

Walterboro City Council
Regular Meeting
February 26, 2008

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, February 26, 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 Peters.

PUBLIC HEARINGS:

Mayor Pro-Tem Young then opened a public hearing duly advertised to receive public comments on the following item. Approximately 15 persons were in attendance at this hearing.

(1) CDBG Needs and Priority Hearing - Michelle Knight, LCOG.

Ms. Knight passed out a sign-in sheet and provided a handout to Council and used a visual projector screen for her presentation.

Ms. Knight opened the hearing by stating that this is our annual public hearing for CDBG to go over the year's priorities of the City of Walterboro. Basically, this public hearing is held in accordance with the City's Citizens Participation Plan, which allows for comments on certain points in the public hearing process, so we can get public comments on the things we believe are needs for the coming year.

Ms. Knight stated that the South Carolina Community Development Block Grant (CDBG) Program is designed to address particular needs of low-to-moderate income people. This program has been in effect since 1982. When the program started in 1982, we had around \$40 million a year that came into the State of South Carolina. That gets reduced every year, and HUD gives us money based on a formula allocation and the SC Department of Commerce Division of Grants Administration administers that money and sets the priorities state-wide as to what localities can apply for it in general, and how they can go about making application.

For 2008, we expect the state to receive \$23.5 million in CDBG funds from HUD. That figure may decrease slightly, but there are some program income monies that the state will get based on older projects that have generated income, and some monies that were returned to the state. So, we believe \$23.5 millions will be the right figure that the state will receive for 2008.

There are basically 2 major programs: the Community Development Program and the Economic Development Program.

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Community Development Program - has \$18,000,000 in it with five (5) set asides:

- Community Infrastructure \$7,000,000
- Community Enrichment \$7,000,000
- Village Renaissance \$2,000,000
- Paint the Town \$1,000,000
- Workforce Housing Dev. \$1,000,000

Economic Development Program - has \$4,000,000 set aside.

Regional Planning Program - has \$500,000 set aside for regional planning, which is divided among the ten planning councils. We use that money to help localities plan their projects.

Ms. Knight further stated that all projects must meet a national objective, which means, they must:

- 1) Benefit low-to-moderate income people.
- 2) Aid in the prevention of a slum or blight area.
- 3) Meet an urgent need, which is basically a health threat need.

Most of the projects in South Carolina are funded under benefiting low-to-moderate income people. Ms. Knight stated that she has been at the LCOG for 12 years, and there is only one project she has ever written that was a slum-blight project that we actually submitted and had funded. Most of your projects fit under that first criteria. The urgent need criteria is basically if you have some kind of natural disaster where an emergency is declared and money is reallocated across the state to address those things. If a hurricane came through this area, money may be reallocated to address health threats in the area.

Ms. Knight briefly discussed a chart defining the low-to-moderate income persons for Colleton County and the City of Walterboro. As an example, for a family of 4 persons, there is an 80% income limit which is \$37,300 per year. If you fall below that 80% income limit than you are considered income qualifying for the purpose of grant funding.

Ms. Knight then stated that part of the general requirements of the state CDBG Program is that all localities that participate must adhere to Fair Housing Act rules, which basically state that we will not tolerate discrimination in the sale or rental of housing, in residential real estate transactions, nor in the provision of brokerage services to any of the protected classes. We all have the right to be treated fairly regardless of our race, color, religion, sex, familial status, or national origin. If you think that you have been discriminated against, contact LCOG at 843-726-5536 and we will discuss the matter with you and decide how we need to proceed.

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In general, the Community Development Program is designed to produce outcomes that improve citizens' quality of life and create a competitive environment for business by addressing those primary community developments of low-to-moderate income people.

Ms. Knight then outlined and described the four categories that the City must compete for funding, being:

1) **Community Infrastructure:**

Must contribute to the creation of healthy and sustainable communities by providing improved access to water, sewer, drainage and roads. Activities must address: Documented health threats through DHEC, where we are addressing regional infrastructure solutions, and where we are improving public access to public facilities that meet required quality standards. For example, the pump station project that has been done in the past by the City for Black Street, and I think we tried to do one for the Exxon-Safari Pump Station. Those types of projects were for access to improve facilities. Your water line looping bypass project right now would be an improved facilities project.

2) **Community Enrichment:**

Basically, we are looking at funding facilities and services or equipment that promotes sustainability and smart growth principles that have the support of businesses in the community. Basically, there are 3 priorities that the state has under this set aside, which are: 1) workforce development, 2) healthy communities and 3) obstacles to economic competitiveness.

