

**CITY OF WESTMINSTER REGULARLY SCHEDULED MEETING**

**October 11, 2022 @ 6:00 PM**

**Westminster Fire Department**

**216 Emergency Lane**

**AMENDED AGENDA\***

**(\* items added to the Amended Agenda are noted with an “\*” and in red type.)**

Call to Order

Invocation & Pledge of Allegiance

Certification of Quorum

Public Comments:

The floor is now open for public comments. Citizens of Westminster or others who have registered for time with the Clerk can now address Council for any matters on tonight’s agenda or other matters you wish to bring before the Council. Speakers are allowed up to 3 minutes and possibly longer if that Speaker is recognized in advance as representing a larger group with similar concerns. In order to preserve the decorum of this public meeting, and to allow adequate time for discussion among the elected membership of City Council, this will be the only time we will receive unsolicited comments tonight from the public.

Special recognition of City Utility Employee – Electric Department

Comments from the Mayor and Council

**Old Business**

1. Second Reading of ORDINANCE NO. 2022-10-11-01; AN ORDINANCE AUTHORIZING AND ESTABLISHING AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ENCOURAGE PRIVATE INVESTMENT IN THE INCENTIVE AREA OF THE CITY OF WESTMINSTER, SOUTH CAROLINA; AUTHORIZING AND ESTABLISHING A PROGRAM TO GRANT SPECIAL PROPERTY TAX ASSESSMENTS TO CERTAIN REHABILITATED HISTORIC PROPERTIES; AND OTHER MATTERS RELATED THERETO.

*(On August 16, 2022 City Council participated in a discussion with Attorney Lawrence Flynn of Pope Flynn to develop an Economic Development Incentive Program to encourage private investment within the City limits.*

*The ordinance contains multiple provisions. Of note are:*

*Adoption of the Bailey Bill which provides for certain procedures that the City and the owner of qualifying historic property must follow in order to receive the benefits of the Bailey Bill.*

*Authorization of incentives which include:*

*(i) Up to 100% of the applicable tap fees collected by the City;*

*(ii) Up to 50% of the building permit fees collected by Oconee County on behalf of the City;*

*(iii) Up to 50% of the business license fees collected by the City for as many as five (5) years;*

(iv) Up to 50% of the local hospitality taxes collected by the City for as many as five (5) years, but funds received through such Incentive are to be spent only for purposes that are related to tourism, pursuant to S.C. Code § 6-1-730, and which have been approved by Council and included in the Incentive Agreement;

(v) Up to 50% of the local accommodations taxes collected by the City for as many as five (5) years, but funds received through such Incentive are to be spent only for purposes that are related to tourism, pursuant to S.C. Code § 6-1-530, and which have been approved by Council and included in the Incentive Agreement; and

(vi) Such other Incentives that the Council, at its discretion on a case-by-case basis, determines are appropriate given the amount or type of investment made by the Incentive Recipient in the Incentive Area)

Further:

- (i) State Incentive Programs
  - a. The Abandoned Building Act
  - b. Textiles Revitalization Act
- (ii) Minimum Investments for eligibility
- (iii) Length and amount of the incentives
- (iv) Area within the City limits to which incentives apply
- (v) Council authorization and certification of incentives

*Staff recommends approval.)*

2. Second Reading of ORDINANCE NO. 2022-10-11-02; AN ORDINANCE APPROVING THE EXECUTION AND DELIVERY OF A POLE ATTACHMENT LICENSE AGREEMENT BY AND BETWEEN THE CITY OF WESTMINSTER, SOUTH CAROLINA AND SPECTRUM SOUTHEAST, LLC AND OTHER MATTERS RELATED THERETO.

