

MINUTES

A Special Called Meeting of Walterboro City Council was held at City Hall on Friday, February 26, 2016 at 8:00 A.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari, City Clerk Betty Hudson and City Attorney George Cone were also present. Council Member Tom Lohr was absent. There were six (6) persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order. Council Member Syfrett gave the invocation and Council Member Siegel led the pledge of allegiance to our flag.

The purpose of this meeting was to consider First Reading Approval of proposed Ordinance # 2016-02, An Ordinance to Amend the Zoning Map of the City of Walterboro, South Carolina, to Provide for Changes in the Zoning Districts of the City of Walterboro by Changing the Zoning Classification of Three Parcels of Land on Mable T. Willis Boulevard Designated as TMS #'s 178-00-00-205, 178-00-00-253 and 178-12-00-008 from Highway Commercial District (HCD) to Industrial District (ID).

INPUT ON AGENDA ITEMS:

There were no comments or questions on agenda items.

NEW BUSINESS:

1. Ordinance # 2016-02, An Ordinance to Amend the Zoning Map of the City of Walterboro, South Carolina, to Provide for Changes in the Zoning Districts of the City of Walterboro by Changing the Zoning Classification of Three Parcels of Land on Mable T. Willis Boulevard Designated as TMS #'s 178-00-00-205; 178-00-00-253 and 178-12-00-008 from Highway Commercial District (HCD) to Industrial District (ID), First Reading

City Manager Molinari stated that he appreciates everybody coming in first thing this morning.

He further said that the Planning Commission held a special meeting last night to consider the rezoning of three (3) parcels of land located on Mable T. Willis Boulevard. One of them is the old printing press for the Press and Standard. Another one is property that is owned by the City, which is .3 acre triangular shaped piece of property where we have a water tower and the last one is approximately 15 acres of property owned by the County, where they currently have a fire station and some public works facilities as well.

Mr. Molinari told Council he was approached by the Economic Development Director for the County earlier this month on a prospect that was looking at the Old Press and Standard Building to use this property for a metal fabrication company. That use is not permitted in a Highway Commercial District. So, in talking to Heyward and in talking to the County Administrator, Kevin Griffin, we thought that the most prudent course of action would be to explore the rezoning of the property, so the use there would be by right. Also, we wanted to look at getting some of the adjacent properties rezoned - the City owned property, as well as the County property.

The Planning Commission met last night, and you have on the desk in front of you, a recommendation from them. They unanimously approved the rezoning. There was some discussion at the meeting last night. We had input from a couple of adjacent

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property owners who were concerned about the potential noise generation. Mr. David Dodd and I assured them that this prospective industry would obviously be required to comply with our buffer requirements, and we would also make sure in the plan review process, that there would be no adverse impact to adjacent property owners.

Mr. Molinari further said, in looking at the big picture here, I think that the Industrial District is a logical zoning for these properties. Across the street, the County owns some property where the new law enforcement center is going to be built. In addition, the prospective industry company is looking at creating 24 jobs. We have had this building sitting vacant for some time, and we have an opportunity to utilize it and generate some income.

The Mayor then entertained a motion to amend the Zoning Map and approve the Zoning Districts Change.

A motion was made by Council Member Broderick giving First Reading Approval to Ordinance # 2016-02, to Amend the Zoning Map to Provide for Changes in the Zoning Districts for the Parcels Identified from Highway Commercial District to Industrial District. Council Member Siegel seconded the motion.

In discussing the motion, Council Member Bonds asked about the use of the surrounding properties. Mr. Molinari responded that there is a law office and some residential property, which is primarily rental property. Mr. Bonds then asked about the residential properties.

Mr. Molinari noted that the property that's owned by the County is not in the City. He also pointed out the properties that were inside the city limits.

Council Member Bonds stated that his concern is, if we rezone this to industrial, when I think of industrial, I think anything goes. I think of the donut hole by the bank where the gentleman has a dino machine. The place out there where the man installed a dino machine, which apparently spins the race cars' wheels and it just screeches and people are complaining all hours of the day that they are doing this. If this (company) falls apart tomorrow and we have rezoned this to Industrial, why is it not wide open for some of the most noise intensive purposes? I have some concern about that.