Workforce development examples include libraries (computer labs, upgraded computer technology, etc.), quick jobs program and on the job-training (equipment).

Healthy Community examples include health center facilities or equipment and fire fighting facilities.

Obstacles to Economic Competiveness examples are Brownfield Projects, where you take an old industrial facility and convert it for another use; building use and conversion where you take a building in an area and convert it to affordable housing, business space or lease hold opportunities for businesses. Downtown streetscapes are also included here. Basically for this example, they are looking at streetscapes that are going into adjacent neighborhoods of an existing streetscape project. For the City of Walterboro, you have gone through the streetscape project for the downtown area. If you want to take that look into the neighborhood and if it were predominantly a low income neighborhood, you could probably look at a project like that. For that particular example, you have to have more than the required match. They are asking for 50/50 match, so for every dollar they put in, they want to see a local dollar put in. They are not necessarily talking about DOT money being used as the leverage to help with that local dollar.

Planning, regional infrastructure, smart growth or sustainable development plans. Here, we mean larger scaled plans for regional infrastructure projects, smart growth or sustainable development plans. One example that I can think of here is where another

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community or another county looks at the consolidation of some water systems into one large water system, and a plan to study that to see what all needs to be involved from a legal standpoint, and then from an engineering standpoint, interconnections - how much will it cost to do that. Ms. Knight reported that this area is lower on the priority scale for state funding.

3) **Village Renaissance** - are mixed use projects which incorporate the principles of Main Street revitalization into the adjacent in-town residential neighborhoods. Projects must promote smart growth, sustainable development and green building. Project examples include: Neighborhood planning and design, neighborhood streetscape, building and housing facade, new housing developments and infrastructure of new housing. What they are looking at here are new housing developments, whether they are single family, mixed or multi-family developments, and infrastructure to support housing. This is like going into a Habitat community and putting in the drainage and roads to serve those houses in a Habitat development.

4) **Paint-the-Town**. If the City had a housing rehab project now, this would be the closest thing we have for it. There is a clause in the federal regulations that states as long as you don't go into someone's house; you do not have to address all of the code issues. So basically, what this program is designed to do is to provide \$7,500 per house for materials, to paint the outside of the home, buy shingles to put a roof on, materials to build a handicap ramp or things of that nature. It is not designed to address any system issues. So, if you had a "World Changers" group where they had a project to do upgrades of existing housing and had volunteer labor that's committed, then that would fit in this category. Also, if you had an elderly person, an immediate family member could provide the volunteer labor to paint the house.

5) **Workforce Housing** -This program is targeted to address housing issues for key employee groups that every community needs, such as the police officers, teachers, first responders and nurses. What we are looking at here is trying to develop some affordable housing projects, and trying to address shortages for these particular jobs in your community. It could be down payment assistance to purchase a home or anything of that nature. This is our pilot program and we expect to get more information at future meetings on this program area.

Economic Development Program:

For the most part, this program has been the same as in previous years. We are still looking at public infrastructure first that would address new or expanding business where you have a job creation commitment and significant investment. The other priority in this program this year is to address expanding local businesses that provide essential goods and services in LMI communities. For example, if there is a need for a pharmacy, a primary health care facility or a grocery store, or something like that where you have a downtown development group that is willing to serve as an owner of record on a building you can lease to a small business owner who is starting out, to address some of those essential community needs.

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Ms. Knight then gave the request deadlines for the various projects, as follows:

March 17, 2008 at 5:00 p.m. for Community Infrastructure and Paint-the-Town.

August 25, 2008 at 5:00 p.m. for Community Enrichment and Village Renaissance projects.

The full applications for the projects are due in:

April 14, 2008 at 5:00 p.m. for Community Infrastructure and Paint-the-Town.

September 22, 2008 at 5:00 p.m. for Community Enrichment and Village Renaissance.

The maximum CDBG grant amounts the City can apply for under each program are:

Community Infrastructure -	\$500,000
Community Enrichment	
-Facilities	\$500,000
-Services, other activities	\$300,000
Village Renaissance	\$500,000
Paint the Town	\$200,000
Workforce Housing	\$300,000
Economic Development	\$500,000

Under matching requirements, CDBG funds cannot exceed 75% of the project cost. 25% must come from non-CDBG sources. Local governments must provide at least 10% and the remaining 15% may come for other sources.

