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# City of Walterboro

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Walterboro City Council  
Regular Meeting  
September 25, 2012  
City Hall  
6:15 P.M.

## A G E N D A

**I. Call to Order:**

1. Invocation.
2. Pledge of Allegiance.

**II. Public Input on Agenda Items:**

**III. Approval of Minutes:**

1. Minutes of the July 24, 2012 Public Hearing Meeting (Minutes attached).
2. Minutes of the July 31, 2012 Special Called Meeting (Minutes attached).
3. Minutes of the August 14, 2012 Regular Meeting (Minutes attached).

**IV. Old Business:**

**V. New Business:**

1. **Ordinance # 2012-14**, An Ordinance Authorizing the City of Walterboro to Join with the Walterboro-Colleton County Airport Commission and the County of Colleton in Granting an Easement to South Carolina Electric & Gas Company Over Property on Rivers Street Near Robertson Boulevard, TMS # 236-00-00-139, **First Reading** (Ordinance attached).
2. **Ordinance # 2012-15**, An Ordinance Authorizing the City of Walterboro to Join with the County of Colleton in Granting an Easement to South Carolina Electric & Gas Company Over Property on Rivers Street Near Robertson Boulevard, TMS # 179-04-00-154 and TMS # 179-04-00-189, **First Reading** (Ordinance attached).
3. Acceptance of North Memorial Avenue, Approximately 0.02 Miles into the City Road System from the State Highway System (Letter from SCDOT attached).
4. Request to Place Temporary Signs for 4<sup>th</sup> Annual Palmetto Classic Stride 5K Run and Walk on November 10, 2012 by Band of Blue Booster Club (Letter attached).

5. Consideration of Request by Lowcountry International Society, Inc., to Use the City Parking Lot on **December 8, 2012** for the Annual Lowcountry Foods and Arts Festival and the Annual Christmas Sweets Around the World Event (Letter attached).

**VI. Committee Reports:**

1. Youth Advisory Commission - Council Member Tom Lohr Introduction of Chris Meyers, Colleton County Recreation Commission Director.

**VII. Executive Session:**

- 1 Personnel Matter.
2. Discussion of Negotiations Incident to Proposed Contractual Arrangements.

**VIII. ADJOURNMENT.**

DRAFT

Walterboro City Council  
Public Hearing and Regular Meeting  
July 24, 2012

### **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 items 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 Doggett, 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 just 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 go and 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 or dozens of properties that exist downtown. So, I did not want you to move forward thinking that none of the downtown area is in 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 because damaged historic material 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 an 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 doaking 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 comes 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 has 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 if they 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 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 to 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 # 14-00-00-024, 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

**MINUTES/Page X**

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 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 the 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 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.

**COMMITTEE REPORTS:**

DRAFT

Walterboro City Council  
Public Hearing and Regular Meeting  
July 24, 2012

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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

**MINUTES**

A Special Called Meeting of Walterboro City Council was held at City Hall on Tuesday, July 31, 2012 at 12:00 Noon with Mayor Bill Young presiding. The purpose of this meeting was to consider the bids received for the Arborscape Project and to hold a workshop on the proposed Unified Development Ordinance.

**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 8 persons were present in the audience.

There being a quorum present, the Mayor called the meeting to order and gave the invocation. Council Member Bobby Bonds led the Pledge of Allegiance to our flag.

The Mayor announced that this is a Special Called Meeting, as the result of a motion in the last regular meeting to look at the United Development Ordinance and to consider the bids that came in for the Arborscape Project and to move that forward. This saves us two weeks in moving forward on the Arborscape Project.

**OLD BUSINESS:**

There was no Old Business before Council.

**NEW BUSINESS:**

1. **Consideration of Bids Received for the Arborscape Project**

City Manager Lord reported that the City received three bids for the Downtown Arborscape project. He said, we added them together and what you see at the end there is the total with all the additional alternatives, but not the reduction alternatives. These alternatives were put in there just in case the price was more than what we had budgeted, but this is the total amount. The bids received were as follows:

J. S. Construction Services	\$721,876.00
Wildwood Contractors, Inc.	\$768,826.15
L-J, Inc.	\$1,076,900.00

City Manager Lord recommended acceptance of the low bidder, J. S. Construction Services, in the amount of \$721,876.00. He said, this is within the budgeted amount for this project and you have a letter enclosed from the engineering consultants recommending them as a good company to do the work, so we are seeking your approval of the low bid from J. S. Construction Services.

A **motion** was made by Council Member Lucas to accept the low bid from J. S. Construction Services in the amount of \$721,876.00 for the Arborscape Project. Council Member Buckner seconded the motion.

In discussing the motion, Council Member Lucas asked where is J. S. Construction located? Mr. Lord responded, I believe they are in the Hilton Head area.

Mayor Young indicated that there is a difference of \$46,950.15 between the lowest bidder and the next lowest bidder Wildwood Contractors, Inc. of Walterboro.

Council Member Bonds asked the City Manager, what percentage is that difference? Mr. Lord said that is going to be a 7% or 8% difference. He further stated that part of the funding for this project \$350,000 is through the Colleton Transportation Commission, and they do require you to select the lowest responsible bidder, or you don't get that funding.

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Mayor Young stated, if we don't accept the low bid, then we don't get the money from the Colleton County Transportation Committee. Mr. Lord responded, yes.

Council Member Peters then said, I see there is no figure there for Alternate 3 (Stamp Crosswalk) on the lowest bid, when everybody else has a bid on this. What is this about? He asked if there is an additional charge. Mr. Lord explained that the original specifications called for brick pavers, and this alternate is a deduct, if you don't use real brick pavers. You use stamped asphalt, and what they are saying is they are going to charge the same amount for either choice. Council Member Peters then said, so if we get real bricks from them, it will be the same amount? Mr. Lord responded, yes.

Council Member Buckner told the City Manager that he wanted to make sure that we have noted in our contract wherein the contractor could not increase its bid. He asked, is this locked in at \$721,876, because I don't want it to be where they can say, we made a mistake and can see that we are \$40,000 lower than the next person and then try to come back and come up with another \$30,000 or \$20,000.

City Manager Lord responded, there are bid specifications on this, and then of course you have the design documents which dictate what they are going to do. Having said that, in any project there is a possibility for a need for a change order for unanticipated things that could not be predicted. It happens with every project, and so it's possible that could happen here.

Council Member Buckner then asked Attorney Cone, with the difference of \$46,000, can you see an argument could be made legally to raise the bid?

