

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, July 24, 2012 at 6:15 P.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. Approximately 20 persons were present in the audience.

Mayor Young called the meeting to order and gave the invocation. The Pledge of Allegiance was led by Council Member Buckner.

PUBLIC INPUT ON AGENDA ITEMS:

Mr. Andy Ulmer, city property owner and resident, commented on agenda item number 1, under New Business, which is Ordinance # 2012-09, Unified Development Ordinance. He said, it would appear to me, that we had some people to come in town and work on this and they are no longer here. The chairman has left and moved to Savannah. I think one other Planning Commission Member has left and you are down to 3 members on this commission. In talking to some people around town, apparently no architect was ever consulted concerning the drafting of the plans, and no business people downtown and no property owners were consulted. I mean, I know I wasn't and I know that the Lucas Family was not, and I don't think the Cooke Family was, and they are all three fairly prominent owners. I am told that at one of the Planning Commission Meetings that one of the members, who is no longer there, actually walked out, because of some of the stuff that was being, so called, rammed through. In recent years, we have had a problem here in the county and the city with people coming in pushing an agenda and then moving on, whether it's a job or something. They leave us to pick up the pieces with whatever is going on. So, with that in mind, I would respectfully ask all of you to consider just delaying your vote tonight. Not necessarily stopping anything, but just delay. Give a little breathing room, maybe talk with an architect about it. Maybe talk with some of the downtown landowners. As it relates to my property specifically, I would still ask that you leave it out of the Historic District. I don't feel that it's historic. It's just a dirt parking lot, and it wouldn't do any harm just to leave it out. In the absence of that, if it is left in, I would view it as an unreasonable taking of the land.

Ms. Marsha Johnson, a city resident, told Council that she wanted to speak on the incident where the Planning Commission member walked out. It had nothing to do with the conditions that Mr. Ulmer is talking about. She stated that the incident where the person walked out, I believe that he walked out under a complete misunderstanding. So, I think that the idea of having consultants who are professionals who know what the laws are and know what most of the cities do on their ordinances, it was a very well balanced program. Whether or not individual members continue to serve or not, is irrelevant to the amount of work and effort they did.

Mr. Andy Ulmer then stated, I would beg to differ. He said that a little time won't cost any money. It would be easy to do.

Ms. Linda Kelly, on behalf of the Microtel Inn & Suites in Walterboro, spoke in favor of approving Ordinance # 2012-10, the scheduling of a referendum authorizing the sale of Sunday alcohol sales permits in the City limits. She said, I would just like to stress how much this impacts my business, and I am here on behalf of my company, my owner and my employee who also lose hours. Just last week, this Sunday, I had 5 people check in and leave. Three went north 20 miles and two went south, because they couldn't go to Ruby Tuesday, have a drink and watch a golf game. I just want you to take into consideration the loss that we feel by not having alcohol sales on Sunday.

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Ms. Gale Doggette, present on behalf of the Artisans Center, also spoke in favor of passing Ordinance # 2012-10. She said, I would just like to second that on behalf of the Artisans Center as relevant to tourism for Walterboro. Any time we are losing to the next exit up or two exits up, business is not behooving us. The idea that alcohol sales on Sunday would create some kind of a problem, I don't understand because anyway alcohol could be bought on Saturday afternoons. We are talking about people who are trying to go to a restaurant, have a glass of wine, have a beer and sit and enjoy themselves after a long journey on the highway.

Ms. Linda Kelly also stated that several of the tourists have told us that they will not be back and what we have done is create a new customer for another county. I just would like to keep our tourists here in Walterboro, and have them to come back and visit us.

PUBLIC HEARING:

1. **Ordinance # 2012-11**, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So as to Clarify and Strengthen the Ordinance as Related to Noises.

City Manager Lord explained that this is the ordinance which allows for a variance application for somebody to be able to violate the noise ordinance. You know, noise cannot be heard for 50 feet, so if somebody is having an event, they can apply for a variance and then have their event. It is restricted to before 11:00 P.M. So, an event cannot be held through all hours of the night.

No public comments or questions were received on Ordinance # 2012-11. The public hearing was closed and the regular meeting began.