Ms. Knight then reminded Council of the identified priority needs that were set for the City last year, and gave a brief description of those needs as follows:

1. Addressing water and sewer in the City and adjacent areas where there were low pressure issues, and malfunctioning lift stations.
2. A need to develop community facilities in the city.
3. Additional economic development, basically foster growth of downtown areas and gateways into the city, and also a request that the city continue to work with the county on the Industrial Park project.
4. Downtown revitalization.
5. Address housing issues in the city's poor neighborhoods, which would include Lemacks Street and Moore Street.

Ms. Knight then asked for questions or comments from the public and Council Members.

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Mr. Travis Godley, a city resident, then asked Ms. Knight if she were aware that the World Changers group would be in Walterboro working this summer. Ms. Knight stated that the group had been referred to LCOG for home consortium. What we'd like to see is some partnering of home consortium funds with that program where you could address the outside (with Paint-the-Town), and then address the inside with system issues with some of the homeowners. We have to look at the timing when they are coming in this summer to see whether this could meet their deadline. Really, we would not know if we could get the funding until around the end of June or 1st of July. Mayor Pro-Tem Young added that Mike Benton has been talking with LCOG for months now and that (funding idea) is in process now.

Councilman Smalls asked what streets were listed for poor neighborhoods for the housing priority. Ms. Knight noted that Forest Park, Lemacks Street and Moore Street were included and said if there are others, we could certainly add those. Some questions were raised on the location of Forest Park. City Manager Lord asked if this was Forest Point, instead of Forest Park.

Ms. Knight then told Council that the reason she would like Council to prioritize the city's needs list tonight is that if you have something you want to do for Spring, then the request deadline is March 17th. If you have something you want to do for the Spring then you need to bring it up at this public hearing and so through and solidify your priority list.

Council Member Parker suggested sprucing up the list related to street landscaping. City Manager Lord stated that the City does have some lift stations which needed to be upgraded that would qualify for these grants and maybe some of the looping projects. Ms. Knight stated that Walterboro will meet "threshold" because the project you are working on right now is moving along nicely. We are thinking the project will finish before the April deadline and you are under your 2-year grant period, so if you wish you can put in two projects but both could not be water and sewer projects.

Ms. Knight then said if there were any specific projects Council wished to list under the broad priorities, then it would be good to mention, like the pump stations and Moore Street that Councilman Parker has mentioned. Mayor Pro-Tem Young then asked if the money that is already going to the job training at Technical College of the Lowcountry, if we wanted to go back for an infrastructure need out there, would that be something that you could do? Ms. Knight stated, I think if you pursued an infrastructure project out there and you are pursuing it as an economic development project, then you would have to have a business out there that was ready to commit to expanding their workforce and investing a significant amount of money into their business, so I don't think you'd necessarily want to look at that. Mayor Pro-Tem Young then asked about the Quick Jobs Program. Ms. Knight explained that this would come under Community Enrichment, but that's not to put water and sewer out. Mayor Pro-Tem Young asked if it would qualify if it were for a school. He said, if you put water and sewer in so that you could have a school to train people for jobs, would that fit? Ms. Knight responded, to pursue that issue could cause some difficulties.

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There were no further public comments received.

The regular meeting then began.

A motion was then made by Council Member Lucas to keep the same identified priority community needs listed last year, being:

1. Infrastructure - water and sewer.
2. Community facilities.
3. Economic Development.
4. Downtown Revitalization.
5. Housing.

Council Member Smalls seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote.

The regular meeting then went into a recess for the purpose of holding further public hearings.

FURTHER PUBLIC HEARINGS:

The Mayor Pro-Tem then opened a public hearing duly advertised to receive public comments on the following two items. Approximately 15 persons were in attendance at this hearing.

- 1) Ordinance # 2008-03, Calling for a Referendum to Change the Election Method of the Mayor and Council Members from Partisan Primary Election and General Election Method to the Nonpartisan Election and Runoff Election Method.
- 2) Ordinance # 2008-04, to Amend Chapter 2 of the 2002 City Code to Change the Election Method of the Major and Council Members from Partisan Primary Election and General Election Method to the Nonpartisan Election and Runoff Election Method.

(1) Public Hearing on proposed # 2008-03, An Ordinance Calling for a Referendum 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

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Mayor Pro-Tem Young asked if there any comments from anyone about going to a nonpartisan election in the City of Walterboro. No comments were raised from the floor as this point.

