted. Council Member Smalls seconded the motion that passed unanimously.

Next, as an add-on agenda item, Mayor Sweat introduced Ordinance # 2007-06. Mayor Sweat explained that this was an ordinance to sell 7.662 acres to an unnamed company for industrial development at the airport site as recommended by the County Development Board and the Airport Commission.

A motion was made by Council Member Cannady, seconded by Council Member Young, giving First Reading Approval to Ordinance # 2007-06, being: AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO JOIN WITH THE WALTERBORO - COLLETON COUNTY AIRPORT COMMISSION AND THE COUNTY OF COLLETON IN CONVEYING SEVEN AND SIX HUNDRED SIXTY-TWO THOUSANDS (7.662) ACRES, MORE OR LESS, OF LAND TO A KNOWN BUT UNNAMED DISTRIBUTION COMPANY. The motion passed with all members voting in favor, except that Council Member Thompson did not vote on the motion.

Next, a motion was made by Council Member Smalls, seconded by Council Member Cannady to enter an Executive Session to hear comments from Finance Director Jeff Lord on a personnel matter. The motion passed unanimously.

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 Cannady, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at approximately 7:39 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