

Walterboro City Council
Regular Meeting
July 28, 2009

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, July 28, 2009 at 6:15 P.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: 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. Council Member Dwayne Buckner was absent. Approximately 21 persons were in attendance at the meeting.

There being a quorum present, Mayor Young called the meeting to order and called on Council Member Smalls to give the invocation and Council Member Lohr to lead the Pledge of Allegiance to our flag.

Mayor Young then welcomed everyone to the meeting and announced that Council Member Buckner was out of town in Columbia taking the bar exam and would be unable to attend the meeting tonight. Mayor Young also welcomed former Mayor Charlie Sweat, also in attendance at the meeting.

The Mayor then changed the wording for agenda item No. 1 under New Business to read as follows: "1. Nomination and Election of Mayor Pro-Tem." There were no objections from Council on this change.

Before beginning the meeting, Mayor Young announced that he would be doing something different. He asked the public to look over the agenda to see if there were any questions or concerns on agenda items. He then opened the floor to receive public comments or questions on the agenda. No questions or comments were made.

Projects Update - City Manager Jeff Lord

City Manager Jeff Lord gave a PowerPoint presentation on the status of city projects. The following highlights were given:

- 1) **Hiring a code enforcement officer** - That item was budgeted and that position has been hired. This person will start August 17th. So this item has been accomplished.
- 2) **Research and recommend Building Inspection software upgrades**. Staff has not begun this process yet. Once everyone is on board, we will start taking a look at our software alternatives.
- 3) **Staff to research a comprehensive wiring program** - Staff has completed some research. We have spoken to other municipalities on this, met with SCE&G and requested a plan for underground wiring which will begin in the historic district.
- 4) **Staff to include a new Economic Development function in the budget**. This item is in the budget. That person has been hired and will also start on August 17th.
- 5) **Staff to commission a retail market study** - This study has been completed and is under review by the city.
- 6) **Exit 53 and 57 Adopt-n-Interchange Grant/Landscape Improvements**: The bids for this project are complete and are to be considered on the agenda for

tonight. Right now, you will consider the low bidders and this project also will need approval from SC DOT. So, they also have to give concurrent approval with Council. Also, staff received the last permit in on this project today.

- 7) **Secure a complete design that is compatible with the current landscaping for the I-95 Loop Project:** Mr. Lord reported that staff issued a Request for Qualifications and received 17 submittals. Staff narrowed it down to 3 candidates and conducted its first interview this morning. The interviews for those 3 firms will be completed and a recommendation will be made at the next Council Meeting.
- 8) **Cleaning up parks to include landscaping and graffiti removal.** Mr. Lord reported that the Parks Department has completed an initial clean up and removed about 75% of the graffiti.
- 9) **Updating and replacing the signage in the parks.** This item is in the budget. We are waiting to complete the matter with the County before we actually purchase the signs.
- 10) **Park equipment and amenities to be evaluated and upgraded as the budget allows:** Mr. Lord explained there is some money in the budget for this, but not near enough as we will eventually need to do. We will clean what we have, evaluate it and present that to you.
- 11) **Rehabilitating Ireland Creek:** Right now, Charlie Chewning is working with the Corps of Engineers to obtain funding for restoration. What we have asked them to do; since they have new money is to reopen the grant that they offered us around 2000. We had to cancel that grant, because they lost their funding because of the wars. We are asking them to review that again and let us know.
- 12) **Great Swamp Sanctuary Invasive Species Rehabilitation:** Approval for a grant to clean-up areas heavily impacted by invasive plant species to prevent further damage to the habitat is on tonight's agenda. The grant amount the City has received for this project is \$18,900.
- 13) **Discovery Center** (in the Great Swamp Sanctuary). Design documents are complete and all necessary permits acquired. Once funding is secured, construction can begin.
- 14) **Re-establish the North Lemacks Street Revitalization Committee.** This item has been completed. The committee has met 3 times. Bill Floyd has been working with this committee. Staff is in the process of securing CDBG grants for neighborhood revitalization and is currently preparing an application for the fall round. It may be the next fall round before we are actually able to apply, but we are trying to get prepared for this fall round.
- 15) **Installation of security cameras in the Great Swamp Sanctuary:** Mr. Lord reported that the cameras are in the budget, the Police Chief has identified the camera system and staff is currently working with SCE&G to get the electrical access points in the park.
- 16) **Bells Highway Pump Station Upgrade to be designed:** This project has been designed and staff applied for funding under the Economic Recovery Act of 2009. This item is on the agenda tonight.
- 17) **Study the Wastewater Treatment Capacity Improvements:** The initial part of this study has been completed and a technical memo on our capacity needs has been received from the engineers and is under review by the city.
- 18) **Staff to seek funding for Phase II of the Sewer System Rehabilitation Project:** This is tied in with the Bells Highway Pump Station Upgrade and both are in that funding for First Reading Approval under Ordinance # 2009-07, which is on tonight's agenda.
- 19) **Seek grant funding for remaining small looping projects: for ISO Class 3 fire rating:** The Rivers Street Looping Project - an 8 inch line - is out to bid. Henderson