Mayor Pro-Tem Young then asked Attorney Cone - the way the question is written, the way it would appear on the ballot, is that prescribed by law that the question be written exactly as it written like you have given to us. Attorney Cone responded that it does not have to be written exactly that way. He said, if you have a better way, we would be glad to consider it. He added that the City Election Commission is supposed to write an explanation if they feel one is necessary for the referendum. Mayor Pro-Tem Young stated that he felt an explanation is probably needed, to make sure everyone knows what they are voting on, to make it clearer. Attorney Cone stated, it says what the method is formally called that you use now "the partisan primary and general election method", and then changes it to using the formal name you want to use, which is "nonpartisan election and runoff election method". Now you have an Ordinance # 2008-04, which fully sets out in detail what you would do if the referendum is passed. Also, the law allows the City Election Commission if it deems that an explanation is needed, then they can write an explanation of what the change does.

Mayor Pro-Tem Young then asked Attorney Cone, if we adopt the ordinance the way it is, does this mean that this is the language that will be used in the referendum. So, if any changes are made, they will have to be made before we adopt the ordinance. Attorney Cone, responded "that is correct".

Attorney Cone further added, that the City Election Commission is charged with the responsibility under the state law, to review the question and determine whether or not an explanation is necessary, so that the general public understands what they are voting on.

Council Member Lucas questioned whether it would be best to put an explanation in before it got to them (the public), and say "this means there will be no democratic, republican or independent" (candidate). Mayor Pro-Tem Young added, and no one will be required to identify with a political party.

Attorney Cone then recommended that Council suggest to the Election Commission exactly what wording it wants, and then the City Election Commission, the 3 members of which, will approve it. They want to make sure that the public understands. Mayor Pro-Tem Young then said, I just wanted to be sure that everyone understands what partisan and nonpartisan means. The explanation is so long, and when you get to the next part, it gets kind of technical.

Attorney Cone then suggested that Council work with the City Manager and the City Election Commission to come up with (an explanation) that both Council and the Election Commission thinks is understandable to the public, and the State Election Commission can print that on the voting machines. You'll probably publish it in the papers ahead of time, too.

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On a question raised by Mayor Pro-Tem Young, Attorney Cone responded that an explanation is separate from this, he stated, if you adopt this (ordinance), this is the language that will go on the referendum question on the ballot. If you adopt this, it does not have anything to do with the explanation. It is supposed to be written by the City Election Commission. Based on my dealings with them, they will be glad to have all the input they can get from the City Manager and Council, and I am sure the newspapers will explain also. However, if you want to reword the question, you can try.

Council Member Peters said he felt that the question was cut and dry, as long as we have the right to put the explanation in there.

Attorney Cone then reported that he had checked with Mr. Dave Alford and the State Election Commission and they have no problem printing it (the explanation) right on the machine next to the question and you can also post it on the walls at the precincts.

Speaking as a citizen and a newspaper man, Mr. Charles Rowland stated he felt that the referendum question itself is good.

No further comments were given on proposed Ordinance # 2008-03.

(2) Public Hearing on proposed # 2008-04, An Ordinance Amending Chapter 2 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 Method and General Election Method to the Nonpartisan election and Runoff Election Method as Specified in South Carolina Code, 1976, as Amended, Section 5-15-62.

Mayor Pro-Tem Young opened this hearing stating that this ordinance basically changes our code to change our election method to the nonpartisan election method set out in the South Carolina Code. Attorney Cone then stated that this is the ordinance that will go into effect if the referendum passes, and the only blank Council has to fill out, is the "date on which the referendum will be held" before you pass it, and I think you discussed November 4 or some independent date, but it's totally up to Council. Attorney Cone then stated that November 4 is the date of the General Election.

No further public comments were received, and the hearing was closed.

The regular meeting of Council then continued.

APPROVAL OF MINUTES:

The Minutes of the February 12, 2008 Regular Meeting were approved with a amendment made by Mayor Pro-Tem Young, on Page IX, line 5, to change the word "incidental" to "incident". The motion for approval was made by Council Member Cannady, seconded by Council Member Peters, and passed unanimously. Mayor Sweat was absent and did not vote.

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OLD 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, (with the referendum date filled in to be November 4, 2008 in all appropriate places) was given Second Reading and Adoption on the motion of Council Member Cannady, seconded by Council Member Lucas and passed unanimously. Mayor Sweat was absent and did not vote.

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, (with the referendum date filled in to be November 4, 2008 in all appropriate places) was given Second Reading and Adoption on the motion of Council Member Cannady, seconded by Council Member Lucas and passed unanimously. Mayor Sweat was absent and did not vote.