City Manager Molinari responded, if you look at the land use tables and let's take a use that would generate potentially a lot of noise, for example, Manufacturing Processing Assembly, which would be outside a fully enclosed building. That would be a special exception, meaning that before that property could be used by that industry, it would have to go before the Board of Zoning Appeals, and they would have to demonstrate to the BZA that they meet certain criteria, so as to not have an adverse impact to surrounding properties. So, the more intense uses that you are talking about, let's say a saw mill or a mining operation, those would be special exceptions, and even if you took it to another extreme, a sexually oriented business would also be a special exception. So, it wouldn't be a use by right for that property to be utilized in that manner. It would have to go before the Board of Zoning Appeals and that applicant would have to demonstrate to the Board that it meets certain criteria and that it would not have an adverse impact on surrounding property owners.

Mr. Molinari further pointed out that the Industrial District Classification is not just a blanket classification allowing varying permitted uses - it depends on what you are doing there. For more intense uses, they would have to go to the Board of Zoning Appeals. So, there would be another check point, or another layer there that would serve to prevent potentially something that wasn't in the best interest of the City.

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Councilman Bonds then asked if there were uses in the Industrial District that do not need to receive special permission. Could you give me an idea of some of those?

City Manager Molinari then gave examples of permitted uses in the Industrial District, which are as follows: industrial laundry or dry cleaning, manufacturing processing, which we are talking about here, which is inside a fully enclosed building, a parking garage, parking lot, trucking terminal warehouse and distribution, and a mini warehouse are all permitted uses.

Council Member Bonds then asked, is it possible to only grant this business the Industrial Zoning right, but not have it to continue? In other words, grant it to them, but if they were to sell the land or if they were to close up, then it would revert back to the Highway Commercial Zoning classification.

City Manager Molinari responded that once you make an amendment to the Zoning Map, you are changing the allowable uses there. So, it's not contingent upon one user of the property or property owner. It is something that's moving forward. It's going to be there.

Council Member Bonds then asked, is it possible to keep it zoned Highway Commercial, but to allow them to come in and basically ask for a variance as to that particular use? Then, we wouldn't have to even worry about a sexually oriented business moving forward.

Mr. Molinari responded, we looked at that initially to see if there was anything under the Highway Commercial Classification, whether it be a conditional use, that could be given by the Zoning Administrator or a special exception that could go before the BZA, and quite frankly it would be a real stretch to put that kind of use into Highway Commercial. In dealing with the perspective industry, they wanted to have a piece of mind that their operation there would have the zoning in compliance with their use. But we did look at that.

Council Member Broderick then asked the City Manager, can you refresh our memories on the buffer requirements and the noise ordinance requirements for the Industrial District?

Planning Director David Dodd then left the room to get a copy of the regulations.

In the meantime, Mayor Young asked if the Planning Commission had a thorough discussion of this? Mr. Molinari responded, they did. He added that the meeting lasted probably 45 minutes and primarily centered on buffering and potential noise.

Mayor Young then asked, do we have any idea what kind of noise that this entity might make? Would it be more than printing presses? Mr. Molinari responded, no, the noise would be contained inside the building. That's one of the first questions that I asked Heyward when he talked to me about it. The only other concern mentioned was about vehicles coming in and out.

In answering Councilman Broderick's question, Mr. Molinari stated that the minimum buffer width between residential and industrial is 30 feet. That's just the minimum. So, we can certainly impose a more stringent standard if needed.

Council Member Broderick then asked if the noise could be heard during the hours of the day? Mr. Molinari responded yes, the impression that I got from Heyward is that this would be mostly a two-shift type of operation, but your noise generation would be primarily during typical business hours. Mayor Young then asked if Mr.

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Heyward Horton and a representative from the company attended the Planning Commission Meeting? Mr. Molinari responded that Mr. Horton was present at the meeting and that there was not a representative of the industry present at the meeting. This industry is located out of state and Mr. Horton was there to represent them.

Council Member Bonds then said, in the process of manufacturing widgets, they use some kind of pounding machine. We are talking about hearing that pounding noise until 11:00 at night, and we have people in apartments across the street, and they sit there and listen to that. What remedy, if any, would those folks have at that point if we go ahead and approve this?

City Manager Molinari said, we would still use the City's noise ordinance, which would dictate and I can't recall, whether it's 9:00 P.M. or 10:00 P.M. which are time restrictions. So, you have something to fall back on there, if there was noise generation outside of the building and certainly into the later hours of the night.

Council Member Bonds then said, so the noise ordinance as it relates to that, if people were being disturbed, their remedy would then be to go and basically make a complaint relating to the noise ordinance? Mr. Molinari responded, hopefully, it wouldn't get to that point, but if we did have an issue with noise generation, we would certainly do the first thing, typically in situations like that. The first thing you do is just knock and talk and say, "Hey, we are having a problem here, please keep it down."