Street Project - out to bid. Hampton Street - still seeking funding and Witsell Street Project - Acceptance of CDBG funding on agenda tonight. Downtown Water Tank - Staff had to assess its longevity and has determined that it will be too expensive to rehabilitate. Staff is reviewing other system improvements to replace the tank. We are trying not to build another standpipe in the downtown area.

- 20) **Hiers Corner Waterline Looping Project.** This project is currently under construction. Samples have passed and we are waiting on the permit to operate. Once we get the permit, that project will be complete.
- 21) **Highway 63 and I-95 Pump Stations:** Both of these are currently under construction.
- 22) **Wastewater Treatment Plant Upgrades** - This is currently under design with our engineers.
- 23) **Present 75' Ladder Truck in the Budget** - Unfortunately, we were unable to put this in this budget, until we have finished our looping projects. This will not affect our ISO rating. We do have a year or two before this becomes a real concern. We can address that in future budgets.
- 24) **Community Outreach Program through the Public Safety Department:** This has been implemented. Our officers are currently doing this everyday, making community contacts, going door-to-door and following up with those contacts. This has been a successful program. Mr. Lord stated this is one of the best things we have done, it was just a programming change at no cost.
- 25) **Staff to commission a study of the sustainability of the downtown trees and landscaping:** Once again the RFO's went out on this project and we received 15 submittals. We are currently doing interviews and expect to finish this week. We will have a recommendation for you at the next Council Meeting.
- 26) **Expansion of the white lights in the Central Business District:** This is in the budget.
- 27) **Staff to pursue curbside recycling** - Staff has had several encouraging conversations with County staff to pursue this jointly.
- 28) **Staff to seek funding in cooperation with SCDOT to rehabilitate existing sidewalks and identify possible locations for new sidewalks:** Funding applied for under CDBG and denied, currently seeking other funding.

In conclusion, Mr. Lord complimented staff for their work on the various projects. He said, I am very proud to say the past months have been very productive.

APPROVAL OF MINUTES:

The Minutes of the June 23, 2009 Regular Meeting were approved as submitted on the motion of Council Member Parker, seconded by Council Member Smalls and passed unanimously.

NEW BUSINESS:

Nomination and Election of Mayor Pro-Tem

The Mayor opened the floor for nominations for Mayor Pro-Tem. Council Member Parker nominated Council Member Franklin Smalls for Mayor Pro-Tem. Council Member Lucas seconded the motion. The nomination was closed and Council Member Smalls was appointed Mayor Pro-Tem for a 2-year term.

Council Committee Appointments by the Mayor

Mayor Young then made the following Council Internal/External Committee appointments:

Airport & Finance - Ted Parker - Chairman, and Franklin Smalls (The Mayor serves on the Airport Commission by statute).

A motion was made by Council Member Parker, seconded by Council Member Peters to appoint Council Member Franklin Smalls to the Airport & Finance Committee. The motion passed unanimously. Mayor Young noted that the Airport Commission statute requires a motion to elect Councilman Smalls to the Airport Commission.

Budget - Charles Lucas - Chairman, Bill Young and Randy Peters.

Firemen Insurance Fund Board of Trustees - Tom Lohr

Great Swamp Sanctuary Commission - Ted Parker

LCOG - Bill Young

Joint Railroad Right-of-Way Committee - Charles Lucas and Randy Peters.

Economic Development Commission - Randy Peters

City Appearance Board - Dwayne Buckner

North Lemacks St. Revitalization Committee - Franklin Smalls

Ordinance # 2009-07, was given **First Reading Approval** on the motion of Council Member Peters, seconded by Council Member Lucas and passed unanimously, being: A Series Ordinance Approving the Financing of the Costs of Improvements and Related Construction and Equipping of the Wastewater System and Upgrades to the Pump Station of the City of Walterboro, South Carolina, Through the Borrowing of Not Exceeding Three Million One Hundred Sixteen Thousand Five Hundred Eighty Eight Dollars (\$3,116,588), plus Capitalized Interest, If Any, from the State Water Pollution Control Revolving Fund, by Agreement with the South Carolina Water Quality Revolving Fund Authority, Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Providing for the Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement Between the City of Walterboro, South Carolina, and the South Carolina Water Quality Revolving Fund Authority, the Execution and Delivery of a Promissory Note from the City of Walterboro, South Carolina, to the South Carolina Water Quality Revolving Fund Authority; and Other Matters Relating Thereto.

