

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, August 14, 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. There were approximately 16 persons present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

No public comments or questions were received on agenda items.

There were no Minutes before Council for approval.

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.**

City Manager Lord briefed Council that at a previous workshop, Council agreed to recommend to the Planning Commission to consider leaving the Historic District alone, which includes the map and the regulations, until such time that the guidelines can be figured out and returned to Council for approval. The Commission reviewed the language by the City Attorney, changed the ordinance, and is now resubmitting to Council as recommended.

A motion was made by Council Member Peters, seconded by Council Member Lucas, giving Second Reading and Adoption to Ordinance # 2012-09. **The motion passed with all members voting in favor.**

2. **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) - **Second Reading and Adoption.**

A motion was made by Council Member Lucas giving Second Reading and Approval to Ordinance # 2012-12. Council Member Buckner seconded the motion. In discussing the motion, Council Member Buckner stated, I just wanted to make sure we are zoning these parcels Highway Commercial, is that correct? City Manager Lord affirmed that this was correct. Mr. Buckner then asked Mr. Lord if all four parcels meet the definition that we have in our code for Highway Commercial? City Manager Lord

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responded yes, and said, it's our belief that it meets the Comprehensive Plan and the definition for Highway Commercial.

With the Mayor's approval, Councilman Bonds addressed the following comments to the City Manager. He said, I just want to make sure that I understand. Having now adopted the new UDO, when they come in with the Highway Commercial zoning, will they have to appear before the Zoning Board of Appeals under the proposed language? Mr. Lord responded, it depends on what they are trying to develop. Council Member Bonds then said, let's say they wanted to develop multi-use housing and it's a special condition. City Manager Lord stated that they would have to go before the Board of Zoning Appeals for a special exception. Mr. Bonds then asked, if they have to go to the BZA, will they come under the ordinance or under the pending ordinance doctrine? Is it now official? Mr. Lord responded, it's no longer pending, you just adopted it. Mr. Bonds clarified by stating, I just wanted to make sure they will be coming under our new UDO. Mr. Lord responded, yes.

Council Member Peters then asked, do we have any idea why they want to come into the City? Have they given any reasons for what this property will be used for if annexed into the City? City Manager Lord said, what they told me was that they believe it makes their property more marketable.

Mayor Young then asked, has there been any activity that would lead us to believe that they intend to put high density housing there? Mr. Lord responded, no.

Council Member Siegel stated that he was still concerned about the designation of this property as Highway Commercial, and as it really relates to the fact of whether this is considered a major thoroughfare. He asked, is this road as it is constructed and configured in relation to Bells Highway capable of sustaining safely the traffic load necessary to support that type of commercial activity at this particular intersection. I just wanted to express my concern and see if any other Councilman feels that's an issue, and I would address this to the City Manager. City Manager Lord responded, the only thing that I can address on that matter is the part of special exception. One of the things they look at is traffic congestion. So, when they apply for a special exception, that is one of the things the BZA would have to look at.

The motion then passed unanimously.

NEW BUSINESS:

1. **Ordinance # 2012-13**, An Ordinance Relating to the Licensing and Regulation of Residential Rental Properties Within the City of Walterboro, **First Reading**.

A motion was made by Council Member Bonds, seconded by Council Member Siegel giving First Reading approval to Ordinance No. 2012-13, being an Ordinance Relating to the Licensing and Regulation of Residential Rental Properties Within the City of Walterboro.

In discussing the motion, Council Member Buckner said, I have looked at this ordinance, and I have given it a lot of thought. I just think it's just too cumbersome upon landowners in the City, who are trying to rent their properties to have to come register their property, have it inspected and then with the way that this ordinance is written, I just think it's a burdensome regulation. It's too much of the government in the lives of people. And I don't feel comfortable with having landlords having to come to City every time they want to rent their apartment or their house to someone. I know it's going to generate some income for us, but our constitution gives a man's house as his castle some of the greatest protections. Though I believe that we want

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to make sure that we don't have areas in the City that have blighted houses which are unfit, but I think that we have other ordinances to address those types of issues. If the issue is trying to clean up the community, we've got ordinances that address that, but this is just encroaching too much. It's too much government, and I am voting against this. I am adamantly against this because if we start doing this, then tomorrow it's another fee, another restriction, another regulation, and the poor landowner/landlord who is trying to make a buck, is not going to be able to turn a profit, if he has to continuously deal with regulations now imposed by the city. So, I am voting against this.