*(Spectrum Southeast, LLC requested the right to attached its communications equipment (aerial cables, wires and other facilities related thereto) to City-owned utility poles. This activity is presented to the Council for consideration as a Pole Attachment License Agreement. The agreement was negotiated by the City's legal representative Pope Flynn. The technical specifications were reviewed and approved by the City's Utility Director.*

*The term of the agreement is five (5) years. The technical specification detail considerations such as location on the pole, arrangement of the wires, insurance of the company and compensation to the City for each pole used, to name a few. The cost is \$21.00 per pole.*

*This is a non-exclusive attachment agreement. Currently, AT&T, Vyve and Blue Ridge electric Cooperative (for UpCountry Fiber) have pole attachment agreements with the City. These agreements are of benefit to the citizens of the City in that it promotes competition for communications services and compensates the City of the use of the City-owned poles.*

*Staff recommends approval.)*

3. Second Reading of ORDINANCE NO. 2022-10-11-03; AN ORDINANCE DELETING CERTAIN PROVISIONS OF TITLE III, CHAPTER 35 OF THE CITY OF WESTMINSTER CODE OF ORDINANCES PERTAINING TO ITS PURCHASING AND CONTRACTING POLICY; ADDING TITLE III, CHAPTER 38 TITLED “PROCUREMENT”; AND OTHER MATTERS RELATED THERETO.

*(At the request of staff, Pope Flynn developed a revised Procurement Policy. Generally speaking, this policy provides for a modern approach to procuring goods and services as needed by the City, it complies with South Carolina state law. For the city staff, it adds flexibility and efficiencies to the procurement process. For additional security, the City Council is often the final decision maker. The policy adds additional language for performance bonds – which require a financial bond upfront to ensure a contractor completes the work to which it was hired.*

*The local vendor preferences is written to reflect the local nature of the upstate of South Carolina; however, City of Westminster businesses are given the greatest amount of preference then those in Oconee County. See section 38.22 Local vendor Preference. The Exceptions To Bidding, Section 38.26 incorporates flexibility to negotiate with prospective contractors or consultants for the most efficient delivery of construction projects. These new provisions allow the City to keep pace with the modern environment for procuring and securing goods and services.*

*Staff recommends approval.)*

### **New Business**

4. Consideration of approval of Mutual Aid Agreement (between Clemson University Police department and Westminster Police Department)

*(Entities with law enforcement officers within the state of South Carolina may adopt mutual aid agreements to allow for officers from one entity to provide law enforcement assistance to the other entity. The governing body of each entity must approve these agreements.*

*Staff recommends approval.)*

5. Consideration of Proposals Downtown Master Planning Services

*(The Appalachian Regional Commission (ARC) awarded the City a \$32,000 grant requiring a City match of \$32,000 to complete a Downtown Master Plan.*

*Four (4) proposals were submitted by the deadline provided in the Request for Proposals. One (1) proposal did not meet the minimum submission qualifications. The three (3) proposals that met the qualifications are attached and summary provided. Each proposal offers a different, if subtle, approach to the planning process. All three proposals offer a six month timeline. Two of the proposals offer the same price yet have different caveats to the services provided. Any of the three proposals will create a good downtown master plan.*

<b>Bolton &amp; Menk / Studio Main / downtown strategies</b>	<b>\$64,000</b>	
<i>Phase 1 Project Initiation &amp; Discovery</i>		\$27,000
<i>Phase 2 Master Plan Planning Workshop</i>		\$16,000
<i>Phase 3 Develop Master Plan &amp; Conceptual Image</i>		\$14,000
<i>Phase 4 Develop and Present Final Master Plan and Project Management</i>		\$6,000
<i>Total expenses not to exceed</i>		\$63,000
<i>Allowance</i>		\$1,000

- *Included project scope as requested in the RFP.*
- *Six (6) month timeline from beginning to completion*
- *Portfolio of Projects:*  
*West Pelzer zoning and master plan; City of Simpsonville downtown park & streetscape design; downtown Rocky Mount master plan; West Catawba site studies and market analysis (Cornelius, NC); Town of Boiling Springs downtown master plan; downtown real estate analysis (Albemarle, NC); Jonesville downtown strategic master plan, (Jonesville, SC); City of Liberty strategic master plan; downtown master plan (Walhalla, SC).*