APPROVAL OF THE MINUTES (as revised):

A revised copy of the Minutes of the July 10, 2012 Regular Meeting was before Council. Mayor Young announced a correction to these minutes: He said, at the last meeting, Council approved the recommendation from the A-Tax Committee. In the information that we were given, although the total has not changed, it did not specify \$12,000 for the South Carolina Artisans Center. So, we need to add that as a line item for \$12,000 for the South Carolina Artisans Center. The total is the same. This was just inadvertently left off.

A motion was made by Council Member Buckner to approve the Minutes of the July 10, 2012 Regular Meeting as revised. Council Member Siegel seconded the **motion that passed unanimously.**

OLD BUSINESS:

1. **Ordinance # 2012-09**, An Ordinance to Repeal Chapter 21, Zoning, of the 2003 Code of Ordinances of the City of Walterboro, South Carolina, As Well as to Repeal Chapters 17 and 24, Flood Damage Control and Planning, of the 2010 Code of Ordinances of the City of Walterboro, South Carolina, and to Replace Said Chapter 24 with a Revised Chapter 24, Entitled "Planning" Which Contains the "City of Walterboro Unified Development Ordinance," As Well as to Repeal Other Sections of the Codes that Conflict with the Provisions of the Revised Chapter 24 – **Second Reading and Adoption.**

A motion was made by Council Member Lucas to delay Second Reading Approval of Ordinance # 2012-09 until the first meeting in August, 2012. Council Member Buckner seconded the motion.

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In discussing the motion, Council Member Buckner stated that the ordinance should be delayed for the sake of more analysis as to the different provisions that are in this ordinance, and the plan set before us. He said, I really don't see why we can't take our time and just look at it more closely, and analyze it more. I do have some concerns with the plan. I think it's not as restrictive as I would like it to be. I think there is still a lot of language that might need to be strengthened as it relates to signs – how big they can be, and as Mr. Ulmer mentioned about an architect. I really don't see any statements as to "your sign shall look like this," or any uniformity. For those grounds, I would be in favor of that motion.

Council Member Siegel then stated, in reviewing the ordinance, I have developed some real questions regarding the Commercial Zone and the Historic District. One issue is that we don't have design guidelines at this time, and at this time we are adopting the Rehabilitation Guideline Standards and Guidelines of the Secretary of the Interior. He further stated, I am just concerned that we would put ourselves into this Historic District, in the Commercial District without any specific design guidelines that have been promulgated by our own Planning Commission. The other thing that I feel about, in the Commercial District, is that this ordinance provides only for an appeal from a decision of the Historic Preservation Commission directly to the Circuit Court. I think because of the special nature of our downtown area and because of our economic limitations at this point until we have really evolved where we want to go, I am afraid that the ordinance as written here, could be too restrictive and that could not leave a property owner an affordable manner to appeal a decision of the Historic Preservation Commission. I am not sure who the members are now, or who they will be in the future, but I just think we need to review that issue and decide if that is prudent. I really do know that we have some very comprehensive design guidelines for the Historic District for our residential areas, but this is all new because we have never been in an Historic Overlay District for the downtown. I agree that we need to postpone this vote to review this issue and give us an opportunity to actually discuss this issue, and I don't recall that we have discussed this specific issue at our public hearings or in a meeting at this point. I would join with Mr. Lucas in asking for a delay.

Council Member Bonds disagreed with the motion. He felt that there was a need to move forward. He said, we have a document that is hundreds of pages long. There have been countless hours spent on it by the Planning Commission. Personally, as Council people, we have had this document for months, and I dare say, two months, three months it's been in my possession. I think we just need to move forward. I think if there are some modifications we may need to make, we can make those, but I think that we need to move forward with it.

Mayor Young then asked, there is nothing that stops us from making modifications if we move forward, is it, at a later time? City Manager Lord responded, no, you would amend it like you would any other ordinance.

Council Member Bonds then said, I am just concerned about a delay. I think that you bring up legitimate concerns, but I am just concerned about a delay in general. Certain things we could do and correct. If we go ahead and there is a need for an architect to get involved, well, that's fine, if we need to change something. I am just worried about other things if we don't try to move forward with this.