City Attorney Cone responded, you could ask prior to the award of the contract that they would confirm their figures. Once the contract has been awarded and they agree to the specifications in that amount, they are bound to do it. He then asked the City Manager, does the contract provide for a performance bond? Mr. Lord noted that the contractor has a bid bond and a performance bond, and they have already signed something that says the prices they are offering are good for at least 90 days. They have to give us the price that they will do it.

Mayor Young then said, you have said there is a \$350,000 grant from the Colleton Transportation Committee. Do you know of any method that would allow us to award this bid to the local company? Mr. Lord responded, you could delete the \$350,000. He also stated that he did not know of any exception that the Transportation Committee could make, so that the award could go to the local company.

Council Member Bonds then said, I am going to be honest. I would want to give that \$46,000 difference to a local person. I think that local people have worked here and have local crews and their money is going to come right back here and get spent in Walterboro. I mean, we are going to make that money back. However, if we are going to lose a \$350,000 grant, we can't do it.

Council Member Bonds then asked the City Manager, is there absolutely no way to work this out to see if the County could do this? Mr. Lord responded, if you want to do that, then you are going to have to submit a request to them. We have to wait until the next County Transportation Committee Meeting. They will review it and give you an answer, then we'll bring it back to you for approval. It's going to add a month.

Public Works Charlie Chewing pointed out that the bid procedure applies under the State rules. He said, I think that is what they brought down to the Colleton Transportation Committee as to what the requirements are for this money.

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City Manager Lord noted that the only way that they (the contractor) could justify anything higher is if they requested a Change Order for things that could not be foreseen, and then we have to approve those changes.

Attorney Cone added, and if they can't complete it for the money, the bonding company is responsible for making sure that it gets done.

Further discussion was held in which various Council Members expressed their concern on whether or not the City could award the contact to the local bidder.

Concluding the discussion, Council Member Siegel stated, I know we want to give businesses locally when we can afford to give business locally, but we can't rig a bid. We have to be extremely careful that we don't reject a legitimate lower bid where the people are capable of doing it. He also said, we do have to make sure that they have complied with all the bids, but people who bid on these projects also have their rights, too. We have to be concerned that we do not trample over the rights of somebody who claims to be the winning bidder in a legitimate bidding process. I just want to be careful about going over the limit to promote local businesses. We want them to make competitive bids, we want them to win and we want them to be as close as possible.

Council Member Buckner then asked what is the county's percentage for being above the local bidder. Mayor Young replied it seems like it is 3%. It was noted that the percentage here is 7%. Mr. Buckner then said, so that's twice what the county's percentage is.

Council Member Lucas felt that percentage was not an accurate way to look at money. He said, if we are talking about a \$200 machine and its 10%, okay, but when we are talking about \$600,000 or \$700,000 or a one million dollar project, then 10% is a lot of money. I don't think that there should be an arbitrary percentage on high dollar value. It adds up when it's very expensive.

**No further discussion was held and the motion to accept the low bid of \$721,876.00 from J. S. Construction Services for the Arborscape Project passed with a vote of 5/2 with Mayor Young, Council Members Siegel, Buckner, Lucas and Lohr voting in favor. Council Members Bonds and Peters voted against the motion.**

**PUBLIC INPUT ON AGENDA ITEMS:**

At the point, the Mayor announced that he would now receive any comments or questions on agenda items from the public.

**Mr. Peden McLeod** appeared before Council and asked Council to consider putting something concrete in writing about the Historic District. He said, as I understand it, the desire is to try to preserve some of the historic buildings. Mr. McLeod said, I have a particular reference to the property at the corner of Neyle and Memorial Street, which is certainly not a historic building. Once, when we tried to renovate an old house at 517 Hampton Street (Tax Map # 163-12-00-189) we had quite a time trying to adhere to the Secretary of Interior's Guidelines. By following the Department of the Interior's Guidelines, they require, for example if it's a chimney on there, then it has to have identical composition bricks. If you replaced that chimney, it had to be the original old glass, some was old and some was new.

He said, I think preservation of our Historic structures is something City Council ought to address, but to leave any loose ends to some Federal regulations, the Department of the Interior's Regulations, is a little dangerous. I finally gave up on



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trying to meet their guidelines, because it was going to cost a fortune to do what they wanted.

Mr. McLeod also told Council that the State and subsequently the counties and cities all adopted the Southeastern Building Codes. He stated about a month or two into the rehabilitation of the State House, they found out that it was covered by the Southeastern Building Codes, which meant it was required to be earthquake-proofed. Well, it happened to cost about \$18 million more than what they anticipated, because Southeastern Building Codes applied to everybody. I just think, if you adopt something, I don't think my building ought to be in the Historic District. If it is, Council should come up with concrete things in writing as to what it is, and not fall back on relying on the Department of the Interior Regulations. That will hang somebody by the neck.

Mr. McLeod further commented on Tax Map 163-11-00-244. He noted that the proposed change on this property is natural preservation. He told Council, he felt this lot should really be zoned commercial. The lot is located on Ireland Creek Drive, which is a couple of lots down from those apartments. This property belongs to Ivanhoe Road, Inc. Mr. McLeod concluded by stating, I just want to caution you not to adopt something that adopts any kind of Federal regulations.

**Mr. Andy Ulmer** told Council that he had hired an attorney and among other things we have uncovered some of the Federal guidelines, which in essence says if a photograph can be produced of what used to be on the property, they can force you to build to it. In my case, I am not sure that is onerous because in years past, it was Marvin's Feed and Seed, which was a cluster of sheds and chicken pens. I think you know my position on the rest of my property; I would prefer not to be in the Historic District.

**Ms. Marsha Johnson** told Council, I have been at meetings where citizens have come in and pressed for things that were in the Historic District. She further stated, in this particular area, there are a lot of elderly people who own historic houses. One of the things we talked about is how important it is to have a set of guidelines that foster preservation which allows people to do it in an economic way. One of the things mentioned at the last meeting was that they can actually cause you to have to repair historic artifacts; it would be cost prohibitively to do this. The intention was to allow citizens to preserve the historic flavors of things, but not when it was financially prohibitive and to allow the appeal process to include financial concerns.

She further stated, it's important to have flexibility in your guidelines but it is also important to have some ability to create and preserve. I assume that anyone living in the Historic District would not want a gas station right across the street from their historic house, and that can happen. We don't want something hideously ugly right at the top of Washington Street, which is an area that everybody has worked so hard for. While Andy might not do it, we are not all going to live forever, and so if we don't have protections in the area, then we don't preserve the area. I know there has been a tremendous amount of rework in that area, and I really think you would be better off if you hired somebody to do it, because the people who were doing them don't really understand the legality of things, and they left out things and they put things in. So, it's an important area and I think it is an area that it might behoove us to at least have some kind of professional guidance on.

