

MINUTES
WESTMINSTER CITY COUNCIL
Regular Scheduled Meeting
Tuesday, November 9, 2021

The City Council of the City of Westminster met in a regular scheduled meeting at the Westminster Fire Department on Tuesday, November 9, 2021 at 5:00 pm with Mayor Brian Ramey presiding. Those in attendance were:

Brian Ramey	Danny Duncan	Rusty Cater
Jimmy Powell	Yousef Mefleh	Brad Chastain

City Administrator, Kevin Bronson
Utility Director, Leigh Baker
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 5:00 pm.

Invocation and Pledge of Allegiance

Judy Caywood led the Council in the invocation and the Mayor led the Council in the Pledge of Allegiance.

Certification of Quorum

The City Clerk certified a quorum.

Public Comments

There were no public comments to report.

Comments from Mayor and Council

There were no comments to report.

Presentation

Cheryl Medders with McKinley Cooper presented the FY 2020/2021 Financial Audit

Ms. Medders reviewed the audit findings with the Mayor and Council. Ms. Medders stated that the City of Westminster received a clean/unmodified opinion.

Old Business

1. Second Reading of Ordinance #2021-11-09-01; 2020 Business License

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion **to conduct the second reading of ordinance #2021-11-09-01; to adopt a revised business license ordinance in accordance with the business license standardization act (2020 ACT No. 176)** passed unanimously.

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

2. Second Reading of Ordinance #2021-11-09-02; To Rezone Tax Map #530-06-03-003; 9221 Long Creek Hwy from R-20 to GR (General Residential)

Upon a motion by Mr. Chastain and seconded by Mr. Cater, the motion **to deny the request to rezone parcel number 530-06-03-003 from R-20 to GR** passed unanimously.

Mayor Ramey asked the Administrator to add a zoning classification to address similar issues/requests without including mobile homes for future requests, Council agreed. Mr. Bronson stated that we could have that by March.

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

3. Second Reading of Ordinance #2021-11-09-03; Bigfoot Festival

Upon a motion by Mr. Mefleh and seconded by Mr. Duncan, the motion **to conduct the second reading of ordinance #2021-11-09-03; amending Title XI Chapter 111 of the City Ordinance by removing "Mayberry Festival" and inserting "Bigfoot Festival"** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater		Yes

Adams		Absent
Chastain		Yes
Duncan	Second	Yes
Mefleh	Motion	Yes
Powell		Yes

New Business

1. Amending Ordinance no. 2021-08-10-01 enacted on August 10, 2021, which authorized an equipment lease purchase agreement in the amount of not exceeding \$525,000 between city of Westminster, South Carolina, and Truist bank, a North Carolina banking corporation; adding additional equipment for which the lease proceeds may be expended; and other matters relating thereto.

The City's FY 2021/2022 Operating budget was approved to include: two (2) pickup trucks, one (1) brush hog and one (1) bucket truck. The amount of the equipment and fees for the Equipment Lease Purchase was approved by City Council in Ordinance No. 2021-08-10-01 includes this list and an amount not to exceed \$525,000.

Staff successfully negotiated the equipment costs to be able to include an additional pickup truck within the \$525,000. The result will be for the list to: three (3) pickup trucks, one (1) brush hog and one (1) bucket truck.

The City's Bond Counsel, Michael Burns with Burr Foreman provided the attached Ordinance and Amendment to the Lease Agreement for City Council's consideration. Truist Bank is agreeable to the amendment.

Upon a motion by Mr. Chastain and seconded by Mr. Mefleh, the motion ***to approve amending ordinance no. 2021-08-10-01 enacted on August 10, 2021, which authorized an equipment lease purchase agreement in the amount of not exceeding \$525,000 between city of Westminster, South Carolina, and Truist bank, a North Carolina banking corporation; adding additional equipment for which the lease proceeds may be expended; and other matters relating thereto*** passed unanimously.

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

2. Authorize the City Administrator to execute the Amendment to the lease agreement (for Equipment Lease Purchase Agreement)

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion **to authorize the City Administrator to execute the Amendment to the Lease Agreement** passed unanimously.

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

3. ORDINANCE #2021-12-09-01 - An Ordinance of the city of Westminster, South Carolina enacting the International Property Maintenance Code and thereby amending and restating Title IX, Chapter 93 of the city's code of ordinances; enacting certain standard technical codes and thereby amending and restating Title XV, Chapter 150 of the city's code of ordinances and amending title v, chapter 52 of the code of ordinances; adding certain municipal officials and enforcement authorization thereby amending Title III, Chapters 31 and 36 and other matters related thereto.

City Council has asked for additional code enforcement measures that will allow the City to more directly and efficiently affect changes in the City's appearance.

