

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, July 22, 2014 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari and City Clerk Betty Hudson were also present. Attorney George Cone was absent. There were approximately 43 persons present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

Ms. Mary Ann Burttt, a city resident, addressed Council regarding the Executive Session, Item No. 2 - Legal Briefing - Tree Committee Ruling (IGA). Ms. Burttt told Council that she came to read a letter from their attorney, Michael Corley, who wrote Council to object to Council's discussion of the Tree Committee Ruling in Executive Session, which is presently under appeal to City Council.

With the Mayor's approval, Ms. Burttt read Attorney Corley's letter in its entirety which included the following excerpts, "City Council has on its agenda for tonight's meeting an executive session to receive "legal briefing" on the Tree Committee's July 15, 2014 IGA decision. That decision is presently under appeal to City Council, and I am representing several of the appellants. On behalf of my clients, I object to the scheduled executive session and encourage City Council to cancel said session in order to avoid further procedural blunders in this important matter. We have grave concerns about City Council receiving a private uncontradicted presentation from those most intimately involved in granting and upholding the tree permit under dispute. This matter is on appeal to City Council, and City Council should decide the appeal as a judicial body, based on our competing presentations at a dully noticed public hearing."

This letter further stated, "If those involved in issuing the tree permit participate in tonight's executive session, it would constitute an ex parte communication in violation of my clients' due process rights. Due process ensures my clients a meaningful opportunity to be heard and prevents City Council from hearing from one side, without my clients even knowing what the other side is asserting. At this juncture, neither Mr. Cone nor Mr. Dodd should be allowed to explain to City Council, in private and without a counter argument, why their decision should be upheld.

Ms. Marsha Johnson, a city resident, told Council she felt they would be moving backwards to allow Attorney George Cone to advise both David Dodd and the Tree Committee. She said, this is just taking us backwards, and we don't need to go back.

PUBLIC HEARING:

Mayor Young then opened a public hearing, duly advertised, to receive public comments/questions on the following proposed ordinances:

- 1) Ordinance # 2014-07, to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina to Establish the Boundaries of the Historic Preservation Overlay District.

Planning Director David Dodd briefed Council on this agenda item. Mr. Dodd stated that this is a process that has been worked on for the past several years by both

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the Historic Preservation Commission and the Planning Commission. The Historic Preservation Overlay is a unified overlay that would contain the Walterboro National Historic District, the Hickory Valley National Historic District and the Downtown Improvement District and the parcels around and in-between will be included in the overlay area for a consistent protection of the historic design elements of the adjoining properties. This ordinance is to establish the overlay boundaries.

The Mayor then opened the floor to receive comments from the public. Mr. Jackson, present as a member of the Planning Commission, stated that he supports Mr. Dodd and his proposal. He said, this is something that we need. It closes some loop holes that we had, and it will make the City's historic district a much better place.

Ms. Marsha Johnson then expressed her thanks to the Planning Commission for all its hard work. She said, I just wanted to recognize the Planning Commission that has worked so very hard on this.

Ms. Mary Ann Burttt told Council that she was president of a newly incorporated Association of Walterboro Homeowners. She said that we are promoting quality growth and development. We are working with neighborhoods throughout the City. There are five neighborhoods so far that we are working with. We support this overlay, wholeheartedly, and we commend the City for moving forward with this.

No further comments were received on this public hearing agenda item.

- 2) Public Hearing Item No. 2 - Ordinance # 2014-08, to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina to Establish the Historic Preservation Overlay (HP-O) to Include Commercial Design Guidelines.

Mr. Dodd briefed Council on this item. He said, we currently have had residential design guidelines since 2000, but we have never had commercial design guidelines. So, now the commercial properties in the Historic Preservation Overlay will have design guidelines to protect the facades and the design elements that make them unique and contribute to the historic character of the district. It also gives us a different set of guidelines to go back for which the Commission Members make decisions on approvals or disapprovals for Certificates of Appropriateness.

The Mayor then opened the floor to receive comments or questions from the public.

Ms. Mary Ann Burttt said that the Association for Walterboro Homeowners collectively represents millions of dollars of real estate investment in this City, and we wholeheartedly support these new guidelines.

No further comments were received and the public hearing was closed.

