

# City of Walterboro

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242 Hampton Street  
Walterboro, South Carolina, 29488

P.O. Box 709

Walterboro, SC 29488-0008

Walterboro City Council  
Public Hearing and Regular Meeting  
April 27, 2010  
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. Public Hearing:

1. **Ordinance # 2010-04**, An Ordinance to Amend Chapter 21, the Walterboro Zoning Ordinance and Land Development Regulations, Section 1.6, Definitions and Rules of Construction, to Add Definitions for "Alternative Financial Services Institutions," "Check-cashing Services," "Deferred-presentment Services," and "Title-lending Services"; and to Create a New Article XI, "Alternative Financial Service Institutions," to Set Forth Regulations Regarding Locations of Such Businesses Within the City of Walterboro.
2. **Ordinance # 2010-05**, An Ordinance to Amend the Walterboro Zoning Ordinance and Land Development Regulations So As to Create a New Article XII to Reestablish and Provide for an Overlay Zone to Include Airport Overlay Zone Height Restrictions and Matters Related Thereto.

### IV. Request for Appearance:

1. Pastor Leon R. Maxwell, Ecumenical Ministers Association - Update on Handgun Buyback Program (Letter attached).

### V. Approval of the Minutes:

1. Minutes of the March 23, 2010 Public Hearing and Regular Meeting (Minutes attached).
2. Minutes of the April 13, 2010 Public Hearing and Regular Meeting (Minutes attached).

**VI. Proclamations and Resolutions:**

1. **Proclamation # 2010-05**, to recognize te CCHS Singers (Proclamation attached).

**VII. Old Business:**

1. **Ordinance # 2010-04**, An Ordinance to Amend Chapter 21, the Walterboro Zoning Ordinance and Land Development Regulations, Section 1.6, Definitions and Rules of Construction, to Add Definitions for "Alternative Financial Services Institutions," "Check-cashing Services," "Deferred-presentment Services," and "Title-lending Services"; and to Create a New Article XI, "Alternative Financial Service Institutions," to Set Forth Regulations Regarding Locations of Such Businesses Within the City of Walterboro, **Second Reading and Adoption** (Ordinance attached).
2. **Ordinance # 2010-05**, An Ordinance to Amend the Walterboro Zoning Ordinance and Land Development Regulations So As to Create a New Article XII to Reestablish and Provide for an Overlay Zone to Include Airport Overlay Zone Height Restrictions and Matters Related Thereto, **Second Reading and Adoption** (Ordinance attached).

**VIII. Committee Reports:**

**IX. Executive Session:**

1. Personnel Matter - Boards and Commissions Appointments.
2. Contractual Matter - Discussion of contractual agreement related to Planning Consultant Services.
3. Discussion of Matters Relating to Proposed Provision of Services Encouraging the Location or Expansion of Industry of Other Businesses in the Area.

**X. ADJOURNMENT.**

**Affidavit of Publication**

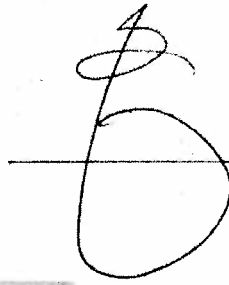
in

# The Press and Standard

PERSONALLY appeared before me, Taylor M. Smith III, who, being duly sworn, says that he is the publisher of The Press & Standard, published on Tuesday and Friday of each week in Walterboro, County of Colleton, State of South Carolina; that the notice, of which a printed copy is hereby attached, was published in The Press & Standard for One (1) issues said publication commencing on April 20, 2010, and ending on April 20, 2010

SWORN to before me this 23rd day of April, 2010

Santha Stupper (L.S.)  
Notary Public for South Carolina  
Commission expires 2-08, 2020

  
Taylor M. Smith III

CITY OF WALTERBORO



**PUBLIC HEARING NOTICE**

Walterboro City Council will hold a public hearing on Tuesday, April 27, 2010, at 6:15 P.M. in Council Chambers at City Hall, 242 Hampton Street, to receive public comments on the following proposed ordinances:

**Ordinance # 2010-04.** An Ordinance to Amend Chapter 21, the Walterboro Zoning Ordinance and Land Development Regulations, Section 1.6, Definitions and Rules of Construction, to Add Definitions for "Alternative Financial Services Institutions," "Check-cashing Services," "Deferred-presentment Services," and "Title-lending Services"; and to Create a New Article XI, "Alternative Financial Service Institutions," to Set Forth Regulations Regarding Locations of Such Businesses Within the City of Walterboro.

**Ordinance # 2010-05.** An Ordinance to Amend the Walterboro Zoning Ordinance and Land Development Regulations So as to Create a New Article XII to Reestablish and Provide for an Overlay Zone to Include Airport Overlay Zone Height Restrictions and Matters Related Thereto.

A copy of the proposed ordinance is available in the City Manager's Office at City Hall, 242 Hampton Street. Written comments may be mailed to the City Manager, P.O. Box 709, Walterboro, SC 29488 and must be received prior to the public hearing. Please call the City Manager's Office (549-2545) for additional information or for disabled persons needing auxiliary aids. Please give at least 24 hours notice if auxiliary aids are required.

April 20, 2010

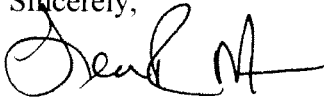
Mayor and City Council  
City of Walterboro  
P.O. Box 709  
Walterboro, SC 29488

Dear Mayor Young:

Please place the Ecumenical Ministers Association on the April 27, 2010 City Council Meeting Agenda. We will provide a status update on the Gun Buyback Program to City Council.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Leon Maxwell", with a stylized flourish at the end.

Pastor Leon Maxwell

***Proclamation No. 2010-05***  
**by the Mayor and City Council**  
**Walterboro, South Carolina**

**WHEREAS**, the ***Colleton County High (CCHS) Singers*** are comprised of more than 30 students in grades nine through twelve and directed by Mrs. Stephanie Drawdy, who was named 2010 Teacher of the Year; and

**WHEREAS**. The ***CCHS Singers*** are supported by parents, teachers, students, residents, friends, businesses, and community leaders, and is the first recipient of the Colleton Education Foundation grant; and

**WHEREAS**, the ***CCHS Singers*** were auditioned by dvd, invited, and performed at Carnegie Hall Mozart's Solemn Vespers in Latin at the Isaac Stern Auditorium in New York City on March 19, 2010 with other college and high school choirs across the nation; and

**WHEREAS**, the ***CCHS Singers*** are wonderful representatives of our community and effective ambassadors for our town; and

**WHEREAS**, the Mayor and City Council wish to congratulate and commend the ***Colleton County High School Singers*** and Ms. Stephanie Drawdy for the honor and recognition they have brought our community.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and City Council of the City of Walterboro, South Carolina, in Council Duly Assembled, that April 28, 2010 shall be designated as: "**COLLETON COUNTY HIGH SCHOOL SINGERS DAY**" in the City of Walterboro.

**BE IT FURTHER RESOLVED**, that the Mayor and City Council encourage the community to extend its best wishes and support to the CCHS Singers.

**DONE**, this 27<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
**William T. Young, Jr., Mayor**  
**City of Walterboro, South Carolina**

**ATTEST:**

\_\_\_\_\_  
**Betty J. Hudson, CMC**  
**Municipal Clerk**

**ORDINANCE # 2010 - 04**

**AN ORDINANCE TO AMEND CHAPTER 21, THE WALTERBORO ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS, SECTION 1.6, DEFINITIONS AND RULES OF CONSTRUCTION, TO ADD DEFINITIONS FOR “ALTERNATIVE FINANCIAL SERVICES INSTITUTIONS,” “CHECK-CASHING SERVICES,” “DEFERRED-PRESENTMENT SERVICES,” AND “TITLE-LENDING SERVICES”; AND TO CREATE A NEW ARTICLE XI, “ALTERNATIVE FINANCIAL SERVICE INSTITUTIONS,” TO SET FORTH REGULATIONS REGARDING LOCATIONS OF SUCH BUSINESSES WITHIN THE CITY OF WALTERBORO.**

