

MINUTES
WESTMINSTER CITY COUNCIL
Regular Scheduled Meeting
Tuesday, October 10, 2023

The City Council of the City of Westminster met in a regular scheduled meeting on Tuesday, October 10, 2023, at 6:00 pm at the Westminster Fire Department with Mayor Brian Ramey presiding. Those in attendance were:

Brian Ramey
 Jimmy Powell

Audrey Reese
 Adam Dunn

Daby Snipes

Ruth May

City Administrator, Kevin Bronson
 Assistant to the City Administrator, Reagan Osbon
 City Clerk, Rebecca Overton
 Police Chief, Matt Patterson
 Fire Chief, Michael Smith
 Utility Director, Kevin Harbin
 City Attorney, Andrew Holliday
 Members of the public and press

Notice of the meeting and the agenda was posted on a window at the Fire Department and at 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

Mrs. Audrey Reese led the Council in the invocation and the Pledge of Allegiance.

Certification of Quorum

Rebecca Overton certified a quorum.

Public Comments

There were no comments from the public.

Comments from the Mayor and Council

October 10, 2023

Mrs. Snipes announced that the Lazy Daisy Organization Group would be having an Auction on November 14th at Westminster Baptist Church at 10:00 am. She added that the proceeds would be going to Scholarships and different projects throughout the city. Mrs. Reese stated that she was looking forward to the upcoming Big Foot Festival in the downtown area this weekend. Mayor Ramey wished Mrs. Reese a Happy Anniversary.

Special Recognitions

Mr. Bronson recognized the Police Officer and Firefighter of the Year. The Police Officer of the year is McKinley Kelley-Jones and the Firefighter of the year is Richard Klaren. The Police Chief and the Fire Chief each stood with the recipients, and both were congratulated with a big round of applause by Council and those in attendance.

Routine Business

1. Approval of the September 12, 2023, Regular City Council Meeting Minutes

Upon a motion by Mayor Ramey and seconded by Mrs. Reese, the motion to ***table the September 12, 2023 minutes*** passed unanimously.

Member	Motion	Vote
Ramey	Motion	Yes
Glymph		Yes
Powell		Yes
Reese	Second	Yes
May		Yes
Dunn		Yes
Snipes		Yes

2. Comments from the Utility Director
 - a. Mr. Harbin informed Council that the city had received an approval to operate from DHEC for the Greenfield Road/Dawn Drive water line that is part of the USDA Capital Water Project. He added that contractors will be moving to the area of Dixon Road in a few weeks. Mayor Ramey asked about the payment plan option for customers of Dixon Road who will have to have new plumbing installed from the tap to the home. Mr. Harbin informed Council that there have been some different variables in getting a per linear footage quote and Mr. Bronson added that the city will continue to work with homeowners to get everything worked out.
 - b. Mr. Harbin informed Council that the Highway 76 work was progressing along well. He added that crews had run into some rock in a couple of areas but that they were continuing work before bringing in rock equipment in case additional

rock was discovered. Mr. Harbin added that the Welcome Church Road area would be next.

- c. Mr. Harbin informed Council that the Coopers Mill water and sewer projects were completed and that final testing and approvals from DHEC were still in the works.

3. Comments from City Administrator

- a. Mr. Bronson informed Council that he would be scheduling a Planning Retreat that would be broken up into two days. He added that the first day would cover a year-end and financial review and the second day would be a facilitated session. Mr. Bronson added that these meetings would likely be held at the Depot or City Hall.
- b. Mr. Bronson informed Council that since the city did not receive any bids for the Anderson Park Project, staff had secured Studio Main to design the project then staff will submit the project again for bids.
- c. Mr. Bronson informed Council that some members of the Planning Commission and the Zoning Board of Appeals have or are reaching expired terms. He suggested that Council Members keep that in mind over the next few months as reappointment of current members will be necessary or possibly appointment of new members.
- d. Mr. Bronson informed Council that the new website construction is in the final stages and will be launched soon. He also added a warm congratulations to Reagan Osbon who is getting married during the upcoming weekend.

Old Business

- 1. Consideration of Second Reading of Ordinance #2023-10-10-01; An Ordinance Amending the Business License Ordinance of the City of Westminster to Update the Class Schedule as Required by Act 176 of 2020.

Mr. Bronson informed Council that the South Carolina's Act 176, the Business License Standardization Act, requires every municipality and county government with a business license tax to update its business licensing class schedule every odd-numbered year to go into effect the following year. He added that as such, 2023 is a time to update licensing practices to remain in compliance with the state law. As required by Act 176, the class schedule updates use the latest statistical data on business profitability from the IRS, which then receives approval from the SC Revenue and Fiscal Affairs Office. The City of Westminster must adopt these by **December 31, 2023**, to address those licensing renewals that will take place for the license year running from **May 1, 2024 – April 30, 2025**.