At the direction of the City Council, City staff and legal counsel drafted the Ordinance for Council's consideration of the International Property Maintenance Code (IPMC). The ordinance also replaces several sections of the existing City Code.

As a part of consideration of this ordinance, City Council is required to conduct a Public Hearing in order to properly enact the associated fees. Should the Council approve first reading of the ordinance, the Public Hearing will be duly advertised and held at the next City Council Meeting.

Mr. Lawrence Flynn joined the meeting via Zoom in order to address the Council and to answer any questions they may have.

Mayor Ramey stated that he would like to have a committee to review the IPMC in order to make adjustments to fit Westminster better.

Upon a motion by Mr. Duncan and seconded by Mr. Chastain, the motion **to approve ORDINANCE #2021-12-09-01 - An Ordinance of the city of Westminster, South Carolina enacting the International Property Maintenance Code and thereby amending and restating Title IX, Chapter 93 of the city's code of ordinances; enacting certain standard technical codes and thereby amending and restating Title XV, Chapter 150 of the city's code of ordinances**

and amending title v, chapter 52 of the code of ordinances; adding certain municipal officials and enforcement authorization thereby amending Title III, Chapters 31 and 36 and other matters related thereto passed unanimously.

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

4. ORIDANCE #201-12-09-02 to annex 9300 Long Creek Highway

Earlier in the 2022 calendar year City Council adopted an Ordinance to require annexation covenants and annexation for utility service extensions and changes.

To date, forty (40) annexation covenants have been signed and recorded. This is the first of the annexation covenants to be heard by the Planning Commission and recommended to City Council. Additionally, the Planning Commission recommends the property to be zoned at R25.

A Public Hearing will be scheduled for the December 9, 2021 City Council Meeting.

Upon a motion by Mr. Mefleh and seconded by Mr. Duncan, the motion **to conduct the first reading of ordinance #2021-12-09-02; annexation of 9300 Long Creek Hwy, tax map #234-01-02-016** passed unanimously.

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

5. Budget Amendment Two (2) to amend the FY2021/2022 Annual Budget by \$25,000 for the Local Economic Development Corporation

The MASC awarded the City a \$25,000 Hometown economic Development Grant for its Gateway to Revitalization submission. The grant is to enhance the City's Commercial Building Improvement Grant Program in an effort to include more downtown buildings in the city's revitalization.

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion **to conduct the first reading of ordinance #2021-12-09-03; amending the FY 2021-2022 budget** passed unanimously.

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

6. Consideration of the FY2020/2021 Annual Audit Report

Upon a motion by Mr. Duncan and seconded by Mr. Chastain, the motion **to accept the City of Westminster audited financial statements, year ended June 30, 2021** passed unanimously.

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

7. Consider Amending the Policies and Procedures for Constructing New Water Mains, Sewer Mains, Electrical Infrastructure, and Appurtenances for New Developments

At the October 5, 2021 City Council Meeting, Council adopted a policies and procedures for utilities for new developments. As discussed at that meeting, staff worked with legal counsel to create an amended policy and procedures. Mr. Bronson stated that minor changes were made to the policy that Council adopted last month.

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion **to approve the Policies and Procedures for Constructing New Water Mains, Sewer Mains, Electrical Infrastructure, and Appurtenances for New Developments** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater		Yes
Adams		Absent
Chastain		Yes

Duncan	Motion	Yes
Mefleh	Second	Yes
Powell		Yes

8. Consider bid award to Roper Brothers Inc. General Contractors for \$25,180.00 for pipe bursting be paid from the American Rescue Plan funds.

A bid from Roper Brothers Inc. General Contractors of Fountain Inn, SC was received for a pipe burst approximately 155 linear feet of eight-inch (8") sanitary sewer in along West Abbey Street in between Earle Holcombe and Grey Streets.

Through field testing city staff identified this area as having significant Inflow and Infiltration (I&I) from ground and surface water into the sewer line. Given the location conditions, the line is under the roadway, staff identified a corrective solution that minimized the impact of the construction and maximized the impact of the repair, pipe bursting was selected. Staff was unable to locate other contractors to provide the same service. Contractors that provide this type of service primarily bid larger scopes of work. However, the cost of the bid is reasonable for the work needed.

Upon a motion by Mr. Chastain and seconded by Mr. Duncan, the motion **to approve the bid in the amount of \$25,180 to Roper Brothers Inc. General Contractors of Fountain Inn, SC to be paid from the American Rescue Plan funds** passed unanimously.

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

9. Consider contract award to 120Water for \$11,105 (\$9,605 annually for the next three (3) years, \$1,500 implementation fee to be paid from the American Rescue Plan funds.

