

Walterboro City Council
Regular Meeting
February 12, 2008

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, February 12, 2008 at 6:15 P.M. with Mayor Pro-Tem Bill Young presiding.

PRESENT WERE: Mayor Pro-Tem Bill Young, Council Members: Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Mary Anne Cannady. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. Mayor Charlie Sweat was absent.

The invocation was given by Council Member Smalls, followed by the Pledge of Allegiance to our flag led by Council Member Parker.

PRESENTATIONS:

Presentation of Deed for Lemacks Street Property to Habitat for Humanity.

Mayor Pro-Tem Young stated as long as he has been on City Council, this Council has wanted to do something positive in the Lemacks Street area to help revitalize that neighborhood and return it to its residential nature. He then presented the deed to Ms. Lou Ann Adams, who was present on behalf of Habitat for Humanity. Ms. Adams then stated that the Board of Colleton County Habitat for Humanity would like to thank the City of Walterboro City Council for allowing us to be able to build and put someone in affordable housing. To update Council, she stated we do have a family that has qualified for the first house. As of now, our construction committee is meeting so we can get started on the first home. At the beginning of next month, we do hope to get started on the building. We thank you so much for allowing Habitat to come in and work with the city, so that we can build these homes, so people could have decent, affordable housing. Mrs. Adams then invited the community to come out and be a part of the build because that is one thing where everybody will benefit from. She again thanked Council for its donation of land to build affordable homes by Habitat for Humanity.

As an ad on agenda, Mayor Pro-Tem Young then recognized Police Major Ken Dasen who introduced the new police officers Chris Lovelace and Robert Cook. Officer Lovelace is from Round O, and has been in law enforcement for 7 ½ years. Officer Cook is originally from Walterboro, retired from the Army and has been in law enforcement for 3 ½ years.

Next, recently appointed Associate Municipal Judge Morrison Payne was officially sworn into office by the City Attorney George Cone. Ms. Payne thanked Council for the opportunity to serve her community. She stated, I will carry out the duties of my office to the best of my ability.

APPROVAL OF MINUTES:

The Minutes of the January 22, 2008 were approved as submitted on the motion of Council Member Cannady, seconded by Council Member Smalls, and passed unanimously. Mayor Sweat was absent and did not vote.

OLD BUSINESS:

Ordinance # 2008-02, AN ORDINANCE AMENDING "ORDINANCE 2007-05 AUTHORIZING THE LEASING OF THE 'LITTLE LIBRARY' PROPERTY ON WICHMAN

STREET IN THE CITY OF WALTERBORO TO THE COLLETON COUNTY HISTORICAL AND PRESERVATION SOCIETY," BY DELETING THEREFROM THE DRAFT LEASE AGREEMENT ATTACHED THERETO AS EXHIBIT "A" AND SUBSTITUTING THEREFOR A NEW DRAFT OF THE LEASE AGREEMENT, was given Second Reading and Adoption on the motion of Council Member Smalls, seconded by Council Member Lucas and passed unanimously. Mayor Sweat was absent and did not vote.

In discussing the ordinance, Attorney George Cone explained that the lease terms included that the City would maintain the grounds on the property, and that the Colleton County Historical and Preservation Society would carry their own liability insurance on the property. This is in keeping with current practices. Attorney Cone also pointed out a section had been added, which was left out before, which allowed the Historical Society the option to cancel the lease on 30 days notice prior to any renewal. The City, of course, has the right to terminate the lease at any time upon written notice to the Historical Society.

NEW BUSINESS:

Ordinance # 2008-03, An Ordinance Calling for a Referendum as to Changing the Election Method of the Mayor and Council Members of the City of Walterboro from the Partisan Primary Election and General Election Method to the Nonpartisan Election and Runoff Election Method as Specified by South Carolina Code, 1976, as Amended, Section 5-15-62, was given **First Reading Approval by Title Only**, on the motion of Council Member Cannady, seconded by Council Member Peters, with all Council Members voting in favor. Mayor Sweat was absent and did not vote.

In discussing the proposed ordinance, Mayor Pro-Tem Young asked the City Attorney to explain the ordinance to the public. Note: A copy of the proposed ordinances # 2008-03 and # 2008-04 were distributed to the Council Members at the meeting. Attorney Cone stated that this ordinance # 2008-03 is calling for a referendum. We are doing it by title only tonight. City Council has to set a date for the referendum. The proposed possible dates would be with the June Primary date or the November 4 General Election date. Attorney Cone reported that he had spoken with Mr. David Alford of the Election Board, who said he did not have computers to run parallel with the Primary and referendum votes, so Mr. Alford suggested the November 4 Election date. Attorney Cone explained that once Council adopts the proposed ordinances presented tonight, we will need to send them to the Justice Department for pre-clearance. He did not feel there would be a problem with the Justice Department. We would submit the ordinance calling for the referendum and the ordinance setting up the method of the election to the Justice Department prior to the referendum. After the referendum, if it passes, we would submit the ordinances again to the Justice Department for approval. If the Justice Department has no objections before the referendum, Attorney Cone felt they would not have a problem afterwards. With the November 4 date, if Council so chooses, we would have a higher turnout of voters.