In discussing the motion, City Attorney Cone stated, while I have reviewed a number of drafts of this ordinance with bond counsel, I have not had time to compare the one they sent with the books with the latest draft, so there might be some additions or corrections to the ordinance before second reading, but I think it is substantially the one that is the last draft. Mayor Young agreed that changes could be made before Second Reading of the Ordinance.

City Manager Lord introduced the ordinance and gave the following highlights:

1) This ordinance is to secure a loan for phase 2 of the sewer line rehabilitation. Phase 1 was completed six or eight years ago.

2) This is basically going through, running a TV through the line, identifying the repairs that need to be made, and then placing an interior line in the system which is basically putting a pipe inside a pipe which will reduce the inflow and infiltration. That will help us also with our capacity at our Wastewater Treatment Plant.

3) The second part of this is to upgrade the Bells Highway Pump Station. This is the pump station that receives sewage from the Exit 57 business area.

4) The funding from this comes through the Recovery Act, and so the borrowing here is at a reduced interest rate of 1.86 percent. So this is a really good borrowing rate. The expected debt service on this loan will be about \$180,000 annually.

Ms. Margaret McGee, present on behalf of our bond attorney, Pope Zeigler, LLC, told Council this is a loan from the State Water Quality Revolving Fund Authority. The Authority requires the City to set aside a debt service line item which will be funded with revenues from the system - a debt reserve fund. The City will be required to put one year's worth of payments into a Restricted Account. This will be about \$184,000 - \$185,000. The only money due at closing is a closing fee in the amount of just over \$7,000. Then, the loan will be handled on a drawn basis. You just go to the Revolving Fund Authority and they will reimburse you. Your first payment is not due until January 1, 2010.

Resolution # 2009-R-09 Statewide Mutual Aid Agreement for Catastrophic Disaster Response and Recovery

A motion was made by Council Member Lucas, seconded by Council Member Parker to approve Resolution # 2009-R-09, a Resolution Authorizing the Mayor to Execute a Statewide Mutual Aid Agreement for Catastrophic Disaster Response and Recovery with the South Carolina Emergency Preparedness Division, Office of the Adjutant General. The motion passed with all members voting in favor. A copy of said resolution is attached as part of these minutes.

CDBG Grant Agreement and Acceptance of Grant Award for Lincoln Apartments Water Extension Project

City Manager Lord announced that the project is called the "Witsell Street Loop" Project, as well as the Lincoln Apartments Project, and this is the same CDBG funding. Utilities Director Wayne Crosby stated that this project is approximately 1500 feet of 6" water line that will connect the two dead end lines in front of the Lincoln Street Apartments to provide increased fire protection for Lincoln Street Apartments. The City was awarded a \$206,000 grant through CDBG Grant Funds. There is a 20% match obligation by the City, which will be used toward engineering. Mr. Crosby announced that engineering on this project is now complete. The plans are in review by DHEC. It has already been advertised and we will accept bids in 30 days.

A motion was then made by Council Member Peters to approve the CDBG Grant Agreement in the amount of \$206,000 and provide a 20% match for the Lincoln Apartment Water Extension Project. Council Member Smalls, seconded the motion that passed unanimously.

Approval of U.S. Fish and Wildlife Service Grant in the Amount of \$18,900 to Remove Invasive Plant Species in the Great Swamp Sanctuary

City Manager Lord told Council that this grant is being awarded to the city to remove the invasive species and wisteria which has suddenly impacted the trail in the Great Swamp Sanctuary from Washington Street back towards DeTreville Street. This is close to the residential area. Those invasive species have taken over the natural habitat. This grant will help to pay for the restoration of that area. This is a 3 year program, where they will go through using selected herbicides, cutting and removing these species. This will help us remove those species before they spread to the rest of the Sanctuary.

