MINUTES
WESTMINSTER CITY COUNCIL
Regular Scheduled Meeting
Via ZOOM
Tuesday, February 16, 2021

The City Council of the City of Westminster met in a regular scheduled meeting via Zoom on Tuesday, February 16, 2021 at 6:00 pm with Mayor Brian Ramey presiding. Those in attendance were:

Brian Ramey	Reid Adams	Rusty Cater
Danny Duncan	Yousef Mefleh	Brad Chastain

Interim City Administrator, Kevin Bronson
Rebecca Overton
Utility Director, Leigh Baker
City Attorney, Andrew Holliday
Members of the public and press

Notice of the meeting and the agenda was posted on westminstersc.org twenty-four hours prior to the meeting and all persons, organizations and local media requesting notification and the agenda were notified by email.

Call to Order

Mayor Ramey called the meeting to order at 6:00 pm.

Invocation and Pledge of Allegiance

Mr. Cater led the Council in the invocation.

Certification of Quorum

The City Clerk certified a quorum.

Public Comments

There were no public comments.

Old Business

1. Second Reading of Ordinance 2021-02-16-01; Rezoning of 215 Lucky Street (Tax Map #530-16-13-020) From R-20 to RMF

   The Planning Commission is required by the City's Zoning Ordinance to consider the questions and provide answers to the questions in its recommendation to the City Council. City Staff was unaware of this requirement until after the City Council conducted its first reading of the rezoning request. To be clear, this was a staff error not an error of the applicant. These questions were not considered by the Planning Commission when it made its decision.

“The recommendation of the Planning Commission shall be in written form and should evaluate the proposed zoning amendment by answering the following questions:
(a) How does the proposed zoning amendment relate to and affect the City's Comprehensive Plan?
(b) Are development objectives and recommendations of the City's Comprehensive Plan for the area under consideration still valid or have conditions changed to such a degree that deviation from the Plan is warranted?
(c) Will the proposed amendment correct an error or deficiency in the zoning regulations?
(d) What benefits would the city as a whole receive from development effectuated under the proposed amendment?
(e) Does the cost-benefit relationship indicate that the proposed zoning amendment would be in the public interest cover the long-term?”

It is the prerogative of the City Council to consider this item without the above documentation.

Follow up questions:
Is there enough square footage on the property to allow for two units? Three units? How many units?
For a 2 story structure with 3 bedrooms, 3,175 square feet are required – the lot has 0.2 acres or 8,172 square feet.

Permitted Multiple Units Per Dwelling Acre By Unit Type:
2 story, 3 bedrooms:
13 units per net acre are required or a minimum of 10,050 square feet

2 story, 2 bedrooms:
17 units per net acre are required or a minimum of 7,686 square feet

Upon a motion by Mr. Cater and seconded by Mr. Mefleh, the motion ***to conduct the second reading of ordinance 2021-02-16-01*** passed with 5 to 1 with Mr. Adams voting no.

Member	Motion	Vote
Ramey		Yes
Cater	Motion	Yes
Adams		No
Chastain		Yes
Duncan		Yes
Mefleh	Second	Yes
Powell		absent

2. First Reading of Ordinance 2021-03-16-01; Real Property Lease Agreement with Westminster Senior Outreach for the building commonly known as the Pool Building (tax map #530-16-13-014)

   At the November 12, 2020 City Council meeting, City Council considered leasing the pool building to a group of citizens (now referred to as Westminster Senior Outreach). In order for the Westminster Senior Outreach to execute a lease agreement on its part, incorporation was necessary. It is now incorporated. The lease agreement as provided is substantially the same as the one discussed in November by the City Council.

   Mr. Adams had concerns with the safety of the stairs and thought they should be addressed in the lease. Staff will meet at the pool to look at the stairs and address the possible hazard.

   Upon a motion by Mr. Adams and seconded by Mr. Cater, the motion ***to conduct the first reading of ordinance 2021-03-16-01*** **passed unanimously.**

3. Consider Awarding Construction Contract with Swing-O-Things for Retreat Street Park Stage in the amount of $28,500

   Mayor Ramey addressed some concerns over the roof line and not allowing enough headroom on the backside of the stage. He was also concerned with getting access to the water and sewer cleanout that would be covered by the proposed stage floor.

   Mr. Cater would like for the concerns be addressed and it requoted and brought back to Council for consideration at the next meeting.