The Mayor then asked the City Manager to give remarks on why staff brought this to Council. City Manager Lord responded that this does not impose a new standard. This just creates a way in which there can be an inspection to make sure they are meeting the standards that already exist under the building codes to make sure that these structures are habitable and safe. If that same landlord has commercial property, and this already exists, and if anybody wanted to occupy a commercial property, we have to do a code clearance, we have to review it and make sure it meets building code, make sure it's safe to have people in there to do business. This does the same thing, to make sure it is safe for people to live there. So, standards right now are on both sides of commercial and residential, but with commercial there is a trigger in which it allows us to inspect it and make sure those standards are met. On residential there is no trigger. So, what this does is, it allows us to make sure they are meeting the standards which already exist. Now, what prompted this was, there have been several projects in the City lately to help rehabilitate some areas. World Changers has done a lot. CDBG through the Public Safety Initiative over in the Doodle Hill area is part of it, and any of these programs all have the same rule. They only want to work in owner-occupied properties, and what we found was that it was difficult to find owner-occupied properties because most of the ones that we found that need work are rentals. And they don't want to provide any money for somebody to make a profit off it. So, what this does is, it says just like on a commercial property, if you are making a profit, you have to meet the standards. And this is just a way for us to inspect it and make sure that they are meeting the standards.

Council Member Lucas then pointed out the following concerns with the proposed ordinance:

1) Section 8-273, which is page 4 of the ordinance, there is a problem with No. 7, having to identify the specific head of household of every house that somebody is renting to. I would like that deleted. Under No. 8, I think if we would just require the landlord to post a notice in the house, this should be enough notification to the tenant.

2) On page 5, there is an inspection every 4 years, but if there is a change in the tenant, then another inspection is held. Council Member Lucas felt that the rental unit needs to be reinspected more frequently or the 4 years should be adequate. The tenant is not the one who is in charge of the house. It's the owner of the house. So, I don't like the recurring inspection every time we have a tenant change. Some people are going to rent to short term tenants until they can find a house, which may be 6 months or 3 months or even less. Also, delete No. 6 if we deleted No. 7, whenever the names didn't jive with what we had on record and whom we find in the house.

Council Member Buckner then said, for me a compromise would be, if the person is in the business of renting units, either as a corporation or some type of business entity, outside of a sole proprietorship that's renting units, then I can see making sure, but just the average person who rents their property has got to come under the

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scrutiny and burdensome of all of these regulations that we want to impose upon the landowner. Then, what about when the tenant tears up the house, are we going to impose a fee on the tenant for making sure that they do what they are supposed to do? Are we going to look out for the landowner in that respect, I don't think so? This does not address that, and so my thought would be we need to stop the encroachment of a government in the lives of people right now with voting "no" against this residential rental ordinance. It's too much government in the homes of people, and I can't support this.

City Manager Lord, then stated, if I can address what you just said. It does hold the occupant as accountable, as it does the owner. It says, "no owner will allow nor any other person authorized occupancy of a rental unit unless the premises are clean, sanitary, fit for human occupancy, meet the minimum habitable standards of occupancy." They fall under the same penalties. So, if it is determined that the problem is something that is the occupant's fault, then they could be penalized. So, that provision is allowed in there. Mr. Buckner then asked, are we going to fine the tenant if the tenant tears up the landlord's house? Mr. Lord responded, if it's a code violation. Now, the landlord is still going to be responsible for repairing it, to make it habitable, but let's say, if we go in there and if there is refuse everywhere and there are rats or something like that, and it's something we inspected before so we knew it was clean. If we go back and there are rats in there because there is refuse. We know it was the occupant, then it's the occupant who will be addressing the issue.

Council Member Bonds then stated, I will tell you, I think that a man's house is his castle, but I don't think his rental unit is his castle. I personally think that this protects some of the most vulnerable people in our City, and it helps those people, I think, they are going to be taken advantage of. There is a process by which we have a trigger in or fall in provision to this to take into consideration the money, as far as the cost to the landowner, but I feel what this does is it protects the most vulnerable people in our community. I think it is a good ordinance, and as it relates to the concerns that Mr. Lucas has, I don't mind looking at those. I don't mind if somebody could get me those and look at those or however you want to do on that. I am still in favor of the ordinance overall, but if there are concerns, I would like to look at his provisions and the concerns that he has, and if anybody else has specific concerns, I am certainly willing to do whatever to take a second look and to fine-tune certain matters. Mayor Young then added, we can fine tune it for second reading, I believe.

Council Member Siegel then stated that he agreed with Mr. Bonds. He said, I think that this is a healthy step forward to help those on the lowest rungs of society. Now, one question I have, if a person rents a room within their principal residence, does it come under this ordinance? Mr. Lord responded affirmatively and said, what it doesn't do is, and this was a change made based on response, if it were rented to a family member, then it would not apply. It also exempts a parsonage. So, if a church or a house of worship is providing a unit to somebody, then it would not apply.

Council Member Siegel then said, I am certainly willing to vote for First Reading and then work on some details.

Mayor Young then stated, I think this is just another case of where laws are necessary because everybody doesn't do exactly what they are supposed to do. If in a perfect world, everybody would maintain these rental units, then none of this would be necessary. Sometimes the people who do the right thing give up some of their rights in order to protect the people who have no protection. I think this is just another case of that.

The discussion concluded and the motion for First Reading Approval of Ordinance

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2012-13 passed with a vote of 6/1 with Mayor Young and Council Members Siegel, Lucas, Peters, Lohr and Bonds voting in favor, and Council Member Buckner voting against the motion.