Council Member Siegel then asked the City Manager if it would be feasible to go forward and vote on the ordinance as a whole, hold back on the chapter putting the downtown area in the Historic District, and let us review that part and amend the ordinance to incorporate that area when we are more comfortable, and the citizens, the merchants and the land owners are more comfortable with the terms of that specific area?

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Mr. Lord then said, let me address that and one other issue you brought up. First, the other issue, as you mentioned the review going from the Historic Commission to the Circuit Court. I believe that's in the State law; that's not something you can change. That's the process when you have a review board and it is quasi-judicial, it stays judicial. So, that won't be something I believe, you are going to be able to change. Mr. Siegel then said, if that is the law, then I would have to defer to the City Attorney regarding that. I just saw that and I recognized that as a road block.

City Manager Lord then said, the answer to your other question is "no, you cannot." If you make any changes to this ordinance, it has to go back to the Planning Commission for recommendation and then come back to you.

Council Member Peters then said, I am in favor of postponing the ordinance if we do something about it. He further said, I think that we need to plan to do something about it, rather than just postponing it for the reason of just postponing it. I mean, I don't think we have enough time between now and the next meeting to give it enough thought, and if we especially need some input from outside from an architect, or if we need to go and talk to property owners or have staff talk to property owners about what they are doing, I think we are going to need more time than just two weeks to get it done. We certainly have not dropped everything to look at it so far, and I am not just for passing it to pass it, because of what it is, and I am not for delaying it because if we are not going to do something about a delay. I would like to see Mr. Lucas amend his motion by adding that something would be done in the next 30 days and then we would actively pursue trying to get something that we can pass, at least in September. I really don't think we have the time, nor the expertise to go back in there and make the kind of changes we are talking about. I mean, we spent 3 hours up here at a workshop, and really didn't accomplish anything. We only talked about really one section, which was about signs. We never got into the Historic District part of it. I could see a couple of sessions of that happening and taking signs is one area, taking the Historic Area is one area and maybe something else that is a troubled area to look at.

Council Member Lucas asked, could we send it back to the Planning Commission to have them pull out the Historic Overlay for the downtown section, and then come back next meeting and approve that part and then that will give us more time to look at the historical aspect of it for the Central Business District? City Manager Lord responded, if you want to make changes, then you would do that. You would send it back to them with a recommendation, and all the changes you want, and then it'll come back to you.

Mayor Young asked the City Manager, how does delaying this impact anything else that's going on now? Does it have any impact on people who are getting permits? Mr. Lord responded, it's still a pending ordinance. So, the pending ordinance doctrine will apply.

The Mayor then said, so the pending ordinance doctrine applies, and so it won't affect people who are getting building permits, I mean it won't change the way it affects them from now to the next meeting. City Manager Lord responded, that's correct.

Council Member Lucas then amended his motion with the approval of the second to have Ordinance # 2012-09 sent back to the Planning Commission and have them take out the Historic Overlay for the Central Business District area, and then Council will add that in the future if need be. Council Member Buckner seconded this motion.

In discussing the motion, Planning Director David Dodd told Council, I just want to point out that the Downtown Improvement District is in the current Historic Preservation Overlay. It is an Historic Preservation area and any Certificate of

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Appropriateness goes to the BZA instead of the Historic Preservation Commission. Currently, we are adding those little doughnut holes which are a half dozen of properties that exist downtown. So, I did not want you to move forward thinking that none of the downtown area is in the Historic Preservation District.

Mayor Young then asked Council Member Lucas, if we send it back to them now, would we be taking them out of that (the Historic District)? Mr. Lucas responded that he did not know. Council Member Peters then said, it would stay as it is, wouldn't it, until we make some other change.

City Manager Lord then said, if it is as he intends in the restated motion, then yes, you would remove that overlay from that area, unless his motion was to especially leave the doughnut holes where they are. Mr. Lucas then said, we would be saying, "Leave the ordinance as it is, to amend the historical part, but leave it as is compared to the new one, until we have the time to look at it again."