Mr. Andy Ulmer said that gas stations or any other use should be governed by zoning. It has nothing to do with the Historic District. It does not apply. On another issue, Mr. Ulmer asked that Council not refer this back to the Planning Commission until such time that Council fills the two vacancies on the Planning Commission.

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**Ms. Sherry Cawley**, Chair of the Historic Preservation Commission, told Council that the two historic districts that were already established in the City were established as National Registered Historic Districts. Their guidelines are based on the Department of the Interior and Parks. Their guidelines are very rigid and they do control and have a lot of very strict rules.

Ms. Cawley pointed out that in the original ordinance which was passed for the Historic Commission, it was to create a Business District and a Local Historic District. Now, they do not have the same rules as a National Historic District, and even within the National Historic District, they are based on whether you are a contributing factor or a non-contributing factor. So, if your house, I don't care if it is 100 years old; if it does not meet their guidelines as contributing to a historic house, then it does not fall under their rules. It would fall under the local Historic District rules.

She said, and we have never completed the ordinance by finishing out the local Historic District. So, what we are trying to do and what we want to do is get the pigeon holes in and the other two districts to create a Local Historic District. The guidelines would not be the same rigid National Register, but would be a local Historic Register of what you can and cannot do. For over a year, we have worked on the guidelines. What we do with these guidelines is we've gone to the State Archives and History and had their people come and talk and work with us. We have gone to other communities that are similar to ours and asked for their guidelines and worked with their guidelines to come up with ideas.

Ms. Cawley also told Council, one of the things that we have said from day one is that Walterboro is not Charleston, and it is not Savannah. Walterboro should be done as Walterboro. One of the things that we decided was that as we create the rules for the Business District, which we have done everything but put in diagrams and pictures, was that we would put in there the clauses for each of these things that "building materials have changed over the years, and there are many things that are similar as the old product that are better than the old product." As long as it doesn't take away from the overall appearance of the building, we are allowing those new products to be used without any distinction.

Ms. Cawley also stated that there is a section for new construction. The basis for new construction is only that we ask you to keep it within your neighbors. In other words, to be similar in style and whatever you are using within that area and not have some pointy thing in the middle of downtown or if it changes the outlook of what it is. That's what historic preservation is all about. It not about telling you that you can't do this. We don't care what's in your building. Now, the National Register does, because they can tell you how to fix the inside of your building. We are not interested in that, we are interested in the facade of your building as seen from the street. We don't have any control and we don't want it over what you do inside your building.

**Mr. Peden McLeod**, told Council that when he came to City Hall to review the map of changes, it did not have a word on it about historic, not one word. The historic part just came up yesterday afternoon for me. If Council has adopted what she (Mrs. Cawley) calls a local ordinance dealing with it, then everybody has a chance to read it, complain about it or go along with it, but in the absence thereof to just rely on the Department of the Interior's regulations is like buying a pig and a poke.

**Mr. Bob Smith**, former member of the Planning Commission, addressed Council on the Unified Development Ordinance. He said that he was involved first-hand to an extent in developing the ordinance. There has been a lot of work that has gone into this. However, my concern as a businessman from sitting on the Planning Commission is that I felt like I was a voice crying in the wilderness. It seems like a lot of concern has been placed on the historic side. I think there are two things related to the

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Historic District. One, we should not look at expanding a district in anyway whatsoever until the review process has been properly proven. Also, speaking to Mr. McLeod's point, if in fact this is true, until we have had these local regulations for those defined sections administered and administered within the confines of what would apply and not instigate expansion until we see what we have. The primary concern I had was that it was seemingly ineffective.

Mr. Smith further said, if you look around the city, there are very few large tracts of property or groups of lots that remain undeveloped. Many of the properties, I would dare say, a large majority is one acre or less. Many of those are probably a half acre or less. One thing that came up in the context of our Commission developing these things had to do with the buffer zones, screening and parking. Those provisions in my estimation as a business man are too regulatory and would severely limit, if not make it impossible to develop some of these lots. So, I think due consideration needs to be given to those things and also the history as to how they have been addressed in the past on larger projects where enforcement has not been on an equitable basis. It is a daunting task, I realize it. I just want us to get it right. I think that one of the things that came up on the smaller lots is that you can always go to the Appeals Board or whatever government agency to get an exception. Well, it seems like there are a lot of things that comes in; if you can avoid it on the front end, I think that is a fruitful thing to do.

City Manager Jeff Lord then asked Planning Director David Dodd to go through a time line of how we got to the regulations that we are presenting to you today, starting with the original restrictions on the Downtown Improvement District and bringing it forward. I think a lot of question about the lack of local going to national rules was something that was attempted to be addressed during this process and hopefully we can eliminate that a little for you.

**WORKSHOP:****Proposed Unified Development Ordinance**

The Meeting then entered into Council's Work Session to discuss the Unified Development Ordinance. Planning Director David Dodd told Council that he had put together a list that goes in order to where we are today, and it is entitled "Commercial Design Guidelines". He gave the following highlights:

1. The first Commercial Design Guidelines basically came about with the adoption of Ordinance # 1984-5 in **April, 1984**. This established the Downtown Improvement District and the minimum standards that went with it. That's 28 years that we have had historic preservation guidelines for commercial buildings in most of the downtown area. Those guidelines are Exhibit C of that same ordinance.
2. Those standards later were adopted with the current Zoning Ordinance as the Central Business District standards. So, we have had downtown commercial standards for a number of years.
3. **In 2000**, the Historic Preservation Ordinance was adopted. That ordinance established the Historic Districts, which are the Walterboro National District, the Hickory Valley National District and the Downtown Improvement District. In that ordinance, it gives the Historic Preservation Commission the responsibility to establish districts or zones and to establish design guidelines.
4. **In 2003**, our current Zoning Ordinance was adopted, and in the Central Business District, the building standards were added that were the same as

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those color and facade standards in that 1984 Ordinance. In addition to that, there was also a section on reconstruction, annexation and demolition.

At this point, City Manager Lord added, in **2003** it was incorporated into the Zoning Ordinance. Also, the City Code, separate from the Zoning Ordinance, talked about the Downtown Improvement District and it gave review authority at that time to the Downtown Improvement District Review Board, but in **2006** that authority was given to the Board of Zoning Appeals (BZA).