<b>Boudreaux / The Landplan Group South / Fred Delk</b>	<b>\$64,000</b>	
<i>Phase 1 Project Initiation &amp; Discovery</i>		\$7,968
<i>Phase 2 Master Plan Planning Workshop</i>		\$26,560
<i>Phase 3 Develop Master Plan &amp; Conceptual Image</i>		\$13,280
<i>Phase 4 Develop and Present Final Master Plan and Project Management</i>		\$5,312
<i>Project Management</i>		\$7,680
<i>Reimbursables</i>		\$3,200

- *Included project scope as requested in the RFP.*
- *Six (6) month timeline from beginning to completion*
- *Portfolio of projects:*  
*Downtown and Facilities Master Plan, City of Inman; Downtown Master Planning, Town of Cheraw; City of Hartsville Master Plan; Vision Plan, Town of Lexington; Capital City Mill District Master Plan, City of Columbia and Richland County, SC; Master Planning, City of Mauldin; Streetscapes, Florence, SC;*

**SeamonWhite / Studio Main / DP3 Architects**  
**(range not including a la carte services) \$37,000 - \$50,000**

- *Included project scope as requested in the RFP.*
- *Six (6) month timeline from beginning to completion*
- *Offered a negotiated contract for a negotiated fee (an approach different to the others which provided set fees).*
- *Portfolio of Projects:*  
*Hall Street Park (Westminster); City of Clemson Streetscape Improvements; City of Easley SC Highway 153 Corridor Master Plan; Fountain Inn Highway 418 Corridor Study; City of Seneca Downtown Master Plan; Iva Streetscape; Pelzer Streetscape; Allendale Downtown Master Pan; Walhalla Streetscape; Swamp Rabbit Trail;*

*Jonesville Downtown Strategic Master Plan; City of Liberty Strategic Master Plan; Downtown Master Plan (Walhalla); plus others.*

*Staff recommends award to Bolton & Menk / Studio Main / downtown strategies for \$64,000.)*

6. Consider creation and appointment of the Planning Advisory Committee

*(The City of Westminster was recently awarded a grant from the Appalachian Regional Commission (ARC) to develop a Downtown Master Plan. The ARC awarded the grant to develop a downtown master plan to guide the City of Westminster in making strategic investments to revitalize its central business district. The plan will provide guidance for catalyst projects including Main Street streetscape, conceptual ideas for the reuse of a former school site, and the re-imagining of a sloped area that connects the downtown to an adjacent neighborhood. ARC funds will be used to procure a consultant to develop this plan.*

*The grant award included utilizing a Planning Advisory Committee. This Committee is intended to provide general guidance to the planning consultant and to be available to provide input on draft iterations as the plan is developed. Eight to twelve members from the community is ideal. The time commitment is about 16 hours total over the next 5-7 months, most meetings in the evenings with a few possible during the daytime.*

*City Council is asked to begin considering names for appointment to the Planning Advisory Committee so the Committee may be appointed at the October 11, 2022 City Council Meeting. Drawing upon those already in service on the Planning Commission, the Board of Zoning Appeals and the Recreation Planning Committee is advisable as well as including others not currently on a committee or commission.)*

7. Consideration to approve Memorandum of Agreement For the Detention of Juveniles (between the South Carolina Department of Juvenile Justice and Westminster)

*(Juveniles arrested by law enforcement must be detained separately from adults. This agreement with the South Carolina Department of Juvenile Justice provides for that detention for juveniles arrested by the Westminster Police Department.*

*Staff recommends approval.)*

**Routine Business**

1. Approval of the September 13, 2022 Regular Meeting Minutes
2. Comments from City Administrator

**\*Executive Session**

*Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.*

- a) Receipt of legal advice regarding procurement matters*

**Adjourn**