

## **MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 27, 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 12 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and called on Council Member Buckner for the invocation, and Council Member Lohr to lead the pledge of allegiance to our flag.

The Mayor announced that the Tree Lighting Ceremony will be held at City Hall on Sunday, December 2, 2012 at 5:00 P.M., followed by the Annual Christmas Parade at 6:00 P.M.

### **PUBLIC INPUT ON AGENDA ITEMS:**

No public comments were made on agenda items.

### **OLD BUSINESS:**

There was no Old Business before Council.

### **NEW BUSINESS:**

1. **Ordinance # 2012-18**, An Ordinance to Change the Zoning on a Parcel of Land on Carn Street, Tax Map # 163-11-00-025, (property located at 214 Carn Street, owned by Newington Properties, LLC/Sandra Katchuk), **First Reading**.

Planning Director David Dodd reported that the Planning Commission had reviewed and approved a request to rezone this property. The property is located right across from City Hall on Carn Street. There are apartment units on the property. They own the lots that go all the way through, that lot and the one on Sanders Street. The owner made a request to the Planning Commission to have the property rezoned from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD). The intent is to increase the parcel size by subdividing a Sanders Street property, adjacent behind 214 Carn Street. They (the owners) want to resize the Carn Street lot, so that they will have room to build a storage unit behind the apartments.

Mr. Dodd told Council by moving the lot line and increasing the Carn Street lot, we would need to change the district zoning line, so that we don't have rules on parking.

A motion was made by Council Member Siegel, seconded by Council Member Lucas giving First Reading Approval to Ordinance # 2012-18. In discussing the motion, Council Member Lucas asked what is on that lot, is it vacant? Mr. Dodd responded that the Sanders Street lot is vacant. This is the lot being decreased in size to increase the side of the Carn Street lot. Council Member Buckner then asked what is the permissible uses for Neighborhood Commercial. Mr. Dodd responded that this zoning allows apartments and other uses like office facilities for personal and business. Mayor Young then added, this will not run all the way through to Sanders Street. Mr. Dodd added that Sanders Street will still remain a medium density zoning for the entire section there. He also noted that the adjoining properties to that lot will retain their residential uses.

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Council Member Peters asked what is the size of the Sanders Street lot? Mr. Dodd stated he did not have these figures. Mayor Young identified that only part of the lot is being rezoned.

Council Member Bonds asked where were the zoning notices posted for the properties? Mr. Dodd stated that one notice was posted on Carn Street, and there may have been one posted on Sanders Street as well. Mr. Bonds asked if a notice was posted on Lucas Street, since it would directly affect the two parcels on that street? Mr. Dodd replied "no," the notice was only posted in front of the parcels which are being changed in zoning.

Council Bonds then stated, I have a real problem with this, because how will persons on Lucas Street know that the signs posted will affect their properties? The practical effect is that this will not put the property owners on notice when you have a sign only on Carn and Sanders Street. It's not reasonable that someone is going to think that what's here is going to affect them, and they are the ones who are directly behind it. I don't think we are giving the property owners adequate notice.

Mr. Dodd stated, we followed the state law requirement to post the properties and I would like to point out that before the Ordinance can be adopted, there is a requirement for a 15-day advertising period before a public hearing and final reading of the ordinance. Also, we will be glad to post the properties as well during that period before the Public Hearing and Second Reading. Mayor Young added, you can also contact the property owners for those two properties and tell them that this zoning has been applied for and make sure they are aware of it.

Council Member Bonds agreed and stated that he would appreciate it if the City would notify the other property owners about the zoning, or at least send them a letter.

Council Member Buckner then stated that he had a potential conflict of interest in this matter, since he is an owner of a piece of property, which is adjoining the piece of property that is requesting a change in the zoning. He recused himself from voting on this matter.

Council Member Lucas then asked, if somebody built a house in the medium density zoning, and built a storage building on that same piece of property, would it be zoned appropriately? Mr. Lord responded yes. Mr. Dodd stated, you would need to have the room to build a storage building.

The motion then passed with a vote of 6/0 with Mayor Young, Council Members Siegel, Lucas, Peters, Lohr and Bonds voting in favor. Council Member Buckner recused himself from voting due to a potential conflict of interest. The Mayor also noted that staff is to contact the adjacent property owners.

2. **Ordinance # 2012-19**, An Ordinance to Change the Zoning on a Parcel of Land on Sanders Street, Tax Map # 163-15-00-026, (property located on Sanders Street, owned by Danny Drain), **First Reading**.

Planning Director David Dodd reported that the request is to rezone this property from Industrial District (ID) to General Commercial District (GCD). Mr. Dodd gave a brief description of this zoning request.

Mr. Dodd noted that a purchaser is interested in purchasing the property from the current owner to use it for a catering business, and catering is not an approved use

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in the Industrial Zone. It is an approved use in the General Commercial zone. Adjacent by being contiguous across the street is a General Commercial property located on the corner.

A motion was made by Council Member Siegel, seconded by Council Member Buckner, giving First Reading approval to Ordinance # 2012-19. In discussing the motion, Council Member Bonds questioned if the catering service would be held on-site or off site. Mr. Dodd responded that the intent is to build an on-site catering facility.

Council Member Lucas then asked, can this be approved based on them doing what they say they are going to do? Mr. Dodd stated, I think you have to approve it for General Commercial, and then any General Commercial use would be allowed.

Council Member Siegel then asked if the Lowcountry Office Supply building in the General Commercial Zone? Mr. Dodd responded that this is correct.

Council Member Peters asked if they (the purchaser) will need to come up with the parking requirements. Mr. Dodd responded that they will need to comply or apply for a zoning variance.

Further discussion was held, after which the motion for First Reading Approval of Ordinance # 2012-19 passed unanimously.

**3. Consideration to Cancel the December 25, 2012 City Council Meeting**

Due to the Christmas holiday on December 25, a motion was made by Council Member Lucas, seconded by Council Member Peters, to cancel the regularly scheduled December 25, 2012 City Council Meeting. The motion passed unanimously.

**COMMITTEE REPORTS:**

There were no Committee Reports given.

**EXECUTIVE SESSION:**

A motion to enter an Executive Session was then made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for receipt of legal advice.

The meeting then entered into an 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 Lucas, seconded by Council Member Peters and passed unanimously. The meeting adjourned at 7:15 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson  
City Clerk

**APPROVED: January 8, 2013**