4. A Discussion About the Recreation Facilities and the use of the Hall Street Property

   Mayor Ramey stated that now that the City owns the property and it free and clear of all liens and the environmental study is complete and clear, that Council needs to proceed with getting preliminary drawing from Seamon Whiteside. Having these drawings will give the City something to present in order to proceed with obtaining grants and donations for the project. A proposal from Seamon Whiteside for the drawings was obtained for the amount of $20,000.

   Mr. Adams stated that this was answered at the January 26th priority setting meeting. This project did not fall into the top 10 on the priority list.

   Mr. Cater stated that he is very pro rec but his goal is to get the City stable with electric, water and sewer. The City is not in a position at this time to borrow money to move on this project.

   Mr. Mefleh is for moving forward with the project for growth for the town.

Mr. Duncan said he agrees with both views but the City needs to focus on bringing in revenue.

Mayor Ramey stated that the funding for the drawings would come from the Hospitality Fund.

Staff was directed to verify the quote that was provided in March 2020 for the scope of work and resubmit the proposal with a “not to exceed” limit.

Mr. Cater stated that he would like to remove himself from the steering committee for this project.

Mr. Adams stated that there needs to be a committee that will get a 501C3 and be independent from any political party. This way organization, business or individuals can donate to the project. Mr. Adams stated that Steve Grogan does this and could execute a plan.

New Business

5. First Reading of an Ordinance to Rezone a Certain Parcel in The City of Westminster from R-25 to R-15, Tax Map #530-06-05-009, 106 Simpson Street

   On February 8, 2021 the Westminster Planning Commission conducted a public hearing for the consideration a rezoning request for106 Simpson Street. The request was submitted by Harold Knight to rezone 106 Simpson Street (Tax Map #530-06-05-009) from R-25 (One-Family District) to R-15 (One-Family District).

   The districts are described as:

Zoning *District*		***R-25 One-family***	***R-20 One-family***	***R-15 One-family***
Minimum lot per size	Minimum. area in sq. ft.	25,000	20,000	15,000
	Width in ft.	100 C	80 C	70 C
Minimum yard setback per lot in ft.	Front	50	40	35
	Side	15	15	10
	Rear	40	40	35
Maximum height of building in ft.		35	35	35
Maximum percentage of lot coverage by all buildings		35%	35%	35%

Zoning *District*		***R-25 One-family***	***R-20 One-family***	***R-15 One-family***
Minimum sq. ft. per home		1400	1200	800
Notes: A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter. B - Total for both is a minimum for 25 feet. C - Width of lot to be measured at the front setback line, but in no case is the lot to be less than 25 feet at the right-of-way line.				

Additional information:
The Planning Commission is required by the City's Zoning Ordinance to consider the questions and provide answers to the questions in its recommendation to the City Council.
"The recommendation of the Planning Commission shall be in written form and should evaluate the proposed zoning amendment by answering the following questions:

(a) How does the proposed zoning amendment relate to and affect the City's Comprehensive Plan? *No appreciative change*
(b) Are development objectives and recommendations of the City's Comprehensive Plan for the area under consideration still valid or have conditions changed to such a degree that deviation from the Plan is warranted? *It is still valid*
(c) Will the proposed amendment correct an error or deficiency in the zoning regulations? *Yes*
(d) What benefits would the city as a whole receive from development effectuated under the proposed amendment? *Yes*
(e) Does the cost-benefit relationship indicate that the proposed zoning amendment would be in the public interest cover the long-term?" *Yes*

Upon a motion by Mr. Mefleh and seconded by Mr. Adams, the motion ***to conduct the first reading of Ordinance 2021-03-16-02; Rezoning 106 Simpson Street (tax map #530-06-05-009)*** passed with a 5 to 1 vote with Mayor abstaining.

Member	**Motion**	**Vote**
Ramey		abstain
Cater		Yes
Adams	Second	Yes
Chastain		Yes
Duncan		Yes
Mefleh	Motion	Yes
Powell		absent

6. Consider Acceptance of FY2020 Audit, Presentation by McKinley Cooper

Mr. Bronson introduced Ms. Sheryl Medders from Mckinley Cooper.

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Ms. Medders stated that she had the full cooperation of staff. Ms. Medders also gave an Unmodified Opinion.

Ms. Medders pointed out a couple of deficiencies, one with the accepting recreation fees with no receipts to balance back to and suggested putting in more controls. She also mentioned they were unable to balance back to credit card payments that the utility department received. She stated that this is common as different credit cards are processed at different times.