Concluding Attorney Cone told Council, sometime between now and second reading of the ordinances, you will have to determine the date on which you want to hold the referendum. The first ordinance calls for a referendum of the citizens of Walterboro to see if they approve the change to a nonpartisan election and runoff method. The second ordinance to be discussed tonight sets up how that election will be conducted. Both of these will require pre-clearance by the Justice Department.

A brief discussion was held on the pros of submitting the ordinances to the Justice Department before and after the referendum. Attorney Cone explained that if the referendum is held on the November 4 date - this date does run into the Partisan Primary procedure, because we would not know until sometime in January (after the Partisan Primary signup) whether or not the Justice Department has approved it. We ran into this problem in 1979, when the Justice Department disapproved it like a day or two before the election. The Justice Department has 60 days to respond after the ordinances are submitted.

Council Member Smalls then asked if the passage of the referendum by the citizens would influence or strengthen the Justice Department's decision to pass it. Attorney Cone responded that we will submit it both times to the Justice Department. That will have some influence on the Justice Department, and even knowing that we have submitted this to the voters and the voters will have a chance and if you do November 4, they'll know we aren't trying to sneak it by on some other time, and that you'll a maximum voter turnout.

Council Member Peters then asked if the referendum could be held on the Primary Election date using paper ballots. Attorney Cone affirmed this could be done, the decision is up to Council. Council Member Cannady felt it would be better to hold the referendum using machines instead of paper ballots and that the November 4 date would be a better date for a higher voter turnout. It was then agreed by Council to advertise for a public hearing to be held on the proposed ordinances.

ORDINANCE # 2008-04, An Ordinance Amending Chapter 2, Article IV of the Walterboro City Code of 2002, as Amended, to Change the Election Method of the Mayor and Council Members of the City of Walterboro from the Partisan Primary Election and General Election Method to the Nonpartisan Election and Runoff Election Method as Specified by South Carolina Code, 1976, as Amended, Section 5-15-62, was given **First Reading Approval by Title Only**, upon motion of Council Member Cannady, seconded by Council Member Parker. All Council Members voted in favor of the motion, except that Mayor Sweat was absent and did not vote.

Attorney Cone explained that this ordinance says 'upon passage of the referendum,' this is what will take effect. So, the voters will know at the time of the referendum exactly what's going to happen if they vote for it.

Attorney Cone then made the following disclosure to Council. He stated, on the Little Library, I sometimes represent the Colleton County Historical and Preservation Society. They did not ask me for any input on this lease and I haven't given them any input.

Funding Request by Colleton Improvement Collaborative

Ms. A. Gail Farrior, Executive Director of the Colleton Improvement Collaborative appeared before Council with a funding request. Ms. Farrior recognized four of her board members who were also present at the meeting: Ms. Lynette Fryar, Ms. Jo Anne Boone, Mr. Anderson Grant, and Ms. Pat Grant.

Ms. Farrior gave the following information to Council:

- 1) Prior to her joining the organization on September 17, 2007, they were operating out of a Duke Endowment Grant received for training. There were

119 persons trained in CNA training. Out of the 119 trainees, 112 persons graduated. In addition, out of the 68 individuals who tried for their GED training, 13 successfully completed the training for their GED. Even though not everyone completed their GED, we had a number of individuals who increased their grade levels.

- 2) In the later part of 2006, there was a focus change by the Duke Endowment Organization. They switched from training individuals in CNA training to Entrepreneur training which focused on how to own your own business. Individuals interested in starting their own business would come into class and get foundation training. A lot of the advertising was done word of mouth and leaf flyers.
- 3) The Duke Endowment grant ran out in September 2007, at which time, we started operating out of the USDA Rural Development grant. At that time I started to solicit individuals to participate in the real program. We had 16 participants, and 10 completed the training who are in the process of planning to open their businesses. Some of the businesses we anticipate coming out of this are an auction house, a home-based business for bookkeeping, two people who will start consultant businesses and one person wanting to start a photography business. In Smoaks, SC, an individual is planning to start a camping site business and we are very optimistic about this and we are working with the small business center out of South Carolina State to make this happen.

Ms. Farrior further stated that the reason I came before you, my grant funding from USDA is very specific. I can use the money to pay an instructor to teach the class. I cannot use that money to enhance materials or visual aids. For my real class coming up next week, that class has 22 individuals registered. I think it is because of getting the name out, getting it into the newspaper which has enhanced the participation. In addition, we would like to purchase a visual aid so that we have more visuals for the class. I would like to offer additional training to the individuals because not everyone needs the foundational things for starting a business. We want to be able to support the organization with marketing and advertising. Ms. Farrior told Council that she would also like to be able to take a course called "Train the Trainer" Program. By taking this class, she will be able to bring that program to our community and then she can teach it. That's one of the things your funding will allow me to be able to do, she stated.