5. In **2009**, the Historic Preservation Commission started working on "Commercial Design Guidelines" to add to what those standards are for the Central Business District. Around that same time, the Planning Commission had been approached to look at expanding the Central Business District, which would enable areas that are adjacent to it that don't have setbacks and parking requirements of the zones they are in, to be allowed to be more compliant by being in the Central Business District. The Historic Preservation Commission held an open forum, invited the general public and all downtown merchants to come and talk about what they would like to see with the Historic Commercial Design Guidelines. The Historic Preservation Commission continued working on those based on what they got from that input session.
6. In **May 2010**, the 2010 Comprehensive Plan was adopted and Chapter 2 of the Comprehensive Plan under Goals and Objectives states that part of the historic resources goals is to create an overlay district with design guidelines.
7. The Historic Preservation Commission provided Commercial Design Guidelines on **May 2010** to Benchmark for its inclusion in the UDO. In **June 2010**, Benchmark held a public input meeting where all commercial businesses in town were invited. It was put on the website, a notice was placed in the newspaper and notices were sent out with the water bills. We tried to get as much public input on all aspects of the Zoning Ordinance which includes the Historic Design Guidelines and historic areas. They also conducted a public input survey. The following month, in July, they provided the first draft of Chapter 2 which referenced the Historic Overlay District and the Historic Design Guidelines in Chapter 4, which came the following month in August. Chapter 4 included the Historic Preservation Overlay, Historic Downtown Walterboro Design Guidelines.

At this point, City Manager Lord said, the thing that keeps coming up is the lack of guidelines for these commercial structures. That was part of the original draft of this ordinance. It was taken out because there were concerns by some of the Planning Commission members that it would be overly restrictive. So, those standards that were previously listed, the facades standards, the color standards and all those things were incorporated and expanded upon in those guidelines, were taken out, in response to that request to not be overly burdensome. So, the only reason that it's not in there is because it was taken out by the Planning Commission.

Mr. Lord further stated, we have put in your packets a copy of those guidelines. It goes through very clearly what the standards are. It has the drawings and this is a result of what the Historic Preservation Commission submitted based on their work, then Benchmark condensed it down, put in more manageable drawings so that it more reflects what was already in place. So, if the concern is a lack of guidelines, they are available if you want to include them.

Mayor Young then asked, if everything else is taken out and the only thing that's left is the Secretary of the Interior's Standards, then does that make

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it look like that's the only standards we have? Mr. Lord responded, yes and that is the only standard you would have.

Mayor Young then asked if the Secretary of the Interior Standards were more restrictive than the other standards which the Historic Preservation Commission had recommended? Mr. Lord responded, that's where you get into the question of interpretation which is a concern. So, if you want to be clear and you want the guidelines, then the guidelines that were presented would be the way to do it, or some variation of those. If you want to keep it vague, where it could be interpreted more strictly or less strictly, then you could refer to the Department of the Interior's Standards.

Mayor Young then asked, are we required to adopt the Secretary of the Interior's Standards? Mr. Lord then said, I don't think so.

Council Member Peters then said, from what I understand and from what I gathered from Ms. Cawley's remarks is that the City has never completed appointing their historic organization. In other words, our commission, the local, has never finished that ordinance. Mr. Lord responded, that ordinance (the new UDO) will do that. Mr. Lord further explained that the intent was to incorporate that into this ordinance. That will be accomplished with the passage of this ordinance.

Mr. Peters then said, but this ordinance they are wanting to pass is the Department of the Interior's specifications, where we want our own specifications? Mr. Lord added, which were presented to the Planning Commission, but were taken out. Mr. Peters then said, well, what I'd like to do is resubmit that to the Planning Commission.

Mr. Dodd then continued with his presentation:

8. A year ago, we the Historic Preservation Commission's presented recommended Commercial Design Guidelines to Benchmark, our consultants. They took those design guidelines suggestions and produced the design guidelines that you see included in the original draft of Chapter 4. So, we did have a professional group work on the information provided and it came back in the form of the original draft of Chapter 4.

It highlights what areas are being included that were not already included in those three districts, which are the Walterboro National, the Hickory Valley National and the Downtown Improvement District. The donut holes will also now be included which were not included before. We now have one local district overlay that includes the two National Districts the Downtown Improvement District and all those donut holes in between.

9. The first draft of the ordinance referred to the Commercial Design Guidelines. It referred to the Residential Design Guidelines which were adopted with the Historic Preservation Ordinance, and they were made by Winter and Company, which is also a professional design group. We've had two professional design groups that have basically provided us two professional sets of design guidelines, one for residential and one for commercial.
10. In **Sept., 2010**, a Special Called Planning Commission Meeting was held where we received and reviewed Chapter 4 from Benchmark. Our minutes show that Benchmark made the statement that 63% of the people who were surveyed recommended having guidelines for both resident and commercial. At this

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meeting, Planning Commission Member Bob Smith expressed his concern as he did today about the cost of the requirements, stating that he questioned whether we wanted to encourage growth or discourage growth. Mr. Dodd further stated, it was after that, that the Commission voted or decided to recommend to Benchmark to take those Commercial Design Guidelines back out of the ordinance. Two months later in November, we received the 2<sup>nd</sup> draft of the UDO, in which all of the Historic Preservation Overlay requirements had been removed and only left a reference to any adopted design guidelines as the Secretary of the Interior Standards.

11. In **January of 2012**, we put the 4<sup>th</sup> draft out for public review, so the Overlay District could be looked at and scrutinized for 6 months. The standards are not included in the current draft. We tried to make it as transparent as possible, open to the public as possible for whatever input they could give us, to give them back something that they would find compatible to work with.

Mr. Dodd then concluded his presentation.

Council Member Lucas asked, what governs what goes downtown? It seems like there are 5 or 6 different references to these guidelines? I am confused now as to what really governs downtown under the current program?

Mr. Lord then said, and that is exactly why we are going with a Unified Development Ordinance. Before, we had guidelines in the administrative code, and we had guidelines that were adopted in a separate ordinance, then we had the Zoning Ordinance. The Unified Development Ordinance is putting this all together so you are not trying to figure out where this is coming from.

Council Member Lucas stated that he had come up with his own version and proposed the following recommendation. He said, this is more in line with the current ordinance. This is just a draft recommendation and the Planning Commission may need to fine tune it. Basically, it would keep the Central Business District and the Downtown Improvement District would really go away for understanding. The Central Business District would be from Jefferies to Wichman, Lucas and Walter Streets from Hampton to Wichman (the store fronts) and would not be part of this Historical Overlay. We already have our facades protected with the current regulations and guidelines. The request for anything in this area would go to the City for approval. If approval is not given to the requesters, the expectation is that the person could appeal to the Board of Zoning Appeals. I just think being in the Historic District could pose a problem for new businesses coming in, knowing that they are going to have to meet these requirements (in the UDO) when it is already protected under the current ordinance.