NEW BUSINESS:

A-Tax Board Recommendations for Approval of Funding Requests:

Next, City Manager Lord introduced recommendations for funding from the City's A-Tax Board. Mr. Lord stated the board received 5 requests for funding. The Board approved all 5 requests and reduced all 5 to a total of \$17,900. Our estimates say there will be money available to fund these requests. Council Member Cannady then raised a concern on one of organizations requesting funding - the Walterboro Merchants Association. She asked City Manager Lord what was the membership of this organization. City Manager Lord answered that he did not know. Council Member Cannady expressed concern that we are giving them money and do not know what their membership is. Ms. Susan Smith, a downtown merchant, added that the group led by Mr. David Evans is operational now, has members, and has been registered with the state, but she did not know the number of its members.

A motion was then made by Council Member Peters, seconded by Council Member Parker to approve the recommendations by the A-Tax Board for A-tax funds to be allocated to the following organizations. The motion passed unanimously, except Mayor Sweat was absent and did not vote.

Lowcountry Tourism	\$3,000
Walterboro Area Tourism Council	\$4,000
Historical and Preservation Society	\$7,000
SC Artisans Center	\$2,400
Walterboro Merchants Association	<u>\$1,500</u>

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Total \$17,900

Next, Council considered the bids received to replace a Knuckleboom Loader truck for the Public Works Department. Utilities Director Charlie Chewing informed Council that the Public Works Department received three bids and is submitting for Council's consideration as follows: 1) Amick Equipment Co. \$88,660.45; 2) Public Works Equipment & Supply, Inc. \$96,150 and 3) Lodal-South, Inc. \$126,445. A motion was then made by Council Member Parker, seconded by Council Member Smalls to accept the low bid of \$88,660.45 from Amick Equipment as recommended. The motion passed with all members voting in favor, except Mayor Sweat was absent and did not vote. Mr. Chewing noted that the cost of the truck was well within the budgeted amount of \$94,300.

Ms. Tommy Derry appeared before Council to request the placement of rodeo directional and information signs in the city limits to announce and direct persons to the rodeo to be held May 2 and May 3, 2008. The signs would be put up on Thursday, May 1 and would be removed on Sunday, May 4. Ms. Derry announced that she is planning to do something different this year. Her plans are to offer all children 12 and under, accompanied by an adult, to come to the rodeo free on Friday night only. She asked for the Police and Sheriff departments' support in this effort. Ms. Derry provided Council with a list of the sign locations. The size of the signs would be the same as used last year. On a question raised by Mayor Pro-Tem Young, Ms. Derry noted that she had got permission from the property owners to place the signs on private property. A motion was made by Council Member Cannady, seconded by Council Member Lucas, to approve the request to place directional and rodeo information signs in the city limits as requested. The motion passed unanimously, except Mayor Sweat was absent and did not vote.

Mr. Jessie Jerkins, Sr. appeared before Council concerning the issuance of permits to street vendors. His wife owns Katie's florist on Bells Highway next to the Ole House Café and opened for business 3 years ago. We have tried to be in compliance with all ordinances and laws of Walterboro. What I am addressing tonight has nothing to do with the Rice Festival. I am talking about Valentine's Day, Mother's Day, Christmas and Easter. We pay taxes every month and when you see all vendors put up a tent in Reids parking lot, across from IGA, or out at El Cheapo's where they cook food and all they pay is either \$20 or \$200 in license fees. His wife's business is qualified to be a "minority owned business." All we are asking for is a level playing field. They must be given permits, let them consolidate in one area, it's up to you. Maybe, they would like to use the Farmer's market downtown. But for them (the street vendors) to put up tents and rake off thousands of dollars from us when we count on those special days for sales, I do not think is fair. We contend with Wal-Mart and the new Super Bi-Lo, and other places because we feel like it advances the community. But I do not think its fair that these people put up these tents for a little of nothing and they do not have to pay for overhead, and they make (who knows how much) money. We are trying to get by and be successful. We ask that you help us in this matter.

A motion was then made by Council Member Parker, seconded by Council Member Lucas to enter an executive session. The motion passed unanimously, except that Mayor Sweat was absent and did not vote.

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Mayor Pro-Tem Young then announced that the meeting will convene into an executive session for a personnel matter related to employment and a personnel matter related to an appointment.

The meeting returned to Open Session and a motion was made by Council Member Cannady to approve the employment contract as presented for the City Manager. Council Member Lucas seconded the motion that passed unanimously, except that Mayor Sweat was absent and did not vote.

There being no further business to consider a motion to adjourn was made by Council Member Cannady, seconded by Council Member Smalls and passed unanimously. The Mayor Pro-Tem adjourned the meeting at 7:57 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: March 25, 2008