

Walterboro City Council

City Hall

October 3, 2023

Minutes

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, October 3, 2023, at 6:15 P.M., with Mayor Bill Young presiding.

Present: Joined in the meeting were: Mayor Bill Young. Councilmembers: Carl Brown, Judy Bridge, Paul Siegel, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Ryan McLeod, City Clerk Adrienne Nettles, Finance Director Amy Risher, Utilities Director Wayne Crosby, Deputy Police Chief Kevin Martin, and Bond Counsel Lawrence Flynn (Pope Flynn, LLC).

Call to Order:

With the above-mentioned Councilmembers present, Mayor Young called the meeting to order, and invited everyone to join in as he gave the invocation. Councilmember Pryor led the Pledge of Allegiance to our flag.

Public Input on Agenda Items:

Mr. Stewart McAdoo stated I come here as a citizen of the community of Walterboro. I am not sure if this is the proper forum, but I was told to come here to express my concerns. I live on Carn Street and the traffic that goes down that road can be dangerous at times. I am not sure if we can do anything about the speeding issues. The through light is always green and I am not sure if we can turn that red.

Mayor Young stated normally we limit comments to those items that are on the agenda. We will welcome your comments, and we will talk with the City Manager and Chief of Police about looking into that situation.

Public Hearing:

1. **Ordinance # 2023-11,** AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF WALTERBORO, SOUTH CAROLINA, TO PROVIDE FOR CHANGES IN THE ZONING DISTRICTS OF THE CITY OF WALTERBORO BY CHANGING THE ZONING CLASSIFICATION OF ONE PARCEL OF LAND DESIGNATED AS TMS # 163-15-00-062 FROM INDUSTRIAL DISTRICT (ID) TO MEDIUM DENSITY RESIDENTIAL (MDR) (Second and Final Reading).

City Manager Jeff Molinari stated Mr. Mayor and members of City Council you have in your agenda packet an ordinance and map requesting a rezoning of a parcel on Sanders Street from Industrial District to Medium Density Residential. This application was reviewed by the Planning Commission on August 15, 2023, and they unanimously recommended changing the zoning from Industrial District to Medium Density Residential.

2. **Ordinance # 2023-12,** AN ORDINANCE PURSUANT TO TITLE 5, CHAPTER 3, SECTION 5-3-150, SUBSECTION 3, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO ANNEX AN AREA, KNOWN AS TMS # 147-15-00-009 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION (Second and Final Reading).

City Manager Jeff Molinari stated Mr. Mayor and members of City of Council you have in your agenda packet an ordinance as well as an annexation petition and map. This is the Genesis Health Care property. I will point out that between 1st reading and Public Hearing, the Planning Commission met on September 26, 2023. They conducted a public hearing and unanimously recommended a zoning classification of Highway Commercial District for that parcel which is consistent with the zoning of the surrounding parcels.

Old Business:

1. **Ordinance # 2023-11**, AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF WALTERBORO, SOUTH CAROLINA, TO PROVIDE FOR CHANGES IN THE ZONING DISTRICTS OF THE CITY OF WALTERBORO BY CHANGING THE ZONING CLASSIFICATION OF ONE PARCEL OF LAND DESIGNATED AS TMS # 163-15-00-062 FROM INDUSTRIAL DISTRICT (ID) TO MEDIUM DENSITY RESIDENTIAL (MDR) (Second and Final Reading).

Motion: Councilmember Broderick; Seconded by Councilmember Brown

Discussion: None

Carried: All ayes

2. **Ordinance # 2023-12**, AN ORDINANCE PURSUANT TO TITLE 5, CHAPTER 3, SECTION 5-3-150, SUBSECTION 3, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO ANNEX AN AREA, KNOWN AS TMS # 147-15-00-009 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION (Second and Final Reading).

Motion: Councilmember Siegel; Seconded by Councilmember Bridge

Discussion: None

Carried: All ayes

New Business:

1. **Ordinance # 2023-13**, AN ORDINANCE OF THE CITY OF WALTERBORO, SOUTH CAROLINA IMPOSING WATER AND SEWER CAPACITY FEES, AUTHORIZING POLICIES ASSOCIATED THEREWITH, AND AMENDING THE CITY'S FISCAL YEAR 2023-2024 BUDGET FOR THE WATER AND SEWER SYSTEM; AND OTHER MATTERS RELATED THERETO (Introduction and First Reading).

City Manager Jeff Molinari stated Mr. Mayor and members of City Council, you have in your agenda packet an ordinance and report from Willdan Financial Services to put into place a water and sewer capacity fee. As Council recalls we had a work session on August 17, 2023, where Willdan went through the mechanics of those proposed fees. We have our Bond Counsel, Lawrence Flynn here tonight, who is going to walk through that ordinance with you.

