**MINUTES**
**WESTMINSTER CITY COUNCIL**
**Regular Scheduled Meeting**
**Tuesday, September 7, 2021**

The City Council of the City of Westminster met in a regular scheduled meeting at the Westminster Fire Department on Tuesday, September 7, 2021 at 6:00 pm with Mayor Brian Ramey presiding. Those in attendance were:

| | | | |
|---|---|---|---|
| Brian Ramey | Danny Duncan | Reid Adams | Rusty Cater |
| Jimmy Powell | Yousef Mefleh | Brad Chastain | |

City Administrator, Kevin Bronson
Utility Director, Leigh Baker
Senator Thomas Alexander
City Employees, Chief Rory Jones, Lt. Matt Patterson, Rebecca Overton, Chief Michael Smith
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 Brian Ramey called the meeting to order at 6:00 pm.

**Invocation and Pledge of Allegiance**

Chief Rory Jones led the Council in the invocation and the Pledge of Allegiance.

**Certification of Quorum**

The City Clerk certified a quorum.

Upon a motion by Mayor Ramey and seconded by Mr. Adams, the motion ***to move the presentations before public comments*** passed unanimously.

**Recognition of Chief Rory Jones**

Mayor Ramey read a Resolution from the City of Westminster and Senator Thomas Alexander read a Resolution from the State, recognizing Chief Jones on his many years in law enforcement upon his retirements. Both Resolutions highlighted his dedication to his community and the people he served. Chief Jones has made a lasting impact on his community and it will be missed. Several members of Council followed with statements of appreciation of their own, thanking Chief Jones for all his hard work and dedication to the City.

**Comments from Mayor and Council**

1. Mr. Chastain wanted to thank Julian Davis and all of County Council for the $1.3 million dollars that has been given to the City that will go toward infrastructure upgrades. Mr. Chastain also thanked them for moving forward with the new magistrate courthouse and thanked Mr. Mefleh for his support with the project. Mr. Mefleh stated that he did it for the town and hopes it will help with growth at that end of town.
2. Mayor Ramey encouraged everyone to participate in the Apple Festival and to thank the committee members for all their hard work.

**Old Business**

1. Proposed Charges to Recoup Electrical Expenses

   Mr. Baker stated that the City has always absorbed the expenses of providing electric system upgrades and components to residents and commercial businesses. With the growth the city has been experiencing it has taken a toll on the City's budget. Recouping these expenses as they are incurred will enable the electric system to replenish materials and supplies more timely.
   Mr. Baker recommended that City Council adopt the proposed Electric Rate Sheet.

   Upon a motion by Mr. Adams and seconded by Mr. Duncan, the motion ***to approve the Contribution Fee Reference Sheet*** passed unanimously.

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

**New Business**

2. Resolution Restricting Open Carry at the Apple Festival

   On August 15, 2021, the Open Carry with Training Act went into law in South Carolina. In July 2021, the South Carolina Law Enforcement Division provided a guidance document, attached, to municipalities on the Act.

   In creating the law to allow open carry with training, the General Assembly also made provisions for local governments to utilize restrictions on open carry during certain organized events when the local governments deem it in the best interest of public safety. Specifically, S.C. Code Ann. § 23-31-520 states,

   **(A)** Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body

issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, a county, municipality, or political subdivision may not exercise the provisions of this subsection. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.

**(B)** A governing body exercising the authority granted to it pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event. The duration of an event may not be scheduled for such a length of time as to frustrate the intent of this section.

**(C)** A county, municipality, or political subdivision may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest.

With the Apple Festival scheduled for September 10 and 11, 2021 the Westminster Police Department began conversations with the Apple Festival organizers to discuss the safety aspects of crowd control in the downtown area in light of the new law in July.

Mr. Bronson stated that for public safety he would recommend that Council proceed with adopting the resolution.

Several Council members had questions concerning the issue that were answered by Mr. Bronson or Lt. Patterson. Lt. Patterson stated that the Apple Festival Committee was in favor of the temporary restriction, and that the resolution would not cover the rodeo grounds but there would be police at the event. Lt. Patterson also stated that passing of the resolution would allow the PD to control the crowd in a safe manner. Mr. Bronson stated that this resolution would only cover a define area in the downtown area where the festival is occurring and a map outlining the area is included with the resolution.