Council Member Buckner then asked, let's say I bought a building in downtown Walterboro. I own it, can I tear it down? Mr. Lord responded, if you get a demolition permit and you'd have to go to the BZA to get that permit. Mr. Buckner then said, let's say I got those permits and it's torn down, now I want to build something new. What am I going to use to build this new building by in downtown Walterboro? He added, this would be according to the current ordinance.

Mr. Lord then read from the current code book which summarized that the "the construction of new buildings or building facades shall be architecturally compatible with existing facades in the CBD".

Mr. Buckner then asked what would be the standards under the proposed new UDO?

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Council Member Lucas then said, first off, you can't just go in and tear down a building. You would have to make every effort to maintain the facade under the current Central Business District special stipulations. Ms. Sherry Cawley added, you would have to try to save it only if it were "contributing".

Mr. Lord then answered the question according to the new UDO, which stated that the "building types for which there are not adopted guidelines shall be compatible with the massing, size, scale and architectural features of nearby structures".

Council Member Buckner then asked, so, do we have any adopted guidelines. Mr. Lord answered, that's what the contention is here. There were guidelines presented to the Planning Commission. They were not put in the proposed ordinance.

Council Member Lucas said he felt the question is whether the CBD should be in the Historical Overlay or not. Mayor Young added, another question would be, "are the restrictions they have been presented by the Planning Commission, the way we want to go". I think there is some danger in trying to re-invent the wheel. People have worked on this a long time. The problem we have is we really do need to get this adopted, and at the same time we don't need to rush through it and make mistakes. So, we need to figure out a way to do this that will allow us to get the document adopted and at the same time address these concerns that Council has and some of our citizens have.

Council Member Peters then said, my comment would be, can we go ahead and adopt the rest of it and put aside that section?

Attorney Cone stated you could possibly adopt the ordinance and say the new Unified Historic District guidelines will not go into effect, until they have been drafted and adopted, and that until that time, the guidelines that are currently in effect will govern those areas.

Attorney Cone further stated, what I am saying is you can adopt the district and say that the guidelines that apply to that district will not apply to that district until they are drafted and adopted by Council. And until that time, the guidelines and restrictions under the current ordinance for those specific areas will apply. Now, that will leave all those donut holes just like they are, if you did that.

Mayor Young added, that will give us some time to work on it and at the same time adopt the rest of the U.D.O. Now, I am concerned about the other developments that are being proposed and not having this done.

Ms. Marsha Johnson added, the reason that the rest of the Planning Commission wanted to have it go to the Board of Zoning Appeals was that they were trying to respect the concerns that residents have. The guidelines, the way they were, still gave flexibility for businesses that have small lots to come in and request something, but it would also give the surrounding people, businesses or residents, a chance to be notified.

Mayor Young then asked Mr. Dodd, the signs and buffers and I think that buffers are important. If you look at the areas of the City that are required to have buffers as compared to the areas that don't have it, you can see a huge difference in the way our city looks. It is a lot more attractive. Do we not have a mechanism for adjusting the size of buffers for smaller areas other than going to the BZA? Mr. Dodd responded, there is a scale and I think that is in Chapter 2. Mayor Young then said, I thought we had a way of adjusting that to a smaller size lot.

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Attorney Cone added, we had one but the amount that could be adjusted was a limited amount, then they could go to the Appeals Board. I think the building department had some leeway up to I think 25%, and then they had to go to the board.

Mr. Dodd said, Chapter 7 is a section on buffer yards on page 7-3, and depending on the district, whether it's single family residential verses commercial, the scale is 0 feet up to 30 feet, but it is 0, 10, 10, 15, 0 back in the Central Business District. As the commercial uses gets less restrictive, the buffer gets more restrictive. It gets wider.

Mayor Young then said, will it suit Council to take Attorney Cone's suggestion? He then asked the City Manager if it would be appropriate to take George's suggestion and then send it back to the Planning Commission saying we'd like for it to come back to us? Mr. Lord responded, you would put that in the language in the adopting ordinance saying these provisions remain intact until such time. Then you don't change anything in the book, then it would come back to you with that change.

Attorney Cone added, that will allow people to go forward with requesting building permits with some certainty, except in the donut holes that we currently have. Everywhere else in the City could go forward, until such time, I assume we will have a pending zoning requirement, telling them it might change, but like Jeff said when we adopted our code of ordinances, we postponed zoning and we can adopt the zoning and postpone the historic district.

Mayor Young added, this would give us time to look at it and make sure we do it right.

Council Member Lucas added, I would like us to consider whether we want the Central Business District to be in the Historical Zone or not. My feeling is to keep it out of the Historic District and have it own guidelines.

City Manager Lord, it is currently in a Historic Zone. Most of it is already there. The only thing that's not already there is sections where the CBD is being extended. So, to take it out of the Historic District would be a change. To leave it in, would be the same.

Council Member Lucas said, I would like it to come out.

Attorney Cone asked City Manager Lord, is the configuration of the historic district, part of the ordinance. Jeff answered yes. Attorney Cone said, we just won't adopt that configuration and those guidelines until such time as they have been proven. Everything that currently is in effect in those areas will stay in effect, until that particular chapter or verse of the Zoning Ordinance is passed.

Mayor Young added, we can come up with our own guidelines as opposed to the Department of the Interior. We could look at it and maybe it will be more compatible for the people who are in the donut holes.

Mayor Young then said, we will be recommending to approve the rest of the U.D.O., setting aside the Downtown Historic Overlay part, leaving it the same as it is, until that time we can study it further and bring in the Historic Preservation Committee and others who want to have input on it.

A brief discussion was held on the wording of the recommendation.

Council Member Buckner then asked Council Member Lucas why he had a



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concern for not wanting the Central Business District in the Historic Overlay District. Mr. Lucas responded that it could deter businesses from coming in and they would have to follow the historic guidelines, whereas we already have guidelines that already protect the downtown.

Marsha Johnson suggested that since there are so many different names for these overlays, why don't we just have one set of guidelines, one name and respect the historic aspect. Then, we could keep the marketing by calling it "historic downtown," because that is a good marketing tool.

Mayor Young said, we will give direction to staff to take this UDO back to the Planning Commission and then we will address the Historic Overlay District and hopefully give it one name.

Council Member Peter reminded Council that there are still two open positions on the Planning Commission.

Mayor Young suggested, if you know anyone who would be good, please encourage them to send in a letter.