**WHEREAS**, the City of Walterboro adopted a comprehensive Zoning Ordinance on November 25, 2003; and

**WHEREAS**, that Ordinance has been amended from time to time, but “Alternative Financial Services Institutions” have not been addressed specifically; and

**WHEREAS**, City Council finds that establishing reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses is in the best interest of the citizens of the City of Walterboro; and

**WHEREAS**, Council desires to amend the Zoning Ordinance to formalize standards for locations of businesses engaging in alternative financial services, including check cashing, deferred presentment, and title lending.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Walterboro, in Council Assembled, that the following amendments to the Zoning Ordinance will become effective upon passage of this ordinance:

**Article I, Section 1.6, Definitions and Rules of Construction, Subsection N** is hereby amended to include the following language:

*Alternative Financial Service Institution.* The term “alternative financial service institution” means a business, other than a bank, credit union, savings bank or other depository institution, that provides one or more of the following services:

- (a) Check cashing;
- (b) Deferred presentment; or
- (c) Title lending.

*Check-cashing services.* The term “check-cashing services” means services that involve cashing checks, drafts, and money orders for a fee, service charge, or other consideration that are regulated pursuant to the provisions of Chapter 41 of Title 34 of the S.C. Code of Laws.

*Deferred-presentment services.* The term “deferred-presentment services” means services that involve either (a) accepting a check from a borrower drawn on the borrower's bank account to be presented for payment at a later date for a fee or (b) authorization to debit borrower’s bank account at a later date. This practice is sometimes known as “payday lending.”

*Title-lending services.* The term “title-lending services” means services that involve short-term secured loans that are secured by the title to a motor vehicle and are regulated by S.C. Code Ann. § 37-3-413.

**Article XI, Alternative Financial Services Institutions,** is hereby created with the following language in that section:

**Section 11.1 Purpose of the Article.**

It is the purpose of this Article to regulate alternative financial services institutions to promote the health, safety, and welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the City.

**Section 11.2 Location of Alternative Financial Services Institutions.**

An alternative financial services institution shall comply with the following standards regarding location of the business:

1. The business shall be located no closer than 3,000 feet, measured lot line to lot line, from the nearest alternative financial services institution; and
2. The business institution must be located either:
  - (a) within a group nonresidential development, shopping center, or the like with all structures constituting a minimum of 30,000 heated square feet; or
  - (b) wholly within the confines of a grocery store or general merchandise retail establishment having a minimum of 30,000 heated square feet with no separate access to the exterior of the building.

**Section 11.3 Vacancy, Abandonment, or Discontinuance of Business.**

An alternative financial services institution that does not comply with the standards set forth in this Article shall not be reestablished after vacancy, abandonment, or discontinuance for

any consecutive 90-day period. An alternative financial services institution shall not be relocated without compliance with the standards set forth in this Article.

**Section 11.4 Rules of Interpretation.**

In case of a conflict between the standards set by this Article XI and any other provision in the Zoning Ordinance, the stricter standard shall apply.

This Ordinance shall be deemed effective upon Second Reading.