Council Member Siegel then asked, is there a distinction between the appeals process from the Board of Zoning and Appeals as opposed to the Historic Preservation Commission, does that all go to Circuit Court? Mr. Lord responded, yes. Mr. Siegel then asked, currently aren't we under some rules in the downtown area for the improvement of buildings and facades, etc. What ordinance is that? Mr. Lord responded, right now that's in parts of the Code of Laws and in the Zoning Ordinance, which is why you see there are some sections that are coming out, and putting all in one place, so basically just moving that from several different places and putting it together in the new UDO. That's why in the ordinance you see that it's removing several sections of the Codes of Laws, because they would be kind of stuck here and there. We are bringing it together. It's just bringing it together so you can look at everything together.

Mr. Siegel then asked, so is the new ordinance more restrictive than the old ordinance as to the properties which are already in the Historic Overlay or do they have the same basic requirements? Mr. David Dodd responded, I would say if anything it is less restrictive. In the current Zoning Ordinance, the colors, well mainly the colors and the lettering colors and sizes for window signs are what the Central Business District Historic guidelines that are included in the current Zoning Ordinance, and it says in "keeping with the character of the neighborhood." So, the applications to change anything that is visible from the street or the exterior of the building have to go to the Board of Zoning Appeals for a Certificate of Appropriateness, and the guidelines are basically to stay within the character of the neighborhood. The Secretary of the Interior's Guidelines is little more specific, but they are not regulating colors.

Council Member Siegel then stated, in the Secretary of Interior's requirements, it says "the deteriorated historical features shall be repaired rather than replaced," which that could be an extremely expensive requirement. "Chemical or physical treatments can cause damage to historic material and shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest possible means." Mr. Siegel then said, now, that is not reasonable, but what guidelines do we go by? If you are going to clean off the front of your building, do you have to go to the Board of Zoning Appeals and get a certificate? Mr. Dodd responded, we haven't required that.

Council Member Lucas asked if the owners had requested that their buildings in the Central Business District be identified as historical buildings? Mr. Dodd stated, I could not answer that question. He further explained that the Downtown Improvement District was established in the early '80's. The Historical Preservation Ordinance says that the Walterboro National Historic District, the Hickory Valley District and the Downtown Improvement District are the areas that are protected under Historic

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Walterboro. Those are the three identified areas which are currently under the protection of the Historic Preservation District.

Council Member Buckner expressed concern with the different type of colors that we have downtown and in the Historic Downtown District. Right now, we have some colors like lavender, or bright colors and I am wondering how are we allowing these type of bright colors to exist in our downtown district? Mr. David Dodd responded that it is very difficult to put standards on colors. It says "muted to earth tones, and not the use of primary colors," so that is very subjective. If you leave colors out of it, colors aren't destroying the historic feature, like moldings and masonry work, etc., and it does state, unpainted brick shall remain natural, you can't paint over unpainted brick.

Mr. Dodd then displayed a map showing the current historic areas that identify those little doughnut holes not in the Historic District.

Council Member Buckner then stated, my whole point is we need to be more restrictive and less subjective. More specific so that we can have the type of esthetic beauty that we want. He felt that the colors should have more uniformity.

Council Member Lucas then restated his motion with the approval of the second: "THAT COUNCIL DELAY THE VOTE ON SECOND READING OF THE ORDINANCE (# 2012-09) FOR NO LATER THAN 30 DAYS AND HAVE A MINIMUM OF ONE WORKSHOP WITH COUNCIL TO REVIEW THE ORDINANCE." Council Member Buckner seconded the motion.

In discussing this motion, Council Member Siegel asked if 30 days was enough time? Various Council Members felt that was enough time. No further discussion was held.

The motion then passed with a vote of 6/1 with Mayor Young and Council Members Siegel, Buckner, Lucas, Peters, and Lohr in favor. Council Member Bonds voted against the motion.

2. **Ordinance # 2012-10**, An Ordinance to Schedule a Referendum to be Held at the November 6, 2012 General Election, to Authorize the South Carolina Department of Revenue to Sell Sunday Alcohol Sales Permits in the City of Walterboro, **Second Reading and Adoption.**

A motion was made by Council Member Lucas giving Second Reading and Adoption to Ordinance # 2012-10. Council Member Lohr seconded the motion.