2. **Consideration of Recommendation to Purchase Five (5) Police Vehicles for the Public Safety Department**

City Manager Lord told Council that staff sought bids for five (5) police vehicles for the budget. We sent out to several different places, and the only response we received was from a local vendor, Walterboro Motor Sales. Their price comes in just below what our state contract would be. The only reason that their base vehicle price is any higher is because there is an add-on in this where the front head lights would flash. It used to be that was an add-on, but with the new police contractors, that's something they can do at the factory. So, that was an \$800 feature. Because of that, it means that this bid which was received, as compared to the state contract, is lower than the State contract.

A motion was made by Council Member Bonds to accept the low bid of \$215,660.30 from Walterboro Motor Sales to purchase five (5) new police vehicles. Council Member Siegel seconded the motion.

In discussing the motion, Council Member Peters told Mr. Lord that he thought at the budget meeting, it was decided to buy three (3) cars, instead of five (5) cars. Mr. Lord noted that the number was five (5) cars. Previously we had 6 vehicles, but the committee recommended that it be (5) cars. Council Member Lucas then asked, is Ford the only one who does the police interceptors now? Mr. Lord, responded, no, there are other ones also available.

On a question raised by Council Member Buckner, City Manager Lord noted that the 5 old cars being replaced would be surplus sold. He noted that the old cars really did not have much value left and would be surplus sold at an auction.

The motion to award the purchase of the 5 new police cars to Walterboro Motor Sales passed with a vote of 6/1 with Mayor Young, Council Members Siegel, Buckner, Lucas, Lohr and Bonds voting in favor, and Council Member Peters voting against the motion. Council Member Peters then said, I am not against Walterboro Motor Sales, I just think we don't need to buy but 3 vehicles.

3. **Consideration of Recommendation to Purchase New Pickup Truck for Water Department, Sewer Department and Public Works Department**

Utilities Director Wayne Crosby reported that staff accepted bids for 3 vehicles for Water, Sewer and Public Works in hopes to get a better deal. He reported that Walterboro Motor Sales bid came in at \$17,287 per vehicle and this is well within the price budgeted for these 3 vehicles. He then recommended acceptance of the low bid of \$17,287 per vehicle from Walterboro Motor Sales. The bids received were as follows:

Rizer Chevrolet -	2013 Chev 1500, single cab	\$18,415.36
Love Chevrolet -	2013 Chev 1500, single cab	\$17,632.00
Walterboro Motor Sales -	2013 F-150, single cab	\$17,287.00

A motion was made by Council Member Peters to accept the low bid from Walterboro Motor Sales. Council Member Lohr seconded the motion. In discussing the motion, Council Member Buckner said he wanted to clarify that we are buying 3 trucks at the price of \$17,287 each. Mr. Crosby affirmed that this was correct, and that the total is \$52,761.00.

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Council Member Lucas then asked what is the difference between the total cost for the bids from Ford and Rizer? Mr. Lord responded that this is roughly \$1,200 per vehicle. Mr. Lucas then said, I think we should spread the money around town a little bit even if it costs slightly more.

Council Member Peters then said, I'll amend my proposal to be in line with what Councilman Lucas has said about spreading the money around. Mr. Lord then said, let's not put us over budget on those. Mr. Peters then said, I think we are over budget on the police cars anyway, so why not do it?

Mayor Young then reminded Council that there is a motion on the floor. So, we need to vote on this, and if you want to do something else, you can vote it down and then do something else. Council Member Lucas then asked to verify what the motion is. Attorney Cone then said, the motion is to award the contract for the purchase of 3 pickup trucks to the low bidder, Walterboro Motor Sales. The motion then passed with a vote of 5/2 with Mayor Young and Council Members Siegel, Peters, Lohr and Bonds voting in favor, and Council Members Buckner and Lucas voting against the motion for adoption.

4. **Request to Hang Banner for Life Insurance Awareness Month September 10-14, 2012**

A motion to approve the request to hang the banner for Life Insurance Awareness Month as submitted was made by Council Member Lucas, seconded by Mr. Lohr and passed unanimously.

5. **Request to Use the Great Swamp Sanctuary for the Colleton Medical Center Heart Walk on Saturday, September 22, Starting at 8:00 A.M. by Linda Poole**

A motion granting this request as submitted was made by Council Member Siegel, seconded by Council Member Peters and passed with all members voting in favor.

6. **Veterans Day Parade Permit Request, November 10, 2012 – Veterans Council**

A motion to approve the Veterans Day Parade Permit for November 10, 2012 as submitted was made by Council Member Bonds, seconded by Council Member Siegel and passed unanimously.

COMMITTEE REPORTS:

There were no Committee Reports given.

The Mayor then entertained a motion to enter an Executive Session. Council Member Lohr then made a motion to enter an Executive Session, Council Member Bonds seconded the motion that passed unanimously. The Mayor announced that the meeting would convene into an Executive Session for a discussion of negotiations incident to proposed contractual arrangements.

The meeting then entered into Executive Session.

The meeting returned to Open Session, and there being no further business to consider, a motion to adjourn the meeting was made by Council Member Peters, seconded by Council Member Lohr and passed unanimously. The meeting adjourned

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at 7:20 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