The EPA's final Lead and Copper Rule (LCR) Revisions lay out new expectations for utilities across the nation. Recent changes to the rule seek to protect public health through an increased focus on identifying and replacing Lead Service Lines, communicating clearly and efficiently with customers, and more stringent sampling across the community.

These mandates apply to every community public water supply, no matter their size, history, or presence of Lead Service Lines.

The LCRR is the first major change to the LCR since it was established in 1991 to protect public health and reduce exposure to lead in drinking water. The LCR has

resulted in major improvements in public health, and the revisions will go even further. The key change to this rule is that it requires every community water supply regardless of their size, history, or presence of Lead Service Lines take on new responsibilities and either document their LSLs or prove that they have none through a combination of records and physical material service line validation. To validate these changes, water providers are required to make changes in six key areas:

1. Identify the most impacted areas and deliver a publicly available inventory of lead service lines. Water systems will be required to find and fix sources of lead when a sample in a home exceeds 15 ppb.
2. Strengthen treatment requirements for corrosion and establish a new trigger level of 10 ppb.
3. Replace public lead service lines when customers replace their portion of the lines, and mandatory replacement of lines above the trigger level.
4. Make drinking water sampling more reliable by requiring water systems to follow improved sampling procedures and better target sampling sites.
5. Improve risk communication to customers by requiring water systems to notify customers within three days if a sample collected in their home shows lead levels above 15 ppb, or 24 hours if the 90th percentile is above the action level of 15 ppb.
6. Protect children in schools and childcare facilities by requiring water systems to test drinking water in these facilities.

120Water is a national company offering services to help water providers document their systems and create a correction plan that will comply with the LCRR. City staff have met multiple times with representatives from 120Water to identify the process that will work best for Westminster. The scope of work and the bill rate is attached. For a three-year contract the cost is \$9,605 per year with a one-time implementation fee of \$1,500.

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion **to approve the contract with 120Water for \$11,105 to be paid from the American Rescue Plan funds** passed unanimously.

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

10. Award Bid in the amount of \$317,425 to Harper General Contractors for Raw Water Motor/Pump Assemblies to be paid for with the Oconee County allocation to of its American Rescue Plan funds to the City of Westminster

In compliance with City procurement code, city staff published a RFP for Raw Water Motor/Pump Assemblies in September 2021.

Representatives from eight (8) companies attended the on-site pre-bid conference held October 6, 2021 at the Westminster Water Treatment Plant. The representatives had the opportunity to discuss the project and the engineering design with City staff, Water Plant Manager Diana Denny and Utilities Director Leigh Baker, and city electrical engineer, Richard Tucker. The representatives also had the opportunity to walk the site of the raw water pumps.

On October 25, 2021 City staff opened the one (1) submitted, sealed bid received for the project. Harper GC submitted the one (1) bid; it has been reviewed and validated by city staff and city electrical engineer Richard Tucker.

The pricing is as follows.

\$249,075	Remove two (2) existing 500 HP motor vertical turbine pumps; provide, install, and startup two (2) each new 300 HP motor vertical turbine pumps; transport old pump/motor assemblies to the Westminster Operations Center; and provide all management, supervision and general conditions
<u>\$ 68,350</u>	for Add Alternatives
\$317,425	Total

Funding for this project is through the Oconee County American Rescue Plan allocation to the City of Westminster, a total of \$1,300,000.

Upon a motion by Mr. Chastain and seconded by Mr. Duncan, the motion **to approve the bid of \$317,425 to Harper General Contractors from Greenville, SC and for the funding to come from the Oconee County American Rescue Plan allocation** passed unanimously.

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

11. Consider Support of Letter dated November 10, 2021 to Piedmont Municipal Power Agency (PMPA) General Manager from Westminster Board Director Kevin Bronson

The City of Westminster is a party to a Catawba Project Power Sales Agreement with Piedmont Municipal Power Agency (PMPA). In addition, Westminster is also a party to a related Supplemental Power Sales Agreement with PMPA. We previously transmitted notice of termination of our Supplemental Sales Agreement and the effective date of our termination is December 31, 2028.

Council's support of the letter dated November 10, 2021 to Piedmont Municipal Power Agency (PMPA) General Manager from Westminster Board Director Kevin Bronson is requested.

The letter enables the City's appointed Board Director to participate in discussions related to future power provision and serve on any committee as may be authorized by the PMPA Board. It does not obligate the City to future purchase power agreements.

Upon a motion by Mr. Duncan and seconded by Mr. Chastain, the motion **to approve support of the letter dated November 10, 2021 to PMPA General Manager Andy Butcher from Westminster's PMPA Board Director, Kevin Bronson** passed unanimously.