**DONE**, this 27<sup>th</sup> day of April, 2010.

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

ATTEST:

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

First Reading: April 13, 2010  
Public Hearing : April 27, 2010  
Second Reading: \_\_\_\_\_



**ORDINANCE # 2010-05**

**AN ORDINANCE TO AMEND THE WALTERBORO ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS SO AS TO CREATE A NEW ARTICLE XII TO RE-ESTABLISH AND PROVIDE FOR AN OVERLAY ZONE TO INCLUDE AIRPORT OVERLAY ZONE HEIGHT RESTRICTIONS AND MATTERS RELATED THERETO.**

**WHEREAS**, prior to the 2003 revisions to the City of Walterboro Zoning Ordinance, the City Zoning Ordinance included zoning restrictions that applied to the Walterboro Municipal Airport, which zoning restriction were set out in Ordinance 1992-14 and in Chapter 21, Article XIII of the Code of the City of Walterboro adopted in 1994; and

**WHEREAS**, in the 2003 revisions to the City of Walterboro Zoning Ordinance, the zoning requirements for the Walterboro Municipal Airport were inadvertently omitted from the new codification;

**WHEREAS**, the name of the airport has been changed to Lowcountry Regional Airport, by the Walterboro-Colleton County Airport Commission, which is vested with the care, custody and control of the airport; and

**WHEREAS**, City Council, desires to adopt this Ordinance to amend the current Zoning Ordinance of the City to include the zoning restrictions to be applicable to the renamed Walterboro Municipal Airport; and

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Walterboro, in Council assembled,

**SECTION I**

Article XII, "Airport Overlay Zones and Height Restrictions" is hereby created with the following language in that Article:

**ARTICLE XII. AIRPORT OVERLAY ZONES AND HEIGHT RESTRICTIONS**

**Sec. 12.1 Title.**

This Ordinance shall be known as and may be cited as the City of Walterboro Airport Safety Ordinance.

## **Sec. 12.2 Definitions.**

The following words, terms and phrases when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the official charged with the enforcement of this article who shall be the City Building Official/Code Enforcement Officer.

*Airport* means the Lowcountry Regional Airport.

*Airport elevation* means the highest point on any usable landing surface expressed in feet above mean sea level.

*Approach surface* means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 12.3. In plan view the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach, transitional, horizontal and conical zones* means the zones set forth in section 12.3.

*Conical surface* means a surface extending horizontally twenty (20) feet for every one (1) foot vertically from the periphery of the horizontal surface.

*Hazard to air navigation* means an obstruction determined by the state Aeronautics Commission or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the state.

*Height* means, for the purpose of determining the height limits in all zones set forth in this article, the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal surface* means a horizontal plane one hundred fifty (150) feet above established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone.

*Nonconforming use* means any preexisting structure or object of natural growth which is inconsistent with the provisions of this article or any amendment to this article.

*Obstruction* means any structure, growth, or other object including a mobile object, which exceeds a limiting height set forth in section 12.3.

*Permit* means a document issued by the city allowing a person to begin an activity which may result in any structure or vegetation exceeding the height limitations provided for in this article.

*Primary surface* means a surface, with a specified width as provided in section 12.3, longitudinally centered on the runway. When the runway has a specifically prepared hard surface, the primary surface extends two (200) hundred feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway* means a specified area on an airport prepared for landing and takeoff of aircraft.

*Transitional surface* means surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven (7) feet horizontally for every one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

*Vegetation* means any object of natural growth.

*Zone* means all areas provided for in section 12.3, generally described in three (3) dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, and capped at specific vertical limits by the surfaces of the zones provided for in section 12.3.

For further definitions and rules of construction generally, refer to §§ 1-5 and 1-6 of 2009 Code.

### **Sec. 12.3 Zones established.**

In order to carry out the provisions of this article, there are hereby established certain zones which include all of the areas of the city lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Lowcountry Regional Airport. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

- (1) *Airport zone.* A zone that is centered about the runway and primary surface and is capped by the horizontal surface.
- (2) *Approach zone.* A zone that extends away from the runway, ends along the extended runway centerline and is capped by the approach surfaces.

- (3) *Conical zone.* A zone that circles around the periphery of and outward from the horizontal surface and is capped by the conical surface.

Specific geometric standards for these zones are to be found in 14 C.F.R. §§ 77.21-77.25 (2010) or in successor federal regulations.