Upon a motion by Mrs. Snipes and seconded by Ms. May, the motion to *approve Second Reading of Ordinance #2023-10-10-01; An Ordinance Amending the*

Business License Ordinance of the City of Westminster to Update the Class Schedule as Required by Act 176 of 2020 passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell		Yes
Reese	Motion	Yes
May	Second	Yes
Dunn		Yes
Snipes		Yes

New Business

2. Consideration of Ordinance No. 2023-11-14-01; An Ordinance Authorizing the Execution and Delivery of a Non-Exclusive Franchise Agreement with Duke Energy Carolinas, LLC; and Other Matters Relating Thereto.

Mr. Bronson informed Council that the city has a Municipal Services Agreement (MSA) with Duke Energy Carolinas, LLC (Duke) for the electric services Duke provides in the corporate limits. He added that the current agreement was signed in May 2009 with a ten-year initial term with automatic renewal in five-year increments and that the MSA is set to expire/or auto renew on June 30, 2024. The MSA allows Duke a non-exclusive right to serve customers in the city limits and imposes a 4% franchise fee on the revenue generated from the service.

Mr. Bronson further added that Duke has requested an update to the MSA and that edits to the new MSA have been made by city attorneys Lawrence Flynn and Andrew Holliday and approved by Duke. Mr. Bronson added that the change of note is an increase in the franchise fee from 4% to 5% (to align with the city's self-imposed franchise fee).

Mr. Trent Acker of Duke was present and confirmed the information Mr. Bronson had relayed to Council, adding that the MSA simply authorizes Duke to operate within the city limits of Westminster.

Upon a motion by Mr. Dunn and seconded by Mr. Powell, the motion to ***approve first reading of Ordinance No. 2023-11-14-01; An Ordinance Authorizing the Execution and Delivery of a Non-Exclusive Franchise Agreement with Duke Energy Carolinas, LLC; and Other Matters Relating Thereto*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell		Yes
Reese	Motion	Yes
May	Second	Yes
Dunn		Yes
Snipes		Yes

3. Consideration Of Municipal Service Agreement for The Provision of Electric Service [with Duke Energy Carolinas, LLC]

Mr. Bronson informed Council that this item could be deferred until second reading of the Duke Franchise Ordinance.

Upon a motion by Mayor Ramey and seconded by Mrs. Reese, the motion to *table the consideration of Municipal Service Agreement for the Provision of Electric Service with Duke Energy* passed unanimously.

Member	Motion	Vote
Ramey	Motion	Yes
Glymph		Absent
Powell		Yes
Reese	Second	Yes
May		Yes
Dunn		Yes
Snipes		Yes

4. Consideration of Ordinance No. 2023-11-14-02; An Ordinance to Execute Real Property Sale Agreement

Mr. Bronson reminded Council that at the September 12, 2023, City Council Meeting Council considered a written offer by Mr. Mahlon Stoltzfus to purchase 0.2 acres, more or less, with attached personal property, as is located at 308 Fire Tower Rd (TMS 289-00-04-001) for \$3,500. He added that the subject property is adjacent to property owned by Mr. Stoltzfus and that Utilities Director Kevin Harbin has evaluated the site and the tank and reports neither the property nor the tank is used by the City. Mr. Bronson further added that this ordinance authorizes the sale of the property and then a Contract of Sale and Purchase would also require Council action.

5. Upon a motion by Mr. Dunn and seconded by Mrs. Snipes the motion to *approve first reading of Ordinance No. 2023-11-14-02; An Ordinance to Execute Real Property Sale Agreement* passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell		Yes
Reese		Yes
May		Yes
Dunn	Motion	Yes
Snipes	Second	Yes

6. Consideration of Contract of Sale and Purchase; This Contract of Sale And Purchase by and between The City of Westminster and Mahlon Stoltzfus

Mr. Bronson informed Council that this is the Contract of Sale and Purchase described in the Real Property Sale Agreement Ordinance. He also added that this item can be tabled until the second reading of the Ordinance.

Upon a motion by Mayor Ramey and seconded by Mrs. Reese, the motion to *table the Consideration of Contract of Sale and Purchase* passed unanimously.

Member	Motion	Vote
Ramey	Motion	Yes
Glymph		Absent
Powell		Yes
Reese		Yes
May		Yes
Dunn	Second	Yes
Snipes		Yes

7. Consideration of Ordinance 2023-11-14-03; An Ordinance to Amend Title XIII Chapter 130 of The Code of Ordinances for the City of Westminster

Mr. Bronson informed Council that this ordinance may be referred to as a “blanket trespass ordinance” and that the ordinance authorizes law enforcement to issue trespass notices to individuals on private property without express permission of the owner. He added that provision for a warning of trespass followed by a trespass notice, with subsequent sanctions, authorizes law enforcement to act. Mr. Bronson further added that private property owners may authorize law enforcement under the “blanket” provision to issue trespass notices to individuals that repeatedly trespass on private property without repeated approval of the property owner.