PRESENTATION - Father Jeffrey Kendall, SCANA Advisory Board - "New Solar Energy Law"

Father Jeffrey Kendall of St. Anthony's Catholic Church, present on behalf of the SCANA Advisory Board, briefed Council on the New Solar Energy Law. He explained that when he was involved in opposing the landfill and the landfill was not approved, I was known as the leader of the opposition. He said at the conclusion of this, there were three different things that he advocated which were: 1) That environmental and energy companies should work together, 2) That we have a new solar energy law in South Carolina and 3) That SCANA should do for other people what they did for Boeing. SCANA put solar energy on Boeing's plants. SCANA owns the panels, but Boeing

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obviously owns the plants. Two of those things have happened, and one is that new solar energy laws have been passed. He told Council that the new solar energy law allows 3rd party leasing. So, a third party company can come in and install the panels for somebody's house or property, and pay the up-front costs. There are a number of things that the law does to make solar energy more accessible in South Carolina. SCANA has formed a solar advisory board for non-profits. SCANA is talking to people who are advocates of solar energy. Interested parties include programs that help to feed the poor and representatives of governments. At a recent meeting, we had a wonderful discussion on how to get solar energy on these properties. So, two of the things I have advocated have come about. The third is, whether SCANA will do for other people what they did for Boeing. There is a real possibility that we could have a lot more solar energy in Colleton County on buildings, on properties such as our school properties and public buildings. What I am in this program as a member of the advisory board is to act as a liaison between communities here in Walterboro and Colleton County and SCANA. We will have another meeting on the 31st, and I want to be able to tell them that in theory or principle that we are interested in having more solar energy on our properties, the non-profits which include government. That's the gist of my presentation.

No comments or questions were received and the presentation was accepted by Council as Information. Mayor Young thanked Father Kendall for coming to share the information with us.

APPROVAL OF MINUTES:

The following minutes were approved as submitted on the motion of Council Member Bridge, seconded by Council Member Broderick and passed unanimously.

1. Minutes of the June 24, 2014 Public Hearing and Regular Meeting.
2. Minutes of the July 8, 2014 Regular Meeting.

OLD BUSINESS:

1. Ordinance # 2014-07, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina to Establish the Boundaries of the Historic Preservation Overlay District, was before Council for **Second Reading and Adoption**.

A motion was made by Council Member Bonds giving Second Reading and Adoption to Ordinance # 2014-07, as submitted. Council Member Broderick seconded the motion that passed with all members voting in favor.

2. Ordinance # 2014-08, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina to Establish the Historic Preservation Overlay (HP-O) to Include Commercial Design Guidelines, was before Council for **Second Reading and Adoption**.

A motion was made by Council Member Lohr, seconded by Council Member Bonds, giving Second Reading and Adoption to Ordinance # 2014-08 as submitted. The motion passed unanimously.

NEW BUSINESS:

1. Request by Walterboro Rotary Club for 2nd Annual Ireland Creek Bridge Run on September 4, 2014.

Council was in receipt of a letter from Ms. Gale Doggette on behalf of the Walterboro Rotary Club regarding the 2nd Annual Ireland Creek Run on September 4, 2014. This organization requested the following:

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1. Close one side of Ireland Creek Road and Ivanhoe Road between Washington Street and Forest Hills Rd. Thursday, September 4 from 5 p.m. until 7 p.m.
2. Reserve picnic area on Ireland Creek September 4, 2014, 1-9 p.m. (tent and tables).
3. Allow for event directional signs to be placed where appropriate in the City September 4, 2014. Signs will be 18" x 24".
4. Provide a police escort for runners/walkers Thursday, September 4, 6:00 p.m.

A motion was made by Council Member Broderick, seconded by Council Member Siegel, to approve the request as submitted by the Walterboro Rotary Club. The motion passed with a vote of 6/0, with Council Member Bonds abstaining due to a potential conflict of interest, since he is a member of the Walterboro Rotary Club.

Ms. Gale Doggette announced that about 150 people had been invited to this event. All of the funds being raised will go to support the USC Salkehatchie scholarship fund. Mayor Young added, this is a great event and I would encourage everybody to attend. It was a lot of fun last year.

COMMITTEE REPORTS:

There was no Committee Reports given.

CITY MANAGER'S REPORT:

There was no report given.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into Executive Session. Council Member Lohr So Moved and Council Member Broderick seconded the motion. The motion passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for:

- 1) A personnel matter - related to the Police Chief Search Update and the City Judge and Associate City Judge Appointments, and
- 2) A legal briefing on the Tree Protection Committee Ruling (IGA)

Mayor Young explained that the legal briefing on the Tree Protection Committee Ruling was added on the agenda because Council does need to have some procedural guidelines going forward on this and that is our intent in discussing that. It is not to make any decision or to hear any testimony or anything else, only to start to get a handle on how this will go forward procedurally. That's what we are doing here.

Ms. Mary Ann Burttt then asked, who will be included? Council Member Siegel then asked if Mr. George Cone was present tonight. Mayor Young answered, he does not appear to be. Council Member Siegel then stated, so there is no one here to give us a legal briefing at this point. Mayor Young agreed.

The meeting then convened into Executive Session.

At approximately 7:46 p.m., a motion was made by Council Member Siegel to exit Executive Session and return to Open Session. Council Member Syfrett seconded the motion that passed unanimously.

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The meeting returned to Open Session. No action was taken as a result of the Executive Session.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Lohr and passed unanimously. The meeting adjourned at 7:47 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: August 12, 2014