Lawrence Flynn stated the reason Jeff called me in on this is because we have done several capacity fee arrangements. The approval of the ordinance matches up with the report done by Willdan. State law says that municipal governments are authorized to enact impact fees. There is a stand-alone statute that governs development impact fees for service. There is an express exemption in the Development Impact Fee statute that exempts water and sewer impact fees from that authorization, so long as you have a qualified Capital Improvement Plan and report prepared by a qualified rate consultant. This is required to be done by ordinance and you must hold a public hearing. We went through the process, and the report lays out the

rational justification for implementing capacity fees. They are referred to as impact fees or capacity fees or development impact fees. The reason for this is because the city is going through the process of doing some expansion of their existing sewer treatment plant. You received a fair amount of grant money for that authorization. You also have realized that it is expensive to add utility capacity.

The thing a lot of people have started to realize is that the secret is out, and a lot of people are starting to move to South Carolina. Your ancestral rate payers who have built the system and who have historically spent the money to put the lines in the ground and build the existing treatment that you have in place now have built this over several generations. So, the idea of someone new coming into the community and receiving the benefits of all that infrastructure that has been put in place historically through time, without having to pay their proportional share of the initial cost of building that facility, not to mention the cost of having to expand that facility to support the growth that is coming to the community. The mathematical fee is in the report that was done by Willdan. Based on that justification they can allocate the value of the water system and distribution system as well as the sewer system. Observably you cannot charge those new customers for the grant dollars that you are receiving from EDA. For the debt service in the bonds that you have issued to fund, that debt you will make up. The debt service will have to be paid back through your rates. Those new customers are going to pay for those costs. The depreciation book value of your system and the new improvements are not going to be funded and should be recovered by a rate method. Willdan has identified the cost of a gallon of treated water and a gallon of treated wastewater. Based on that, they identified the general cost of a new development. This would be done with a 3 quarter or 5/8th of an inch water line. That typically will be about 300 gallons per month. They take the mathematical calculation of a gallon of water capacity and a gallon of sewer capacity, multiply that by what they assume to be the average use for a new user, and you will apply that cost back. There is an AWWA standard for how they came up with the cost. A couple additional items we want to make sure we address since we are putting this impact fees in mid-cycle. We are several months into your fiscal year, and any money you collect with the implementation of this fee will have an immediate effect as of the date. Now this money can only be spent under restricted purposes. We have set up some policies that identify the new users as they come in. There is a whole state law on how you implement those fees. We have reviewed the City's Code of Ordinances, and we are not going to codify the rate, we are going to approve what you have in the annual budget.

Councilmember Broderick asked, just to clarify, the money for this year will accumulate in the Enterprise Fund?

Lawerence Flynn stated, yes it will.

Councilmember Brown stated, you and Willdan have done a great job at narrowing this down for us.

Motion: Councilmember Broderick; Seconded by Councilmembers Brown

Discussion: None

Carried: All ayes

2. Consideration of a request from downtown merchants to continue First Thursday activities through 2024 under the same terms approved for 2023.

A gentleman with the Downtown Merchants stated that this request is to continue First Thursday through 2024. We have as a group increased our investments in marketing and advertising and we hope to grow this event. We also ask that we have permission to place signs on city property and in different places.

Mayor Young stated the City Manager can approve the use of signs 30 days before an event. He also stated that we will go ahead and approve the same conditions that we have been operating under since 2023.

City Manager Jeff Molinari stated I have the email from Heather Berry that states all the specifics.

Councilmember Broderick asked do you have the porter potties still taking care of?

Rilee stated it is hit or miss. All the merchants have agreed that our doors are open to the public.

Motion: Councilmember Bridge; Seconded by Councilmember Broderick

Discussion: None

Carried: All ayes

3. Consideration of a request from Anthony Herndon to conduct holiday carriage tours December 19-23, 2023.

Anthony Herndon stated we want to do exactly what we did last year. We will set up right across from City Hall. We will go down Hampton Street. We will do a judging contest, so that will encourage people to decorate along the route.

Motion: Councilmember Pryor; Seconded by Councilmember Bridge

Discussion: None

Carried: All ayes

4. Consideration of a parade permit request from Brandon Russell – Marching for Mia, October 7, 2023, at 3:30 PM.

City Manager Jeff Molinari stated Mr. Mayor and members of Council I will give you some background information on this. Chief Marvin met with the organizer, and this is not going to entail closing off any streets. It will be a rolling procession down East Washington Street, with is ending at Pinckney Park. The Police Department can easily handle this.