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

12. Consider Law Enforcement Assistance and Support Agreements with:

- a. The Oconee County Sheriff's Office
- b. The Seneca Police Department
- c. The Walhalla Police Department
- d. The West Union Police Department

South Carolina state law allow law enforcement agencies to have Law Enforcement Assistance and Support Agreements for the purpose of providing proper and prudent exercise of public safety functions across jurisdictional lines. It is important to periodically update these agreements with the reciprocating agencies.

Westminster Police Department historically has maintained Law Enforcement Assistance and Support Agreements with the Oconee County Sheriff's Office, the Seneca Police Department, Walhalla Police Department and the West Union Police Department.

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion **to approve the Law Enforcement Assistance and Support Agreement with the Oconee County Sheriff's Office** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater		Yes
Adams		Absent
Chastain		Yes
Duncan	Motion	Yes
Mefleh	Second	Yes

Powell		Yes
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Upon a motion by Mr. Duncan and seconded by Mr. Cater, the motion ***to approve the Law Enforcement Assistance and Support Agreement with the Seneca Police Department*** passed unanimously.

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

Upon a motion by Mr. Duncan and seconded by Mr. Cater, the motion ***to approve the Law Enforcement Assistance and Support Agreement with the Walhalla Police Department*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Cater	Cater	Yes
Adams		Absent
Chastain		Yes
Duncan	Motion	Yes
Mefleh		Yes
Powell		Yes

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion ***to approve the Law Enforcement Assistance and Support Agreement with the West Union Police Department*** passed unanimously.

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

13. Consider Agreement with Oconee County Sheriff's Office to provide Victim Assistance as mandated by the S.C. Code Ann. 16-3-1505 et seq.

S.C. Code Ann. 16-3-1505 *et seq.* requires law enforcement agencies to provide Victim Assistance to victims of and witnesses to a crime. The City and the Oconee

County Sheriff's Office have formerly executed agreements to partner in the provision of this service.

Upon a motion by Mr. Chastain and seconded by Mr. Duncan, the motion **to approve the agreement with the Oconee County Sheriff's Office to provide Victim Assistance as mandated by the S.C. Code Ann. 16-3-1505 et seq.** passed unanimously.

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

14. Consider adoption of Resolution #2021-11-09-RS; Restrict Open Carrying During an Event

No action was taken on this agenda item.

Routine Business

1. Upon a motion by Mr. Duncan and seconded by Mr. Cater, the motion **to approve the October 5, 2021 regular meeting minutes** passed unanimously.
2. Comments from the Utility Director
 - a. Mr. Baker stated that he has come up with a weekly schedule for his crews and has submitted it to Kevin.
 - b. Water taps are continuing and repairs are still be made.
 - c. The sewer crew will begin smoking lines on Wednesday.
 - d. Mr. Baker stated that he received a call from a customer who informed him that they purchased a home test kit to test their water. The customer stated that the test came back positive for pesticides. Mr. Baker informed DHEC who tested the water and found no pesticides. Mr. Baker also tested additional sites on his own and found no pesticides in the water.
 - e. Mr. Baker updated Council on the progress of the CFund request.
 - f. Due to people not removing their trash cans after they have been dumped, Mr. Baker had stickers printed up that will be going on the cans. His staff has already began placing them on the cans.
 - g. The electric crew has been installing new services on newly built homes in town and the tree trimmer has been back cutting back more trees from the power lines.
 - h. Mr. Baker stated that with all the work being done on finding sewer issues, the I & I has been reduced to under 14% and they are hoping it goes down more once the repair is fixed by the Roper Brothers, Inc. General Contractors.

3. Comments from the City Administrator
 - a. Mr. Bronson informed Council that he has scheduled a City Council and Planning Commission Workshop on January 24, 2022 from 2:00 – 4:00 on the Zoning Ordinance.
 - b. Mr. Bronson asked Council if they would like to schedule a Priority Setting Workshop in the month of January or February. He finds the workshop very helpful when planning the budget and getting grants.
 - c. Mr. Bronson informed Council that he will have a 2022 meeting schedule ready for them to approve at the December meeting. He asked Council if they wanted to keep the meeting times at 6:00 or move them to a different time. Council agreed to have a start time of 5:00pm for future meetings.

Mayor Ramey thanked Leigh Baker and all of City staff for all their work with the audit.

Executive Session

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

Upon a motion by Mr. Duncan and seconded by Mr. Mefleh, the motion ***to exit executive session and re-enter open session*** passed unanimously.

Adjourn

Upon a motion by Mayor Ramey and seconded by Mr. Cater, the motion ***to adjourn the meeting at 7:40pm with no further action being taken*** passed unanimously.

(Minutes prepared by Jennifer Adams)

Mayor Brian Ramey

Date