Mayor Ramey stated that he has contacted other cities that have had events since the passing of this law, and they have had no issues and did not have a resolution restricting the open carry during the event. He felt there was no justifiable reason to pass something when there hasn't been an issue.

Upon a motion by Mr. Adams and seconded by Mr. Cater, the ***motion to approve the resolution exercising the authority of the City of Westminster to restrict Open Carry during the Apple Festival from Thursday, September 9th at 5:00pm until 11:00pm on September 11, 2021*** passed with a 6 to 1 vote with Mayor Ramey voting no.

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

3. Resolution Committing the City of Westminster to Providing Local Grant Match for MASC Economic Development Grant

   Mr. Bronson stated that the Municipal Association of South Carolina (MASC) offers Hometown Economic Development Grants to South Carolina cities and towns to implement economic development projects that will make a positive impact on the quality of life in their communities. The grant program also promotes and recognizes innovation in economic development practices. The City of Westminster's Commercial Building Improvement Grant Program is an ideal program to be funded by the MASC grant.

   A Resolution is required to be passed in order for the City to apply. Based on the city's population the required grant match is 5% or $1,250.

   Grant awards will be announced by MASC no later than October 31, 2021.

   Upon a motion by Mr. Adams and seconded by Mr. Duncan, the motion ***to approve the resolution committing the City of Westminster to providing a local match for a MASC hometown economic development grant and following its procurement policy when securing services and products with grant funds*** passed unanimously.

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

4. Consider Bids for Electric Utility Contractor

   In the FY2022 Budget, City Council authorized $83,280 for contact services when outside contractors are needed to augment City utility crews.

   In August City Staff posted a Request for Bids for Electric Utility Contractors. The scope of work is defined as:
   Contractor to provide equipment and personnel to complete:

1. Completion of 4.16 to 12.47KV distribution system
2. New Circuit 1204 substation exit construction
3. Existing Circuit 1203 right of way reconstruction
4. Existing Circuit 1201 “Chau River Circuit” right of way reconstruction

Contractor crew work/equipment requirements are:

a. Crew of 4 personnel able to work 12.47KV energized facilities and occasional emergency restoration during regular work hours.
b. Replacement and reframing of distribution poles with 15KV equipment
c. Replacing 2.4 KV transformers with 7.2KV overhead and underground transformers single phase and three phase
d. Transferring secondary and primary conductors
e. One line truck
f. One bucket truck able to work 50’ poles.

Two sealed bids were received and opened on August 20, 2021. Those bids for weekly rates propose:

| | |
|---|---|
| Utility Partners of America (UPA) (Greenville, SC) | $14,402 |
| Sparks Energy, Inc. (Danville, AL) | $13,866 |

Mr. Baker stated the work would take approximately 4 weeks to complete and ask that Council approve the bid from UPA as they are already familiar with our system.

Upon a motion by Mr. Duncan and seconded by Mr. Adams, the motion ***to approve the bid by Utility Partners of America (UPA) in the amount of $14,402 per week*** passed unanimously.

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

5. ARP Resolution to designate a representative and contact person for ARP Act of 2021

Mr. Bronson informed Council that the American Rescue Plan Act of 2021 authorizes $1,289,913 to the City of Westminster. In order to submit a request to draw the funds, the City Council must designate a point of contact by resolution and requested that the Council pass the resolution authorizing him as point of contact.

Upon a motion by Mr. Cater and seconded by Mr. Adams, the motion ***to approve the resolution authorizing the City Administrator as the point of contact*** passed unanimously.

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

6. Approval of Budget Amendments

Mr. Bronson provided a spreadsheet listing items for which City Council is required to authorize through a budget appropriation. The second reading of the ordinance will also require a public hearing which will be advertised.

The amended budget includes monies allocated out of the Hospitality Fund for SeamonWhiteside and the survey done on the Hall Street property. Also, included in the amendment is the ARP from the State and County and the monies that are allocated from the C-Fund Committee for sidewalks and roadway resurfacing.

Upon a motion by Mr. Adams and seconded by Mr. Cater, the motion to ***conduct the first reading of an Ordinance amending the FY2021-2022 budget*** passed unanimously.

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

7. Discuss Police Chief Residency along with Fire Chief and City Administrator

Mr. Bronson stated that the current Employee Policy and Procedure Manual states residency requirements for the Police Chief, Fire Chief, and the City Administrator. With beginning the process of search for a new Police Chief, Mr. Bronson was seeking clarification since currently none of those holding those position live inside the city limits.