Council Member Lucas MOVED to approve the U.S. Fish and Wildlife Service Grant Agreement in the amount of \$18,900. Council Member Smalls seconded the motion. In discussing the motion, City Manager Lord announced that there was a 50% match on this grant. This funding can come from four sources: the general fund, accommodations tax fund, hospitality tax or the Great Swamp Reserve Fund. Mayor Young and the City Manager agreed that it would be best for the match funds to come from the general fund. With the approval of the first and second, the motion was amended upon motion of Council Member Smalls, seconded by Council Member Parker as follows: to approve the U.S. Fish and Wildlife Service Grant Agreement in the amount of \$18,900 and to provide a 50% match from the City's General Fund. The motion then passed with all members voting in favor.

Agreement with South Carolina Electric & Gas (SCE&G) Regarding Tree Trimming Operations in the City Limits

To provide a brief summary of the agreement, Mayor Young read aloud the following responsibilities of SCE&G as outlined in the agreement:

- a) SCE&G shall review all citizens complaints regarding its tree-trimming, cutting or clearing (collectively "Trimming") operations conducted since 7/1/08 and completed as of 7/21/09 with a certified arborist to determine whether such trimming is proper and in accordance with all applicable standards and to direct any corrective action that may be appropriate under the circumstances.
- b) SCE&G shall provide a staff person to serve as an ex-officio member of the City Tree Committee or as a member of the City Tree Committee.
- c) SCE&G shall meet with the Tree Committee at least twice per year to present its trimming plan, to evaluate progress, and to discuss issues relating to trimming.
- d) SCE&G shall ensure that a certified arborist oversees trimming operations.
- e) Prior to any trimming of "grand" trees, as defined in the City's Tree Protection Ordinance or otherwise reasonably identified by the Tree Committee, SCE&G shall utilize a certified arborist to direct such trimming. Prior to trimming of any "grand" trees within the historic district of the City, SCE&G shall contact an outside certified arborist to direct such trimming.
- f) SCE&G and the City shall develop a phased plan for under grounding electric lines, beginning with the historic district of the City, as outlined in our Franchise Agreement in the Nonstandard Service Fund section, which will outline projected costs and prioritize sections of the City.
- g) SCE&G shall ensure that trimming debris (unless well chipped and shredded) is cleared and picked up within one week of trimming.
- h) SCE&G shall notify the City of the starting date and proposed area of operations prior to commencement.

The City's responsibilities are:

- a) The City shall document all citizen complaints regarding trimming and ensure that they are provided to SCE&G within a timely manner.
- b) The City shall appoint an SCE&G employee, selected by SCE&G, to serve on the City's Tree Protection Committee or as an ex-officio member of the committee.

A motion was made by Council Member Lucas, seconded by Council Member Smalls to approve the tree trimming agreement with SCE&G as submitted.

In discussing the motion, Council Member Peters asked if the Tree Committee is on board with this agreement. City Manager Lord reported that the Tree Committee had a forum for discussion and this agreement came from that discussion. He told Council the Tree Committee has not reviewed this agreement, but all the items brought up in that forum are listed in the agreement.

Mayor Young suggested that the agreement contain at least a two weeks' notice before tree trimming operations begin, rather than just saying "notice". Mr. Clarence Wright, SCE&G Lowcountry District Manager, also present at the meeting, agreed this would not propose a problem, however in some cases where there are storms; there may not be an opportunity for a two weeks notice. Attorney Cone then suggested the following wording: "will give a two weeks notice except in an emergency situation". Mayor Young and Mr. Wright agreed that this wording would work.

Council Member Peters and Smalls agreed it would be best to have the Tree Committee look at this agreement before approval by Council. City Manager Lord noted that this would then push approval to the next Council Meeting in 2 weeks.

No vote was taken on the motion to approve the agreement. A new motion was made by Council Member Parker to Table this agenda item until such time that the Tree Committee reviews it against any changes and at which time, it will automatically be replaced on the agenda for consideration by City Council. Council Member Lucas seconded the motion that passed unanimously.

Consideration of Bids Received for the I-95 Landscape Improvement Project

Next, Council reviewed a slate of bids received for the I-95 Landscape Improvement Project. In summarizing the bids, City Manager Lord reported that the City received bids for landscape improvement for both interchanges independently. The low bidder for Exit 53 (Sniders Highway) was the Greenery, Inc. at \$164,736.70. The low bidder for Exit 57 (Bells Highway) was Palmetto Coastal Landscaping and Hardscapes, Inc. at \$213,008.35. Mr. Lord reported that both low bidders have been researched by our engineering firm and they do recommend approval. Also, both bids are substantially less than the grant amount the city is receiving from SCDOT.