There being no further business, a motion to adjourn was made by Council Member Lucas, seconded by Council Member Buckner and passed unanimously. The Mayor adjourned the meeting at 2:00 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

**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 pieces of 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?

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City Manager Lord 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 to be 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 the 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 go into 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 are there, 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 to find owner-occupied properties because most of the ones that we find 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 renting 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 authorizes 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 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 bid 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 Great Swamp Sanctuary form 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



**ORDINANCE # 2012-14**

**AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO JOIN WITH THE WALTERBORO - COLLETON COUNTY AIRPORT COMMISSION AND THE COUNTY OF COLLETON IN GRANTING AN EASEMENT TO SOUTH CAROLINA ELECTRIC & GAS COMPANY OVER PROPERTY ON RIVERS STREET NEAR ROBERTSON BOULEVARD**

**WHEREAS**, the Walterboro - Colleton County Airport Commission has determined that the easement described herein below is surplus to the needs for the purposes of the Act establishing the Walterboro-Colleton County Airport Commission and that there are no restrictions on the use or disposal of such an easement under the deed from the United States of America; and

**WHEREAS**, the Colleton County Resources and Development Board has advised the Walterboro - Colleton County Airport Commission that a desirable industry to be operated by South Carolina Electric and Gas Company wishes to locate certain facilities upon the easement area described herein below and that the establishment and continuation of the services provided by South Carolina Electric and Gas Company will be economically beneficial to the citizenry of the county and has requested the easement described herein below be granted to South Carolina Electric and Gas Company for a consideration of One Dollar (\$1.00), all by its resolution adopted at a meeting duly called and held; and

**WHEREAS**, the Walterboro - Colleton County Airport Commission has agreed with the Colleton County Resources and Development Board that the easement described herein below should be granted to South Carolina Electric and Gas Company for said consideration, subject to certain conditions and restrictions and has requested that the City of Walterboro and the County of Colleton join in the easement described herein below to South Carolina Electric and Gas Company for said consideration, subject to certain conditions and restrictions, all by its resolution adopted at a meeting duly called and held,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED, AS FOLLOWS:**

That the City of Walterboro join with the County of Colleton and the Walterboro - Colleton County Airport Commission in granting to South Carolina Electric and Gas Company for a consideration of One and no/100 Dollars (\$1.00):

An Easement over the tract designated as TMS # 236-00-00-139 on the records of the Assessor for Colleton County, SC in the form attached hereto as an Exhibit (consisting of 3 pages plus an Exhibit "A").

That the Easement to South Carolina Electric and Gas Company be made subject to such conditions, reservations and restrictions as the Walterboro-Colleton County Airport Commission determines to be appropriate, if any.

That the Mayor and City Clerk of the City of Walterboro be, and they are, hereby authorized, empowered and directed on behalf of the City of Walterboro to execute and deliver said Easement, and to execute such other documents as may be necessary or desirable in connection with the granting of said easement.

That the proceeds from the sale of the property be retained by the  
Walterboro - Colleton County Airport Commission.

ADOPTED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between City of Walterboro and County of Colleton of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of Colleton, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing 1 Lot, and being the same lands conveyed to Grantor by deed of CSX Transportation Inc., dated or recorded 8/5/1991, and filed in the Register of Deeds office for Colleton County in Deed Book 538 at Page 55.

Property is located on Rivers Street near Robertson Boulevard, in or near the town of Walterboro, Colleton County, South Carolina.

The right of way granted herein is for the installation, operation and maintenance of SCE&G facilities. These facilities are more fully shown on Exhibit "A", attached hereto and made a part hereof.

TMS: 236-00-00-139

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

SIGNATURES ON FOLLOWING PAGES

Ord. # 2012-14

Page 1 of 3

City of Walterboro

By: \_\_\_\_\_ (SEAL)  
Bill Young

Its: Mayor

\_\_\_\_\_  
1<sup>st</sup> Witness

\_\_\_\_\_  
2nd Witness

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF Colleton                )

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Bill Young as Mayor**, of the **City of Walterboro**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

**County of Colleton**

\_\_\_\_\_  
**1<sup>st</sup> Witness**

**By:** \_\_\_\_\_ (SEAL)  
Evon Robinson

\_\_\_\_\_  
**2nd Witness**

**Its:** County Council Chairman

**ACKNOWLEDGMENT**

STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF **Colleton**            )

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Evon Robinson** as **County Council Chairman**, of the **County of Colleton**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

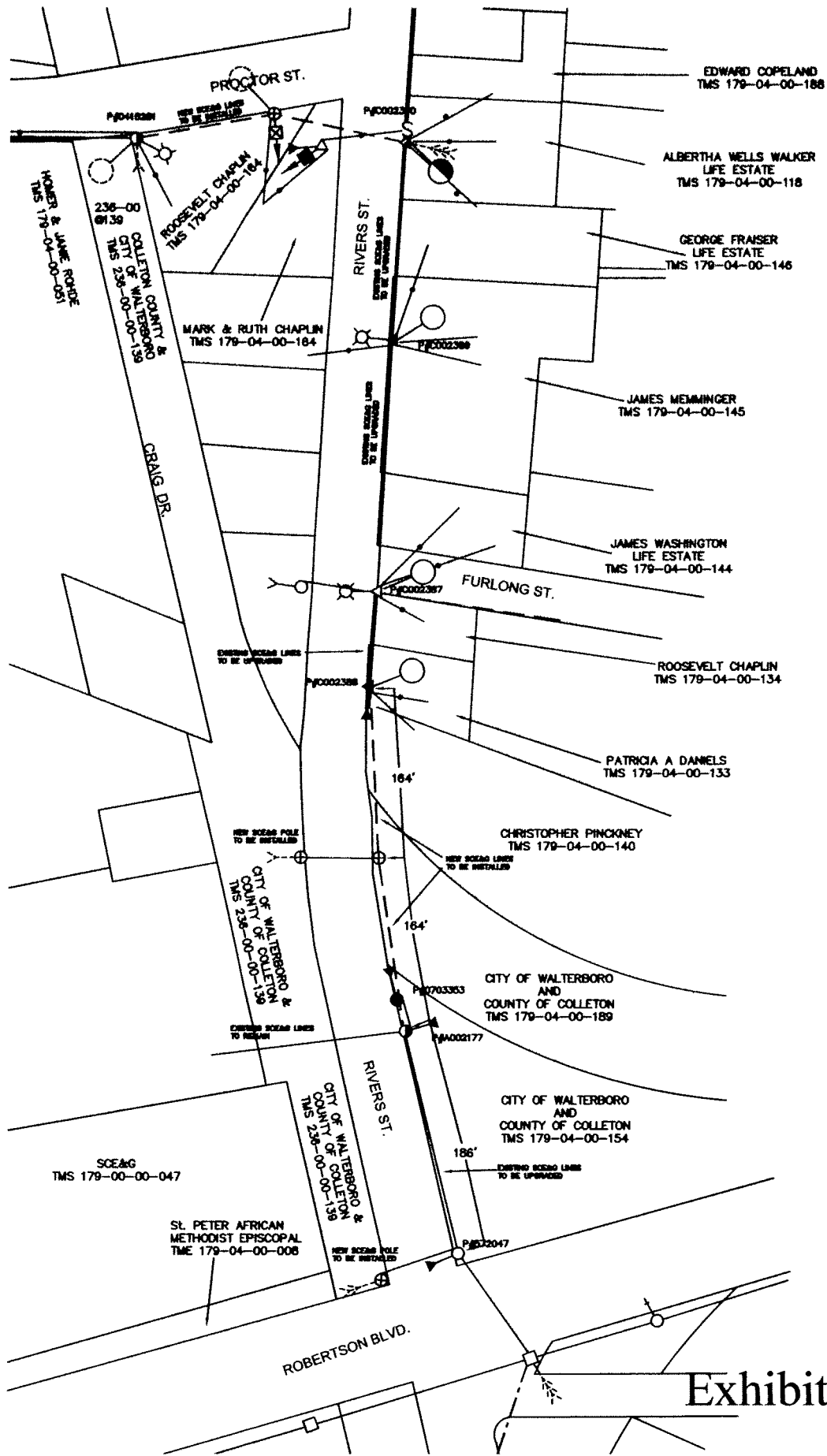
\_\_\_\_\_  
Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