#### **Sec. 12.4 Height limitations.**

Except as otherwise provided in this article, in any zone created by this article no structure shall be erected, altered or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface of any zone provided for in section 12.3 at any point. The height restrictions for the individual zones shall be those planes delineated as surfaces in 14 C.F.R. §§ 77.21-77.25 (2010), or in successor federal regulations.

#### **Sec. 12.5 Use restrictions.**

Notwithstanding any other provision of this article, within any zone established by this article no use may be made of land or water in such a manner as to:

- (1) Create electrical interference with navigational signals or radio communications between the airport and aircraft;
- (2) Diminish the ability of pilots to distinguish between airport lights and other lights;
- (3) Result in glare in the eyes of pilots using the airport;
- (4) Impair visibility in the vicinity of the airport;
- (5) Create the potential for bird strike hazards; or
- (6) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of the aircraft intending to use the airport.

#### **Sec. 12.6. Nonconforming uses.**

- (a) Except as provided in subsection (b) of this section, the regulations prescribed by this article shall not require removing, lowering, changing or altering any structure not conforming to the regulations as of April 27, 2010, nor shall they otherwise interfere with the continuance of a nonconforming use. Nothing contained in this article shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to April 27, 2010, and has been diligently pursued.

- (b) Notwithstanding the provisions of subsection (a) of this section, the owner of any existing nonconforming structure or vegetation or any structure or vegetation that may in the future become or be found to be nonconforming, is hereby required to comply with the following:
  - (1) in the case of a nonconforming structure, to permit the installation, operation and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the state Aeronautics Commission or the administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of that airport obstruction; or
  - (2) in the case of nonconforming vegetation, to allow the cutting and complete removal of the vegetation and not just the portion of the vegetation that is found to encroach in the protected airspace.
- (c) The markers and lights referenced in this section shall be installed, operated and maintained at the expense of the Walterboro Colleton County Airport Commission.
- (d) The cutting and removal of vegetation referenced in this section shall be at the expense of the Walterboro Colleton County Airport Commission.

**Sec. 12.7 Permits.**

- (a) No structure shall be erected or otherwise established in any zone created by this article unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which it is desired with sufficient specificity to determine whether the resulting structure would conform to the regulations prescribed in this article. No permit for a structure inconsistent with this article shall be granted unless a variance has been approved as provided in subsection (d) of this section.
- (b) No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on April 27, 2010, or the effective date of any amendments to the ordinance from which this article is derived or than it was when the application for a permit was made.
- (c) Whenever the administrator determines that a nonconforming structure has been abandoned or more than fifty (50) percent destroyed, physically deteriorated or decayed, no permit shall be granted that would enable such structure to be rebuild, reconstructed or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the regulations contained in this article.

- (d) Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this article may apply for a variance from such regulations to the City Council sitting as the Airport Safety Appeals Board. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. A variance shall be allowed when it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and relief granted would not be contrary to the public interest, would not create a hazard to air navigation, would do substantial justice, and would be in accordance with the spirit of this article.
- (e) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be deemed necessary.

**Sec. 12.8 Enforcement.**

The administrator shall administer and enforce the regulations prescribed in this article. Applications for permit and variances shall be made to the administrator on a form published for that purpose.

**Sec. 12.9 Appeals; judicial review.**

- (a) Any person aggrieved or affected by a decision of the administrator may appeal to the City Council sitting as the Airport Safety Appeals Board.
- (b) Any person aggrieved or affected by a decision of the Airport Safety Appeals Board may appeal to the Circuit Court in the County.

**Sec. 12.10 Penalties.**

Each violation of this article shall constitute a misdemeanor and be punishable, upon conviction, as provided in section 2.4 of the Zoning Ordinances of the City of Walterboro. Each day in which a violation occurs shall constitute a separate offense.

**SECTION II**

This ordinance shall take effect immediately on final adoption by City Council.