A motion was made by Council Member Peters to accept the two low bids as submitted for the I-95 Landscape Improvement Project. Council Member Smalls seconded the motion.

In discussing the motion, Council Member Lucas pointed out that there is a small difference between the two low bidders for the Exit 57 landscape project. He asked what would be the advantage of using the same bidder for both projects. City Manager Lord pointed out that by having two firms working at the same time, the project would be

completed faster, because they will have more resources. The other concern is that this has to be approved by DOT, because this is federal funding. Mr. Lord stated that SCDOT is reviewing these bids concurrently with Council. So, any change from the recommendation would require their approval, and that would be contrary to purchasing guidelines.

Council Member Peters raised concern on why the local vendor's bid on this project resulted in an "error". What was the reasoning on this? City Manager Lord pointed out that this vendor added a line item that was not part of the bid. The unit price says \$500. He had the total, but it was supposed to be a unit price. Both changes would have increased his bid, so he would not have been more competitive. Council Member Lucas then asked, when someone makes a mistake like that, do you always send the bid back to them? City Manager Lord responded that the bid is then considered "non responsive", and is not considered.

The motion then passed unanimously.

Bids Received to Purchase New Vehicle for Planning and Codes Department

Planning Director David Dodd reported that the Planning and Codes Department accepted bids to purchase an intermediate 4 door SUV truck. The bids received were as follows:

State Contract Chevrolet Trailblazer \$18,460 (**No longer available**)
Walterboro Motor Sales 2010 Ford Explorer \$19,245
State Contract Dodge Durango \$19,301
Rizer Chevrolet 2009 Chevrolet Trailblazer \$24,000

Mr. Dodd recommended the acceptance of the low bid of \$19,245 from Walterboro Motor Sales. Council Member Parker MOVED to accept the low bid \$19,245 from Walterboro Motor Sales. Council Member Smalls seconded the motion that passed unanimously.

Resignation of Susan McCunn from City Appearance Board and Tom Lohr from Recreation Commission

A motion was made by Council Member Lucas to accept the resignations of Susan McCunn from the City Appearance Board and Tom Lohr from the Recreation Commission with regret. Council Member Peters seconded the motion that passed with a vote of 5/0 with Mayor Young, Council Members Lucas, Smalls, Peters and Parker voting in favor. Council Member Lohr did not vote on the motion.

Various Requests Approved:

1) Council reviewed a request submitted by Mr. Ralph Polite, President and on behalf of the National Association of Insurance and Financial Advisors (NAIFA) Walterboro, to hang a banner across Jefferies Boulevard on September 14-18, 2009 announcing Life Insurance Awareness Month.

Mayor Young noted that the City was also in receipt of a request from SCE&G asking that banners meet certain guidelines before being hung on Jefferies Blvd. SCE&G requested that:

- All banners be mesh type fabric only.
- Height not to exceed 4' and length not to exceed 50'.
- Attachments to be every 16" on the top and the bottom of the banner.

This is needed to keep the banner from damaging their electrical equipment.

A motion was made by Council Member Smalls to approve the request to hang the banner as long as it meets the requirements of SCE&G. Council Member Peters seconded the motion. The motion passed unanimously.

2) A request to use the downtown waterfall plaza for a community outreach program on Saturday, August 22, by Pastor Mary Memminger, was approved on the motion of Council Member Lucas, seconded by Council Member Smalls and passed with all members voting in favor. Ms. Roxie Mack was present on behalf of the More than Conqueror International Ministries.

3) A request to use City property on Black Street for a Street Service on August 15, 2009 from Evangelist Irene Portee of the Summerville Miracle Revival Center was approved on the motion of Council Member Lucas, seconded by Council Member Smalls and passed unanimously. On a question raised by Council Member Lucas, City Manager Lord responded that this event would not block off the streets. It will be located on property that the city owns on Black Street (behind the old hospital).

A motion was then made by Council Member Lucas to enter an executive session for a discussion of negotiations incident to proposed contractual arrangements. Council Member Smalls seconded the motion that passed unanimously. The meeting then entered into an Executive Session.

The Meeting returned to Open Session, and Council Member Parker made a motion to approve the funding of the Shop Local Campaign - "Keep your Bucks in the Boro" in the amount of \$20,000 and the funding to come from the general fund and go to the Shop Local Campaign. Council Member Lohr seconded the motion. The motion passed with all members in favor.

There being no further business to consider, a motion to adjourn was made by Council Member Peters, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at approximately 7:40 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 11, 2009