Ms. Farrior then asked Council to consider approving a funding request of \$5,000 a year for 3 years to the Colleton Improvement Collaborative. Ms. Farrior added, when we seek grant funding, they look for private relations and partnerships with our local municipalities. Please take that into consideration when you look at us for funding. We have applied for a competitive grant to offer trades training to individuals here, and we are very optimistic about this. This is a grant for \$77,000.

Ms. Farrior also told Council that her organization is sponsoring a Money Smart Program, which is an FDIC program which gives you the different aspects of banking. In addition, she is working with the Chamber of Commerce to get out information on the

"Small Business Administration Express Loan Program." This is available to startup businesses, as well as existing businesses.

Concluding the discussion, Mayor Pro-Tem Young stated that Council will take this matter under consideration.

Consideration of Appointments to City Boards and Commissions

Next, Council considered its appointments to the vacancies on the 2008 City Boards and Commission. The following appointments were made by Council.

Accommodations Tax Board:

Leon Langley was reappointed for a 3-year term.

Motion was made by Council Member Peters, seconded by Council Member Lucas and passed unanimously.

Board of Zoning Appeals:

Thomas McDaniel and Paul Hinson were reappointed for another 3-year term.

Motion was made by Council Member Peters, seconded by Council Member Cannady and passed unanimously.

Election Commission:

Mary Jones was reappointed for another 6-year term.

Motion was made by Council Member Peters, seconded by Council Member Lucas and passed unanimously.

Great Swamp Sanctuary Commission:

Campbell Henderson, Bobby Harrell, Roger Crook, Barnwell Fishburne and Rudy Mancke were reappointed for another 4-year term.

Motion was made by Council Member Lucas, seconded by Council Member Cannady and passed unanimously.

Historic Preservation Commission:

Sherry Cawley was reappointed for another 2-year term.

Motion was made by Council Member Peters, seconded by Council Member Cannady and passed unanimously.

Municipal Planning Commission:

Bob Smith was reappointed for a 4-year term.

Motion was made by Council Member Lucas, seconded by Council Member Smalls and passed unanimously.

Tree Protection Committee:

Carroll Brown, III, Jimmy Powers and Dr. Martha McKevelin were reappointed for another 2-year term.

Motion was made by Council Member Parker, seconded by Council Member Cannady and passed unanimously.

Mayor Sweat was absent and did not vote on the above appointments.

City Manager Lord stated that staff would re-advertise to fill the vacancies on the Boards and Commissions.

Revised City of Walterboro Vision Statement

A motion was made by Council Member Parker, seconded by Council Member Peters to adopt the revised City of Walterboro Vision Statement as submitted. The motion passed with all members voting in favor. Mayor Sweat was absent and did not vote.

2008-2009 Budget Calendar

A motion was made by Council Member Peters, seconded by Council Member Lucas to accept the 2008-2009 Budget Calendar as presented. The motion passed unanimously, except Mayor Sweat was absent and did not vote.

Bids Received for WWTP Influent Screen Improvements

This agenda item was introduced by Utilities Director Wayne Crosby. The tabulation of bids received for this project were:

	Alternate <u>Proposal A</u>	Alternate <u>Proposal B</u>
Town & Country Construction Greenwood, SC	\$286,000.00	\$267,000.00
Seaside Utilities, Inc. Moncks Corner, SC.	\$344,000.00	\$344,000.00
M.B. Kahn Construction Co., Inc. Columbia, SC	\$348,125.00	\$330,750.00

Utilities Director Crosby reported that the bids were accepted on the 24th of last month. The bids came in a little less than expected - it took two alternate bids. With the advice of B. P. Barber and Associates, Mr. Crosby recommended that Council consider approval of Alternate Bid A from Town and Country Construction in the amount of \$286,000.00. Mr. Crosby stated there were several reasons that they would pick the Alternate A bid. It is more expensive than the Alternate B bid, but there are a lot fewer alterations to the existing chamber going with the Alternate A bid.

A motion was then made by Council Member Cannady to accept the bid from Town and Country Construction, Greenwood, SC, in the amount of \$286,000.00 for the WWTP Influent Screen Improvements. Council Member Parker seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote on the motion.

Rescheduling of March 11, 2008 Meeting

A motion was made by Council Member Cannady to cancel the March 11, 2008 Meeting. This was due to the fact that Council will attend the National League of Cities Meeting in Washington, DC on March 8-12, 2008. Council Member Parker seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote.

A motion to enter Executive Session was then made by Council Member Lucas seconded by Council Member Smalls. The motion passed unanimously. Mayor Pro-Tem Young then announced that Council will convene into an executive session for a personal matter related to an appointment, a personnel matter related to employment and for a discussion of negotiations incident to proposed contractual arrangements.

The meeting returned to Open Session, and there being no further business to consider a motion to adjourn was made by Council Member Cannady, seconded by Council Member Parker and passed unanimously. The Mayor Pro-Tem adjourned the meeting at 7:35 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: February 26, 2008