**RIGHT OF WAY GRANT TO  
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

Line: **WALT:SS 80052 & 80072 TIE LINE & RECONDUCTOR**  
County: **Colleton**  
R/W File Number: **17434**  
Grantor(s): **City of Walterboro and County of Colleton**

Return to:        SCE&G  
                      PO Box 760 MC S10  
                      Charleston, SC 29402



# Exhibit "A"

ORDINANCE # 2012-15

AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO JOIN WITH THE COUNTY OF COLLETON IN GRANTING AN EASEMENT TO SOUTH CAROLINA ELECTRIC & GAS COMPANY OVER PROPERTY ON RIVERS STREET NEAR ROBINSON BOULEVARD

WHEREAS, the Walterboro - Colleton County Joint Railroad Commission (WCCJRRC) has determined that the easement described herein below is appropriate, not deleterious to its purposes and should be granted; and

WHEREAS, the Walterboro - Colleton County Joint Railroad Commission, has requested that the City of Walterboro and the County of Colleton grant the easement described herein below to South Carolina Electric and Gas Company for a consideration of One and no/100 Dollars (\$1.00), subject to certain conditions and restrictions, if any, as the WCCJRRC may impose, all by its resolution adopted at a meeting duly called and held,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED, AS FOLLOWS:

That the City of Walterboro join with the County of Colleton in granting to South Carolina Electric and Gas Company for a consideration of One and no/100 Dollars (\$1.00):

An Easement over the tracts designated as TMS # 179-04-00-154 and TMS # 179-04-00-189 in the records of the Assessor for Colleton County, SC, with said easement to be in the form attached hereto as an Exhibit (consisting of 3 pages plus an Exhibit "A").

That the Easement to South Carolina Electric and Gas Company be made subject to such conditions, reservations and restrictions, if any, as the Walterboro - Colleton County Joint Railroad Commission determines to be appropriate.

That the Mayor and City Clerk of the City of Walterboro be, and they are, hereby authorized, empowered and directed on behalf of the City of Walterboro to execute and deliver said Easement, and to execute such other documents as may be necessary or desirable in connection with the granting of said easement.

That the proceeds from the sale of the property be retained by the Walterboro - Colleton County Joint Railroad Commission.

ADOPTED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between City of Walterboro and County of Colleton of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

**WITNESSETH:**

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of Colleton, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing 2 Lots, and being the same lands conveyed to Grantor by deed of United States of America, dated or recorded 4/15/1947, and filed in the Register of Deeds office for Colleton County in Deed Book 97 at Page 43.

**Property is located on Rivers Street near Robertson Boulevard, in or near the town of Walterboro, Colleton County, South Carolina.**

**The right of way granted herein is for the installation, operation and maintenance of SCE&G facilities. These facilities are more fully shown on Exhibit "A", attached hereto and made a part hereof.**

**TMS: 179-04-00-154 and 179-04-00-189**

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

(Signatures on Following Pages)



\_\_\_\_\_  
1<sup>st</sup> Witness

By: \_\_\_\_\_ (SEAL)  
Bill Young

\_\_\_\_\_  
2nd Witness

Its: Mayor

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF Colleton            )

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Bill Young as Mayor** , of the **City of Walterboro**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
1<sup>st</sup> Witness

By: \_\_\_\_\_ (SEAL)  
Evon Robinson

\_\_\_\_\_  
2nd Witness

Its: County Council Chairman

**ACKNOWLEDGMENT**

STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF Colleton                )

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Evon Robinson as County Council Chairman**, of the **County of Colleton**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