I think this company is certainly in their best interest to be good corporate citizens and the last thing they want to do is to upset a bunch of adjacent residents. That being said, you do have a remedy there.

Mayor Young then asked the City Manager if Mr. Horton discussed the manufacturing process at all at the meeting last night with the Planning Commission. Was there any discussion of exactly how their process would work? Mr. Molinari responded, what he essentially said was what they are creating is kind of a welding process. They create a heavy gage mesh that is used for decking. That's all I know about the specifics of the manufacturing operation.

Council Member Siegel then said, previously when the printing press operation was going there, I presume that there was a lot of truck traffic coming in and out. Did they (the Planning Commission) discuss the level of truck traffic?

City Manager Molinari said, yes, I don't know what the situation was like when it was under operation by the Press and Standard, but that was one of the conversations that the Planning Commission had last night, specifically what times there would be trucks coming in. There is nothing that the Planning Commission can do in terms of recommending a rezoning under the restrictions on this - the times of operation when you have deliveries and things of that nature. What we conveyed to the Planning Commission was that during plan review and while we are working with this industry to bring them into the City, we would do our best to minimize any potential noise impact for deliveries either late at night or early in the morning.

Council Member Siegel then asked what is the company fabricating? Mr. Molinari responded, it's a heavy gage mesh fencing.

Council Member Syfrett then asked if this change would have any negative impact on the County property and what they are doing out there. City Manager Molinari responded that there would be no negative impact on either, for both the City utility infrastructure, as well as the fire station and public works facilities owned by the

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County. Those are all uses by right, so there would be no adverse impact to either the City or the County. We would not be creating a nonconformity with this rezoning.

Council Member Siegel then asked if the Sheriff's facility would be built across the street on Mable T. Willis Boulevard. Mr. Molinari responded yes. Mr. Siegel then asked if this lot is currently in the City limits? City Manager Molinari responded, it's not, it's in the county.

Council Member Bridge said, I think we have brought up a lot of good points. My interest here is vocalizing some of these concerns. We know this, but the company coming in, is there anyway that we can convey what we really would like to see happen, like terms of delivery, all inside noises contained, so that we don't have to later on say, oh, we thought that which would be happening. So, could we jump ahead of the game and express some of these pointers that have been brought out here?

City Manager Molinari responded, yes and in fact, I know that after the meeting last night, I know that Heyward was going to be in contact with them expressing the concerns that were brought up at the Planning Commission level, but certainly for City Council to have the same concerns, that would give it some more weight. So, certainly we will make that clear to them. We are willing to work with them, but we do have some concerns about noise generation and the potential adverse impact on surrounding property owners. I think we can find a balance there that would satisfy everyone.

Council Member Bridge stated, I would think it would be easier for them to set up their schedule according to what we have expressed instead of having to go back and address it later as a problem. Mr. Molinari said, exactly.

Council Member Siegel reminded that Council will have a Second Reading on this rezoning. He asked the City Manager if it was possible to request that a representative of the company would come and actually describe the manufacturing process to us. City Manager Molinari said, I can certainly make that inquiry. Mayor Young suggested that Mr. Heyward Horton might be able to do this also.

Attorney Cone then asked when would Second Reading of this ordinance be held? Mr. Molinari said, it will be next Thursday, March 3 at 4:00 P.M. Mr. Cone asked, why is there such a short fuse on this? Mr. Molinari responded, because of the timing of this project and they were on a very tight deadline in terms of securing their financing and getting the quickest path to getting everything going.

Mr. Cone said, I was just inquiring to make sure that City Council has all the information it needs to finally act on this.

The motion then passed with a vote of 5/1, with Mayor Young and Council Members Syfrett, Siegel, Broderick and Bridge voting in favor. Council Member Bonds voted against the motion for adoption and Council Member Lohr was absent and did not vote.

The Mayor stated that the Ordinance has passed First Reading Approval and we will have Second Reading on next Thursday, March 3, at 4:00 P.M.

Before adjourning the meeting, the Mayor announced that Mayor Pro-Tem Lohr had injured his arm and was not able to be here at the meeting because of that.

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Special Called Meeting
February 26, 2016

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There being no further business to consider, a motion to adjourn the meeting was made by Council Member Broderick, seconded by Council Member Bridge and passed unanimously. The Mayor thanked everyone for coming in and getting this done. The meeting adjourned at 8:40 A.M. Notice of this meeting was distributed to all local media and posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: March 22, 2016