**ADOPTED BY THE MAYOR AND CITY COUNCIL, IN COUNCIL ASSEMBLED,**  
this 27<sup>th</sup> day of April, 2010.

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

ATTEST:

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

First Reading: April 13, 2010  
Public Hearing: April 27, 2010  
Second Reading: \_\_\_\_\_

# DRAFT

Walterboro City Council  
Public Hearing and Regular Meeting  
March 23, 2010

## MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, March 23, 2010 at 6:15 P.M. with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson, City Attorney George Cone and Attorney Ashley Amundson were also present. There were approximately 17 persons present in the audience at the meeting.

There being a quorum present, the Mayor called the meeting to order. Council Member Franklin Smalls gave the invocation. Councilman Tom Lohr led the pledge of allegiance to our flag.

The Mayor welcomed everyone to the meeting and thanked everyone who was involved in the "Great American Cleanup" He also reminded all citizens that the City has a lot of industrial prospects who are looking at us now, and it is really important for us to keep our City clean. He encouraged everybody to do their part in helping to keep litter off the highways and the roads.

The Mayor also encouraged everyone to fill out the census reports. The census is very important to us as a community and a lot of funding is based on the information that goes out in the census. It only takes a few minutes to do that. It really is important to all of you and I hope that you will do that and encourage your friends and neighbors to make sure they fill out and return their census reports.

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

The Mayor then asked for public comments on agenda items.

**Mr. Horace Simmons**, along with Mr. Ron Ferrette appeared before Council to voice their concerns against holding the gun buyback program on their Church property, the Rock of Ages Church. Mr. Simmons, also leader of Community Action Line Against Violence Program, and member of Rock of Ages Church, informed Council that he was not against the gun buyback program, but is against where it is being held in his church yard. We don't think handling guns should be on church property. The church property is sacred ground. There is property all over the city where we could have this kind of transaction to take place. I don't like guns and I don't think this should be handled on church property. We are against it and we are going to ask Council Members and the Mayor not to have the members of the police department on the church property with this program. That's our main concern. Mr. Simmons further stated that "gun transactions" should not be held on Church property in any way shape or form.

**Mr. Robert Ferrette**, also a member of Rock of Ages Church, agreed with Mr. Simmons that the gun buyback should not be held on Church property. He said we are not against the gun buyback. As a matter of fact, I hope we have many guns that are bought back, not only guns, but knives and bricks. But please do not hold the gun buyback on our church property.

Council Member Lucas clarified that the City was invited to go to the churches, and that the City did not pick the churches for the gun buyback location.



**DRAFT**

Walterboro City Council  
Public Hearing and Regular Meeting  
March 23, 2010

**MINUTES/Page II**

**Ms. Marsha Johnson**, a city resident, expressed a concern with the Oak Grove Citizen's Committee Memorandum, which was on the agenda by Mr. Earl Moultrie. She asked if a CDBG grant would be used to fund this proposal? Will there be citizen comment at some point? Mayor Young responded that this was just a presentation by a citizen and there has been no action taken on this. On another question by Ms. Johnson, Mayor Young affirmed that this proposal was not from a City committee.

On the SC National Heritage Corridor Grant, Ms. Johnson asked where did the original set aside for match funds come from? How long will the trails be actually used and will you use security cameras on this trail as well.

Mayor Young and City Manager Lord affirmed that the set aside money is Great Swamp Sanctuary money. These funds come from different places - grants, TIF and General Obligation (GO) funds. Mayor Young stated, it's all money that was set aside for improvements to the Great Swamp Sanctuary. It's in that pot of money and you can't spend it for anything else.