In discussing the motion, Council Member Buckner asked if the ordinance was passed, would that allow for ABC stores to sell liquor and alcohol or just restaurants? Would it allow for the ABC stores, with the red dot stores, would they be open and sell on Sundays? City Manager Lord responded, no, sir. There is no way that State law as is now allows that type of an issuance. Mr. Buckner then asked, would it allow the grocery stores and restaurants to be able to sell? Mr. Lord responded, yes.

No further discussion was held and the motion passed with all members voting in favor.

3. **Ordinance # 2012-11**, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Noises, **Second Reading and Adoption.**

A motion was made by Council Member Siegel, seconded by Council Member Lucas, giving Second Reading and Adoption to Ordinance # 2012-11.

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In discussing this motion, Council Member Buckner stated it was his understanding that this ordinance was more like a special event noise ordinance, meaning this is for individuals who are planning a special event, birthday party or something like that, but we are kind of cloaking it as a general noise ordinance. So, if the person who is out playing some music in his yard, or having not a formal type get-together, but just some people getting together that the police can come and say, do you have a variance, no, well then you have to stop what you are doing. I think, to me, that is a bit too restrictive. It's under the guise of special events, then I can see us passing this, but it just seems like it's just too much government involvement in the regular lives of people. If they want to play some music or whatever, they've got to have a variance to be able to do that, and I just think that is too much.

Mayor Young then said, the way it is now though, you can't even get a variance. You just cannot do it.

Mr. Buckner then said, the police come out and they have the discretion to decide whether or not this person needs to turn their music down or they need to do XYZ. I think the police are in a better position to make that decision than if we give a blanket overall ordinance. That would be my concern. If it is a special event, then I can see that, but just regular people getting together, I think the police have done a good job with that. I don't see why we need to mix these two different types of restrictions into one blanket ordinance. That's my concern with it.

Mr. Lord then stated, they (the police) still do have that discretion over events. They can go and see if there is a violation of the ordinance, and they still have the ability to do that. What this does is, it allows people who are having events to go ahead and get a variance.

Mr. Buckner then asked, aren't they having these special events already? Mr. Lord responded, correct. Mr. Buckner then asked, why do we need them to get a variance if the police have the ability to look at this and give discretion? Let them go ahead and have a good time. I am trying to understand why do we need another hoop for a person to be able to have a little get together? Mr. Lord responded, because their discretion is limited. It is limited by the ordinance which says noise cannot be heard more than 50 feet away. So, they can use their discretion to determine whether or not it is excessive to a reasonable person who is 50 feet away. If you have a special event with a band and all that, then it will exceed it and they have no discretion at that point.

Mayor Young added, it also allows for notice to the neighbors that a special event is going to occur.

Council Member Bonds then addressed Councilman Buckner's concern. He stated, if we don't do this and if I have a party for my daughter's 18th birthday and I want to have a band; if I have two people who don't like me and live across the street, at 8:30 or any time as our statute is written; if they hear my music 50 feet away, they can call the police to complain. The police are going to come and tell me to turn the music down. I think that is kind of out of hand. What this does is that it allows someone to go and get the permission, then they would be able to play to a certain time, no later than 11:00 P.M. and no earlier than 7:00 A.M., and also post the property so a neighbor would know. If there is a concern about it, then they could come to Council beforehand to let us know what that concern is. I believe that is the way it's written, is that correct Jeff? Mr. Lord noted that the person would come to the City Manager's Office with their concerns.

Council Member Buckner then asked, is there is a cost to get this variance or is it free to the public? Mr. Lord responded, it is free.

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Council Member Siegel then said, this is an expansion of individual rights. It is not a contraction of individual rights.

Council Member Lohr then said. I would just phrase it differently, but I think what Mr. Bonds is saying is that it gives you a chance to be a good neighbor and let your neighbors know. If I thought it was going to be excessive noise, I'd go out and stay out until 11:00 P.M. It's really simple. I don't really see that it's restrictive as much as it is a courteous thing on the part of whoever is putting on the dance or whatever.

No further discussion was held and the motion passed with a vote of 6/1 with Mayor Young, Council Members Siegel, Lucas, Peters, Lohr and Bonds voting in favor. Council Member Buckner voted against the motion for adoption.