Motion: Councilmember Broderick; Seconded by Councilmember Pryor

Discussion: None

Carried: All ayes

5. Consideration of rescheduling November 7, 2023, Regular City Council Meeting (Election Day).

Motion: Councilmember Pryor; Seconded by Councilmember Bridge

Discussion: None

Carries: All ayes

Committee Report:

1. City Improvement Committee – Councilmember Ladson Fishburne.

Councilmember Fishburn stated I am reporting tonight on behalf of the City Improvement Committee. We meet monthly to discuss code enforcement activities and goals set by the committee. Recently we had an update by staff, where they have implemented new procedures and an Excel file where they can track the

properties we have discussed. This tool will help us keep up with the properties and progress we are making. There has been a new focus on letters of notice and citations. Currently there are twelve (12) citations that will be heard in Municipal Court in October. The total number of citations for August and September is fifteen (15). Three (3) of those citations were dismissed since the properties were improved prior to court. I would also like to thank Jeff and Ryan for the great job they have done in taking on this role.

Councilmember Brown stated, since this has taken place properties are being cleaned up.

Councilmember Pryor stated, I would also like to say thank you. If we are going to take Walterboro to the next level these issues must be addressed.

Ladson stated our next meeting will be October 31, 2023.

City Manager's Report:

1. Request to purchase new police administrative vehicle (Memo attached)

City Manager Jeff Molinari stated Mr. Mayor and members of City Council you have in your agenda packet a memo and supporting documentation from Police Chief Wade Marvin to purchase a new Police Administrative vehicle. The fiscal year 2023-2024 Police Department budget allocated \$127,040 for the purchase of new police vehicles. I will also mention that we included in the budget getting grant money from USDA. We have not received confirmation of any USDA grant money. We must purchase new police vehicles every year. Police vehicles are becoming increasingly difficult to find and the UAW strike is not helping. Chief Marvin came across a deal to purchase a 2023 Chevy Tahoe PPV from Love Chevrolet. Staff recommends that we purchase that vehicle in the amount of \$39,898.00.

Motion: Councilmember Brown; Seconded by Councilmember Pryor

Discussion: None

Carried: All ayes

2. Request to approve contract for the Gadson Loop Water Upgrade Project (Memo attached).

City Manager Jeff Molinari stated Mr. Mayor and members of City Council you have in your agenda packet a memo and supporting documentation from Utilities Director Wayne Crosby on the Gadsden Loop Water Upgrade Project. This is a CDBG project to upgrade the water distribution system along the Gadsden Loop and surrounding areas. It will consist of new 6-inch water mains, over 5,036 linear feet to replace existing small diameter water mains. There will be 7 new fire hydrants, and valves. The city received bids from 5 contractors. Hybrid Engineer the City's engineer has evaluated the construction experience of the bidders and found that the low bidder Corbett and Son Construction, LLC out of Greenwood, SC has provided evidence of both experience and resources that allow them to complete the project. Staff recommends awarding the contract to Corbett and Son Construction, LLC out of Greenwood, SC in the amount of \$622,285.00 contingent upon review and approval from the South Carolina Department of Commerce. The city received a CBDG grant in the amount of \$783,068 for construction of the project.

Motion: Councilmember Broderick; Seconded Councilmember Pryor

Discussion: None

Carried: All ayes

A motion was made to go into Executive Session by Councilmember Brown, seconded by Councilmember Fishburne. Mayor Young explained that the City Council would be going into Executive Session to discuss Potential Purchase of Property, Personnel Matters – Main Street Manager/Tourism Director Search and Municipal Court. Also, to discuss Provision of sewer service to Northwest Waltherboro, and Contractual Matter – Community Garden.

Executive Session:

1. Potential Purchase of Property
2. Personnel Matters:
 - a. Main Street Manager/Tourism Director Search
 - b. Municipal Court
3. Provision of sewer service to Northwest Waltherboro.
4. Contractual Matter- Community Garden

A motion to come out of Executive Session was made by Councilmember Broderick, seconded by Councilmember Brown, all in favor motion carried.

A motion to approve the purchase of TMS # 163-11-00-245 for \$12,000 plus closing costs from Carroll Griffin was made by Councilmember Brown, seconded by Councilmember Broderick, all in favor motion carries.

There being no further business to consider, a motion to adjourn was made by Councilmember Bridge, seconded by Councilmember Fishburne, and passed unanimously. Mayor Young adjourned the meeting at 7:49 P.M. Notice of the meeting was distributed with the agenda packets, to all local media, posted on City Hall bulletin board and posted in the City's website at least twenty – four hours prior to the meeting.

Respectfully,

Adrienne Nettles
City Clerk