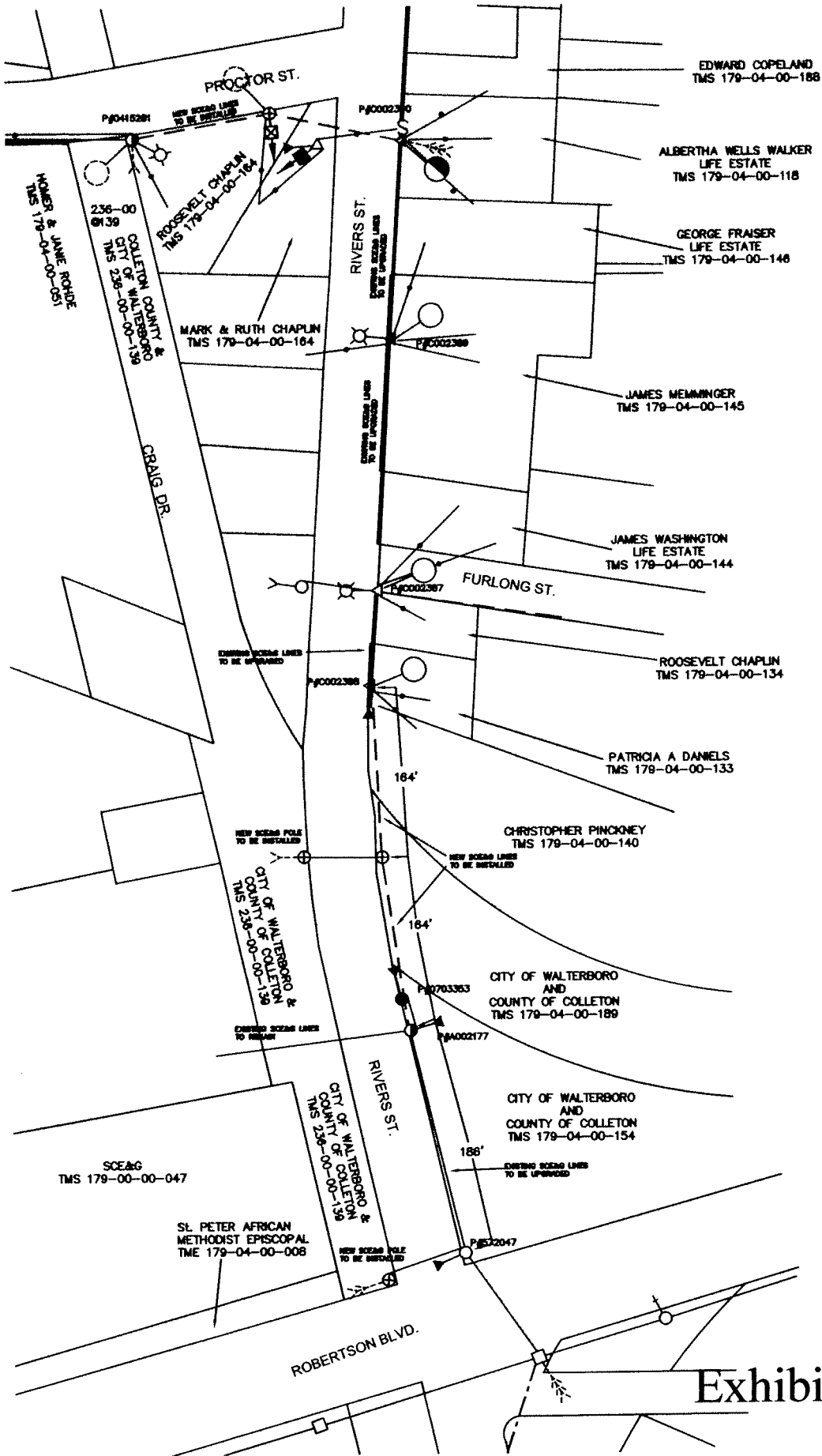
Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

**RIGHT OF WAY GRANT TO  
SOUTH CAROLINA ELECTRIC & GAS COMPANY**  
  
Line: **WALT:SS 80052 & 80072 TIE LINE & RECONDUCTOR**  
County: **Colleton**  
RW File Number: **17434**  
Grantor(s): **City of Walterboro and County of Colleton**

Return to:        SCE&G  
                      PO Box 760 MC S10  
                      Charleston, SC 29402



# Exhibit "A"



South Carolina  
Department of Transportation

Beaufort County  
Berkeley County  
Charleston County  
Colleton County  
Dorchester County  
Jasper County

September 17, 2012

Mr. Jeff Lord  
City Manager, City of Walterboro  
242 Hampton Street  
Walterboro, South Carolina 29488

RE: Removal of North Memorial Avenue (S-15-36)

Dear Mr. Lord:

At the request of the City of Walterboro, the South Carolina Department of Transportation Commission removed the above road from the state highway system on August 16, 2012. Below is a detailed description of the road.

North Memorial Avenue, from 0.02 miles north of S-55 (East Washington Street) southeasterly to S-55  
Approximately 0.02 miles  
Addition: 36

As of the above date, the South Carolina Department of Transportation will transfer all maintenance responsibilities to the City of Walterboro. If you have any questions regarding this action, please feel free to call me at 746-6715.

Sincerely,

J. Michael Black, P.E.  
District Maintenance Engineer

JMB:jh

cc: John V. Walsh, P.E., Deputy Secretary for Engineering  
Jim Feda, Director of Maintenance  
Tony Sheppard, Director of Traffic Engineering  
Ken Feaster, Director of Rights of Way  
Adam Bishop, Colleton Res. Maintenance Engr.

File: D6/Maint/rdrm





To the Mayor and City Council:

The Colleton County Band of Blue requests your approval for our 4<sup>th</sup> Annual Palmetto Classic Stride 5K Run and Walk to be held on November 10, 2012. We were pleased with the turn out last year for the walk and hope for it to be bigger and better this year.

The Run/Walk will begin at 8am on November 10, 2012. The route will begin in the county parking lot with registration. The route will go through part of the beautiful Great Swamp Sanctuary, Forest Hills and finish up in the county parking lot. The run/walk will be finished by 10 am. We would also ask for approval to put up four temporary signs for the event. We would like to put them up three weeks before the event. The signs will be small and neat.

Thank You for your time and consideration of our event to raise money to support the Colleton County High School Band of Blue.

Linda Breland, Lindsay Breland

and Pat Catterton

(843) 908- 0319

1839 Bethel Road

Ruffin, SC 29475

**Lowcountry International Society**  
**P.O. Box 2375**  
**Walterboro, SC 29488**

September 6, 2012

Walterboro City Council  
P.O. Box 709  
Walterboro, SC 29488

Dear Mayor Young:

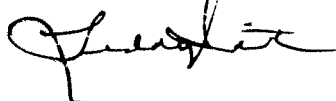
The Council previously approved use of the city parking lot September 29, 2012 for our annual Food and Arts Festival, and the use of the waterfall plaza for December 1, 2012 for our annual Christmas Sweets Around the World event. In light of the arbor-scape project currently in progress, we are concerned that our crowd may be negatively impacted by the construction in the downtown area for our Food and Arts Festival on September 29. We discussed this at our last meeting and decided for 2012 that we would move the Festival to December 8, and combine our Christmas Sweets Around the World event with the Food and Arts Festival on that same date.

We would like to amend our original approval September 29 for the city parking lot for the Food and Arts Festival and December 1 for the Christmas Sweets Around the World and request the use of the city parking lot on December 8 for both events.

Additionally, we thought the City might want to consider taking advantage of our activities, to showcase the arbor-scape improvements downtown, as we expect to draw a large crowd for our event. We would be happy for the city to open the festival as they did for us last year and address the crowd with information about the completed project. If you would choose to take advantage of this opportunity we can meet and discuss what you might like to do and incorporate it into our program.

I will be happy to attend the meeting when this is discussed to answer any questions you might have about the program.

Yours very truly,



Leddy Smith  
President