NEW BUSINESS:

1. **Ordinance # 2012-12**, An Ordinance to Annex Certain Property to the City of Walterboro, TMS # 147-00-00-024, TMS # 147-05-00-033, TMS # 147-05-00-018, TMS # 147-05-00-017, TMS # 147-05-00-016, TMS # 147-05-00-012 and TMS # 147-05-00-009 (properties owned by Melissa Carter-Coursen, located on Mt. Carmel Road between Maxwell Street and Forster Drive, and extending north beyond Forster Drive on Parcel #147-00-00-024, **First Reading**.

A motion was made by Council Member Lucas, seconded by Council Member Lohr giving First Reading Approval to Ordinance # 2012-12.

In discussing the motion, Council Member Buckner said, I am trying to determine if we were to annex these properties into the city, what would be the zoning of these properties? Mr. Lord responded, they have requested Highway Commercial Zoning. Council Member Buckner then asked, does that Highway Commercial Zoning allow for multi-family high unit complexes? Mr. Lord responded, yes, sir. Under the proposed ordinance, it would if there was a special exception allowing it. Mr. Buckner then asked, do they have the acreage as it stands, to be able to do that on this property? Mr. Lord responded, acreage is not a restriction, but there are several restrictions listed under the special exceptions as to what would be considered by the BZA when they review it.

Mr. Buckner then asked, have they (the owner) expressed any plans to put up one of these 40 unit apartment complexes on the Mt. Carmel Road? Mr. Lord responded, no.

Council Member Bonds then said, my concern is how confident are we in the doctrine of proposed ordinance. Do we know that for a fact? Does our attorney? I know nothing about real estate law.

Attorney Cone then said, there are some precedents on this. Mr. Bonds then said, so if we decide to make significant amendments in this [Unified Development Ordinance] in 30, 60, let's say it goes beyond 30 days, where are we going to find an architect to start working on this in 30 days? Let's say this is postponed for 6 months, then if we make major modifications to it, does that still apply, this doctrine of proposed ordinance, so that we can require them to then go before our Zoning Board of Appeals to get approval for High Density use?

Attorney Cone then stated, you can ask them to come before the Board either before the Ordinance is passed or if it appears that in its final form, it will be more restrictive, you can tell them it's more restrictive and to comply with that. So, if they comply with what you've got, and with what it is apparent that you are going to have,

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you go ahead and issue the building permit. The only question is if you didn't issue the building permit based on the proposed ordinance, would they sue, and if so would the court say that they could build under the old ordinance. That's been a question [considered by the Courts] before and I don't know the length of time, but it has been an extended period of time. Most zoning matters take quite a while. Charleston is one area, where I know there have been a few cases.

Council Member Bonds then said, well that's my concern. Right now, if we were to pass this ordinance [proposed annexation ordinance] tonight, then if we approved it as Highway Commercial, if someone wanted to put up a multi-family dwelling, including apartments and town homes on the property, then that individual would have to come before our Board of Zoning Appeals, because it is a Special Exception.

City Attorney Cone then said, the adoption of this ordinance doesn't zone the property Highway Commercial. It says that is what they have requested. Does the ordinance say this, and I'd have to look back at it? Mr. Lord then said, it does, it says the property shall be zoned Highway Commercial. Attorney Cone said, well that said, the only thing is, if you don't think that Highway Commercial is what we should go ahead with, then change that zoning but I would discuss it with the landowner before you do. I don't know what would be more appropriate.

Council Member Buckner then asked, how do we define what Highway Commercial is? If we are trying to determine whether or not a piece of property should be zoned Highway Commercial, how do we define what Highway Commercial is, and then whether or not all of these pieces of property fit that rule for what Highway Commercial should be or is?

Mr. Lord responded that the answer is in the proposed ordinance. I will need to look for it.

Mayor Young then asked Attorney Cone, if the property is currently in the county? Attorney Cone responded, correct. Mayor Young then asked, what are the restrictions placed on it in the county? Attorney Cone responded, I haven't looked at the county's development ordinance, but multi-family, high density residential, I don't believe that there are any restrictions on that.

Mayor Young then asked Mr. Dodd, do you know how this property is zoned in the county. Mr. Dodd answered, I had looked a while back when the Carmichael property issue was being looked at, and High Density Residential Uses were allowed. I don't remember a zoning designation.