The current policy states they are required reside in the city limits or no more than five miles outside the city limits.

Upon a motion by Mr. Adams and seconded by Mr. Cater, the motion ***to replace the word "required" with "prefer" in the policy*** passed with a 4 to 3 vote with Mayor Ramey, Mr. Powell and Mr. Mefleh voting no.

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

8. City Council – Rules of Procedure

In July 2021, City Council encountered a situation in which its current rules of procedure were called into question. Specifically, the current rules of procedure, following Roberts Rules of Order, adopted by the Westminster City Council in 1976 do not provide for telephonic or other electronic means for City Council member attendance.

Mr. Bronson presented two divergent options presented for City Council's consideration.

The first option is an Ordinance that allows the City Council to conduct its meetings with members attending either telephonically or electronically (via a virtual platform such as Zoom, Skype or FaceTime) should the Council wish to allow for such attendance.

The second option is the policy adopted by the Oconee Joint Regional Sewer Authority (OJRSA) for its Board of Directors meetings. It does explicitly restrict telephonic and electronic meeting attendance for Board members unless there is a declared emergency.

Mr. Bronson stated that Council can elected to take one of these options or continue as they have been. Council would need to pass an emergency ordinance that would allow for telephonic or other electronic means for City Council members attendance.

Council took no further action on this topic.

9. Tax Sale Redemption of 220 S Spring Street

Mr. Bronson stated that the property at 220 S. Spring St. was sold in 2019 at a public auction for delinquent taxes.

The City was notified as a mortgage holder of its rights to pay $4,824.53 in delinquent property taxes to retain (gain) ownership of the property.
The property may have been rehabilitated or realized other improvements from or by the City at some point in time.

After a brief discussion, the Council decided to take no action on this topic.

**Routine Business**

1. Upon a motion by Mr. Adams and seconded by Mr. Chastain, the motion ***to approve the August 10, 2021 Regular Meeting Minutes*** passed unanimously.

Comments from Utility Director

Mr. Baker stated that they have had a good month and a lot has been accomplished.

a. The valves at the water plant have been changed out
b. The City has received two vehicles from the County and one is going to the Water Plant and the other to the Recreation Department
c. The VFD's are ready
d. The Water Department is down two employees but we are advertising
e. Riley St. building and fencing is now gone and the lot is being cleaned up.
f. The pool has been drained and the process to fill it in has begun.
g. A new roof has been installed on the Police building.
h. Staff is getting ready for the Apple Festival
i. A new circuit has been built and now the town can be split. Blinking that has been occurring should have stopped.

Comments from the City Administrator

a. West Oak High school has asked that their logo be put on the Hwy. 11 water tank. A cost estimate was received in the amount of $14,900. The Council thinks it is a good idea but that we need to look at the budget year for planning and maybe do a cost sharing with the school. It was also suggested to do fund raisers or donations from local businesses. Council directed Staff to contact the school and inform them that it would be addressed for the next budget year.
b. Mr. Bronson stated that Lawrence Flynn reviewed our code for enforcing property maintenance and as it currently stands it limits what the City can enforce. Mr. Bronson suggested that the Council adopt the International Property Maintenance Code. Most cities have adopted the code but it does put a lot of burden on the property owners and rental properties. It was recommended that the City adopt the policy and then as issues come up, they can work on making it a better fit for the city. It was also recommended that Mr. Jones meet with the Seneca Codes Officer to learn about the code prior to its adoption.
c. Mr. Powell asked if anything was being done about customers leaving their trash cans out all the time. Mr. Bronson stated that stickers will be placed on the cans asking customers to remove the cans from the street. If they still fail to do so, then something can be drafted to bring before Council for adoption.
d. Mr. Cater asked on the status of the survey for the Hall Street property. Mr. Bronson stated that the survey is completed and that SeamonWhiteside has it. They will integrate it into the plan and it will be presented to the Committee. Mr. Duncan

asked how long until we have an estimated cost of the project. Mr. Bronson stated that it should be about 2-3 weeks.

e. Mayor Ramey asked Council to start thinking what they wanted to do with Riley Street property now that it has been cleared.

**Adjourn**

Upon a motion by Mr. Cater and seconded by Mr. Duncan, the motion ***to adjourn the meeting at 8:15 p.m.*** passed unanimously.

(Minutes prepared by Jennifer Adams)

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Mayor Brian Ramey Date