Upon a motion by Mr. Duncan and seconded by Mr. Cater, the motion ***to accept the FY2020 Audit as presented*** passed unanimously.

Member	**Motion**	**Vote**
Ramey		Yes
Cater	Second	Yes
Adams		Yes
Chastain		Yes
Duncan	Motion	Yes
Mefleh		Yes
Powell		absent

7. Consider Authorizing the City Administrator to Execute Legal Representation Agreement with Pope Flynn

   At the request of the City, Pope Flynn, LLC has submitted an engagement letter to serve as “legal counsel in connection with advice and counsel matters.”

   As a matter of course, the City anticipates the need of additional legal counsel on matters pertaining to the operation of water, sewer and electric utilities as well as general government matters and future economic development matters. Pope Flynn, LLC has considerable experience with and is well versed in these areas.

   In the current environment regarding PMPA there are limitations in which Pope Flynn, LLC may be able to provide advice and counsel for matters related to PMPA. Those limitations are described in the provided engagement letter.

   Mr. Holliday stated that Pope Flynn would need to get waivers from current and/or former clients that may have a conflict, however, he welcomes the idea.

   Upon a motion by Mr. Adams and seconded by Mr. Chastain, the motion ***to authorize the City Administrator to sign the engagement letter with Pope Flynn, LLC*** passed with a 5 to 1 vote with Mayor Ramey voting no.

Member	Motion	Vote
Ramey		No
Cater		Yes
Adams	Motion	Yes
Chastain	Second	Yes
Duncan		Yes
Mefleh		Yes
Powell		absent

8. Consider Authorizing the City Administrator to Execute the Termination of Interlocal Agreement Establish a Joint Codes Enforcement Officer Position with the City of Walhalla

   In 2018, the cities of Westminster and Walhalla entered into an agreement to fund a joint Codes Enforcement Officer position.

   In November 2020, the City of Walhalla served Westminster a Termination Notice effective June 15, 2021. This is the appropriate mechanism as required by the 2018 Agreement.

   Since November 2020, the needs of both cities have changed. It seems now the best interest of both cities are best served by terminating the agreement now.

   Presented for City Council’s consideration is a Termination of Interlocal Agreement that, if approved, will terminate the 2018 Agreement upon signature by both cities and payment of final invoice.

Upon a motion by Mr. Mefleh and seconded by Mr. Cater, the motion ***to accept the Termination of Interlocal Agreement Establishing a Joint Codes Enforcement Officer Position*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater	Second	Yes
Adams		Yes
Chastain		Yes
Duncan		Yes
Mefleh	Motion	Yes
Powell		absent

9. Consideration of a Resolution to Adopt the City Council 2021 Priorities as Created on January 26, 2021

   On January 26, 2021 City Council met wat the Westminster Train Depot to identify and set its priorities for the calendar year 2021 and to provide direction for the development of the FY2022 Budget.

   Upon a motion by Mr. Mefleh and seconded by Mr. Adams, the motion ***to approve the Resolution Affirming the City Council Priorities established on January 26, 2021*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater		Yes
Adams	Second	Yes
Chastain		Yes
Duncan		Yes
Mefleh	Motion	Yes
Powell		absent

10. Consideration of a Mutual Aid Agreement with Oconee County Sheriff's Office

    At the request of the Oconee County Sheriff Michael Crenshaw, this agreement is presented for Council's consideration. This agreement will replace a previous similar agreement which was signed August 30, 2016.

    South Carolina Code Ann. § 23-20-10, et seq., as amended, provides for contractual agreements between and among state, county, municipal, and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines.

    The purpose of entering into this agreement, the 0CS0 and the Westminster PD

may secure to each other the benefits of mutual aid in the event of natural disaster, disorder, special event, emergency situation, and any other law enforcement activity.

Upon a motion by Mr. Adams and seconded by Mr. Duncan, the motion ***to approve the Law Enforcement Assistance and Support Agreement between the Oconee County Sheriff's Office and the Westminster Police Department*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater		Yes
Adams	Motion	Yes
Chastain		Yes
Duncan	Second	Yes
Mefleh		Yes
Powell		absent

11. Consider Authorizing the City Administrator to Execute the Community Development Enhancement Proposal for the City of Westminster with MPA Strategies in the amount of $950/month for six months to be paid from the Hospitality Tax Fund ($5,700 total)

    To kick start a number of the priorities identified by the City Council as part of the 2021 City Priorities, the Community Development Enhancement Proposal for the City of Westminster with MPA Strategies is presented for Council consideration.