Mayor Young then said, so whether we annex it or not, actually it may be more protection there if we annex it, than if we don't annex it?

City Manager Lord then responded with the definition of Highway Commercial as asked by Council Member Buckner. He said that the definition comes from the new proposed ordinance and old ordinance as well. He read the definition as follows: "The intent of this district is to encourage the development of large commercial buildings, retail centers, hotels, and other similar activities along major thoroughfares and away from residential and other activities that could be adversely affected by the large volumes of traffic these types of uses generate." Mr. Lord further stated, the alternate use of the adjoining property is Interstate Interchange Commercial District, which is: "to promote economic activities which are supported by an economic base larger than the City of Walterboro and Colleton County. This district is intended for intensive uses which benefit from locations adjacent to interchanges of Interstate I-95 and which will facilitate commercial activity directly related to through traffic on I-95. It is intended to encourage significant investment in property improvements and provide a concentration of economic activity. This district is intended to allow for the

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convenient provision of services without creating unreasonable traffic congestion and hazards in areas of high volume traffic movement.”

Mr. Buckner then said, I believe it does fit the definition because we have an I-95 Interchange right there. So, I would say that it would fit it.

Council Member Bonds then asked the City Manager, what’s the definition under the existing law? Mr. Lord responded, it’s in black, I’d have to go back and verify it, but it is in black ink. You see the blue ink and the black ink in the proposed ordinance, black ink indicates it’s a carryover from the prior ordinance.

Council Member Siegel then asked if Mt. Carmel Road is considered a major thoroughfare? I mean, is there some way to characterize that? Mr. Lord responded, they haven’t been labeled, I mean that’s the definition. You would have to decide for yourself if it fits that label or not. Mr. Siegel then stated, there have just been a lot of congestion issues that have been raised in the discussion of that area before regarding the intersection of Mt. Carmel Road and Bells Highway.

Mr. Lord then answered, with the Special Exception, the things that they (the BZA) would have to consider include things like traffic generation, parking, setbacks, hours of operation, noise, etc. So, all those things are in the ordinance and would be considered by the BZA.

Mayor Young then added, if I understand it, they could do all those things now by being in the county without any restrictions from us and they could increase the traffic and all that.

Council Member Siegel then said, I think I know the answer to this question, but I think it is an important question. Is the city currently providing water and sewer to these lots seeking to be annexed? Mr. Lord responded no, we are not providing sewer. Utilities Director Wayne Crosby noted that water is available to all of the properties. Mr. Siegel then asked, and would the City be obligated to provide a sewer access to this property at our expense or would it be the responsibility of the landowner? Mr. Lord answered, it is the responsibility of the developer and landowner and not the responsibility of the City.

Council Member Siegel then asked, is it part of our Comprehensive Plan to seek annexations? Mr. Lord responded, generally. There’s an area of annexation over the next 10 years to be included in that area. Mr. Siegel then asked, before Second Reading, would we have an opportunity to review the implications of annexation regarding municipal and county issues of lost value and those types of issues? Mr. Lord responded, if so directed, yes sir.

The motion giving First Reading Approval to Ordinance # 2012-12 then passed with all members voting in favor.

2. **Request to Use the Downtown Waterfall Plaza for the Susan G. Komen Fund-Raising on October 20, 2012 from 10:00 A.M. to 4:00 P.M.**

A motion giving approval to this request as submitted was made by Council Member Peters, seconded by Council Member Buckner and passed unanimously.

At this point, Mayor Young stated that he would like to take a moment to say that the City extends its condolence to Mayor Harry Cone and his family on the loss of his wife. They are in our thoughts and our prayers and we hope that God will be with them and comfort them during this time.

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COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was made by Council Member Lucas, seconded by Council Member Lohr and passed unanimously. The Mayor then announced that the meeting will convene into an Executive Session for a personnel matter and a discussion of negotiations incident to proposed contractual arrangements. The meeting then convened into an Executive Session.

The meeting returned to Open Session and there being no further business to consider, a motion to adjourn was made by Council Member Peters, seconded by Council Member Lohr and passed unanimously. The Mayor adjourned the meeting at 7:40 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: September 25, 2012