Upon a motion by Mr. Powell and seconded by Mrs. Snipes the motion to *approve first reading of Ordinance 2023-11-14-03; An Ordinance to Amend Title XIII Chapter 130 of The Code of Ordinances for the City of Westminster* passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell	Motion	Yes
Reese		Yes
May		Yes
Dunn		Yes
Snipes	Second	Yes

8. Consideration to authorize the addition of three (3) full-time firefighter positions to the existing five (5) for a total of eight (8) full-time firefighter positions.

Mr. Bronson reminded Council that on September 20, 2023, the city executed a new Fire Service Agreement with Oconee County as authorized by the City Council at its September 12, 2023, meeting. He added that the new agreement increases the compensation from Oconee County to the City from \$285,000 annually to \$550,000 annually and that as previously discussed with the Council, staff recommends the addition of three new fire fighter positions with execution of the new agreement. He also noted that the average total compensation for one firefighter position is approximately \$75,000 per year.

Upon a motion by Mrs. Reese and seconded by Ms. May, the motion to *authorize the addition of three (3) full-time firefighter positions to the existing five (5) for a total of eight (8) full-time firefighter positions* passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell		Yes
Reese	Motion	Yes
May	Second	Yes
Dunn		Yes
Snipes		Yes

9. Consideration of proposal from the Sports Facilities Company to conduct a Market Opportunity Analysis for \$18,000 AND to conduct a Financial Feasibility Assessment for \$35,000 plus applicable reimbursables.

Mr. Bronson informed Council that the Recreation Planning Committee (Committee) is scheduled to meet Wednesday, October 11, 2023, at 5:00 pm at City Hall to review proposals submitted from prospective contractors to build Phase I of the Hall Street Recreation Complex.

Mr. Bronson also explained that given the magnitude of the scope of work, breadth of equipment choices and other intricate details that will need to be decided to construct new baseball fields, staff recently began discussions with The Sports Facility Company (SFC) to aide in the decision making. He added that ideally, the Committee would vet a proposal such as this and then make (or not) a recommendation to the City Council but given the Committee will meet the day after the Council, staff requests Council consider the proposal and approve contingent upon the approval of the Committee.

Upon a motion by Mrs. Reese and seconded by Ms. May, the motion to ***approve the proposal from the Sports Facilities Company to conduct a Market Opportunity Analysis for \$18,000 AND to conduct a Financial Feasibility Assessment for \$35,000 plus applicable reimbursables*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell		Yes
Reese	Motion	Yes
May	Second	Yes
Dunn		Yes
Snipes		Yes

10. Consideration to authorize the City Administrator to join a Class Action Lawsuit for Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873) Public Water System Settlement

Mr. Bronson provided the following information from the firms representing the class action lawsuit:

Regarding the ongoing Aqueous Film-Forming (AFFF) Multi-District Litigation (MDL) settlements involving Defendants DuPont, Chemours, Corteva and 3M.

Recent developments in the AFFF MDL have resulted in significant progress towards achieving justice for public water systems that have been affected by PFAS contamination. On June 23, 2023, a settlement was announced with 3M

Company. The proposed class settlement ranges between \$10.5 billion to \$12.5 billion and will cover the costs of water treatment needed to eliminate PFAS from public water supplies. This proposed class settlement comes on the heels of a \$1.185 billion class settlement with DuPont, Chemours, and Corteva announced just a few weeks ago.

It is important to note that time is of the essence in such complex litigation. The AFFF MDL settlements have established a limited window of opportunity for potential claimants to join the litigation and secure money and cost reimbursement from the compensation fund. By delaying your decision to retain legal representation, you may risk missing out on this opportunity to secure the money you need to remediate your water supply system. Our experienced legal team is prepared to guide you through the process. We have a deep understanding of the complexities surrounding the AFFF litigation and the settlements under discussion.

The City Attorney has reviewed the Class Action Lawsuit and advises the City Council to consider authorizing the City Administrator to join the city to the suit.

Upon a motion by Ms. May and seconded by Mrs. Snipes, the motion to ***authorize the City Administrator to join a Class Action Lawsuit for Aqueous Film-Forming Foam (AFFF) Products Liability Litigation (MDL 2873) Public Water System Settlement*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Absent
Powell		Yes
Reese	Motion	Yes
May	Second	Yes
Dunn		Yes
Snipes		Yes

Adjourn

Upon a motion by Mayor Ramey and seconded by Mrs. Reese, the motion ***to adjourn the meeting at 7:16 pm*** passed unanimously.

(Minutes submitted by Rebecca Overton)

Mayor Brian Ramey

Date

October 10, 2023