    As noted on the proposed contract, the scope of services to be provided are:

    1) Custom Content & Collateral
        A. Customized content creation to enhance and promote the community, parks, greenspaces, and local businesses. Collateral will be owned by Client.
        B. Design City E-Newsletter
        C. Custom Graphics for City

    2) Procurement
        A. Monthly Procurement Newsletter
        B. Grant Writing for Selected Projects

    3) Public/Media Relations
        A. Up to two media releases per month to enhance the perception of and educate the public about all that the City has to offer.
        B. Coordination with local media to share information with citizens and bring more visitors to the City.

    The contract price of $950 per month, can be paid for from the Hospitality Tax budget, the total amount for the six-month contract period is $5,700. The intent of a six-month period is to provide a long enough time for MPA to demonstrate their ability to promote and enhance Westminster yet not lock the City into a long term contract. If, at the conclusion of the six-month period, the City would like to extend the contract, either an extension can be considered or a new contract can

be developed.

For the grant component of the work MPA Strategies will conduct under this proposal, the fee is paid a) through the grant, b) as a part of the grant match or c) as a set alone fee. Some grants the City may be eligible to apply, may require the grant fee or grant match to be paid out of funds other than the Hospitality Tax fund. As those expenses arise, the Council will be asked to appropriate the funds as required by City Ordinance.

Upon a motion by Mr. Adams and seconded by Mr. Chastain, the motion ***to approve authorizing the City Administrator to execute the Community Development Enhancement Proposal for the City of Westminster with MPA Strategies in the amount of $950/month for six months to be paid from the Hospitality Tax Fund ($5,700 total)*** passed with a 5 to 1 vote with Mayor Ramey voting no.

Member	Motion	Vote
Ramey		No
Cater		Yes
Adams	Motion	Yes
Chastain	Second	Yes
Duncan		Yes
Mefleh		Yes
Powell		absent

Routine

12. Upon a motion by Mr. Adams and seconded by Mr. Cater, the motion ***to approve the January 19, 2021 meeting minutes*** passed unanimously.
13. Comments from the Utility Director
    a. Mr. Baker stated that several items have been sold on GovDeals
    b. Clearing has been done at the Hall Road property if anyone wanted to walk the property.
    c. Clean up at the Anderson Ave ballfield (behind College Street School) has begun and he thank Mr. Chastain for his help.
    d. Mr. Baker stated that all of his staff is back working together.
    e. Mr. Baker stated that work is continuing to get compliant with DHEC. The Sanitary Survey is scheduled for March 24th. He is also still in discussions with them on their compliant orders.
    f. Mr. Baker stated that work is continuing with obtaining CFunds for the handicap parking and sidewalks on Main Street.
    g. Mr. Baker updated Council on the progress with the electrical upgrades and tree trimming. Both are going well and progress is being made. Outages from tree limbs have been reduced drastically.
14. Comments from Interim Administrator

a. Mr. Bronson had no updates at this time.

15. Comments from the Mayor and Council
    a. Mayor Ramey stated that KOBA (Keep Oconee Beautiful Association) has set a tentative date of April 22nd for clean-up day. They will be in contact.
    b. Mayor Ramey stated that there is interest in serving BBQ at the parking lot at the Depot. He asked the vendor to submit a proposal to Council for approval.
    c. Mayor Ramey asked when Council will be looking to get back into in-person meetings. Some Council stated that they would like to take it month by month.
    d. Mr. Mefleh stated that the County is currently meeting in person and he is not aware of any other City meeting by Zoom, they are meeting in person.
    e. Mr. Duncan asked if there was a date to re-open City Hall to the public. Mr. Bronson stated that March 1st City Hall will be back open. However, a decision to go back to full staff has not been made. A decision will be made when we get closer to the opening date.

Executive Session

Upon a motion by Mr. Adams and seconded by Mr. Duncan, a motion ***to enter into an executive session for the purpose of section 30-4-70 (a) (1) a discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body. (1) City Administrator Contract*** passed unanimously.

Adjourn

Upon a motion by Mayor Ramey and seconded by Mr. Cater, the motion ***to adjourn the meeting directly from executive session*** passed unanimously.

(Minutes submitted by Jennifer Adams)

_____ _____

Mayor Brian Ramey Date