**Dr. Lori Campbell**, a local veterinarian, addressed the proposal on the Revitalization of North Lemacks Street in regard to the dogs and kennels, submitted by Mr. Moultrie. She said, I am for any neighborhood that takes control and betters its area, but I think this goes about it the wrong way. We certainly have problems in the county, city, and everywhere with animals. I am against trying to band a certain breed of dog. It's all about the owner, and it's not about the breed. I will back up anything that makes owners more responsible, but to go about it through the breed would be the wrong way. Also, years ago when the city stopped the animal control officer position, there was an agreement made with the county that the county would take over in the city also, and would only enforce the county laws, not the city laws. So, this would have to be approved by the county. The county does have rules with regards to dangerous animals, making owners have a fence and liability insurance if it has been deemed dangerous. I don't think the breed band is fair and I don't think it's constitutional.

Mayor Young explained that this is only on the agenda at the request of a citizen, but we appreciate your comments. Certainly, before we would take any action on this, you would have the opportunity to make more comments.

No further comments were received on the agenda items.

**PUBLIC HEARING:**

The Mayor then opened a public hearing duly advertised to receive public comments on the proposed Procurement Ordinance, **Ordinance # 2010-03**, being:

An Ordinance to Amend Chapter 2 of the Code of Ordinances of the City of Walterboro, "Administration," to Add Article V, "Procurement," So As to Set Forth the City of Walterboro Purchasing Procedures; to Set Forth the Purchasing Authority of Department Heads, the City Manager, and City Council; to Set Forth Procedures That Are to Be Followed for Purchases of Certain Types and Dollar Amounts.

Mayor Young gave a brief explanation of this code. No public comments were received and the hearing was closed. The regular meeting then began.

**REQUESTS FOR APPEARANCE:**

1. **John Rodgers - DWDC Gateway Project in Historic Downtown**

**DRAFT**

Walterboro City Council  
Public Hearing and Regular Meeting  
March 23, 2010

**MINUTES/Page III**

Mr. John Rodgers, President of the Downtown Walterboro Development Corporation, along with Thomas Angell, Vice President of DWDC, appeared before Council with a request regarding the gateway project in the historic downtown area.

Mr. Rodgers recognized the DWDC Board Members present at the meeting. Mr. Rodgers then introduced Mr. Thomas Angell to present the project. He then asked for Council for approval pending DWDC coming back to the City Manager and Code Enforcement Officer with different locations for the columns. Mr. Thomas Angell told Council that DWDC is proposing to construct four brick columns, two each on the end on Lucas Street at Hampton and Wichman Streets as kind of a secondary gateway. We want to do something that enhances the city's ongoing design study for the Arborscape, but something that expresses DWDC's love of the community, something that is tasteful and strengthens the sense of downtown and also adds some directional orientations. So, we felt that these columns with bronze plaques at the end of Lucas Street would be great but subtle symbols of "Welcome to Downtown." We just realized that we have a slight problem, but we feel we can adjust that location and move on with our plans.

A motion was made by Council Member Peters, seconded by Council Member Lucas, to approve the request to allow Downtown Development to install the columns pending the solving of the engineering problems with the City Manager and Code Enforcement Officer. In discussing the motion, Council Member Buckner asked what is the total amount expected to be spent for the project. Mr. Angell responded that the value for the project is in the range of \$10,000. We are already out for bids. Councilman Buckner then asked how the board came to the conclusion that this particular location was a best location for the columns and not maybe Walter or some other streets? Mr. Rodgers responded, I am not sure that we chose the actual best location. This project was spearheaded by the Chairman of the subcommittee, Hank Amundson, and he worked with Thomas Angell and Gary Brightwell with the Historic Society. I believe the project went through the Arborscape group and back to our board and I think that was the general consensus of Board and Woods +Partners. Mr. Buckner asked if any shrubbery or flowers would be located around the columns? Mr. Angell responded that it would just be the columns with the city crest and "Welcome to the Historic Downtown." The Mayor pointed out and Mr. Angell agreed that there is nothing to prevent the addition of other columns in the future at other locations.

Council Member Peters stated, the funds are all your funds, is this a self-sustaining project? The Angell explained that the funds are from DWDC. He further stated, we may have a partner who will come in with matching funds, but as of right now we are not counting on that. It will be from Downtown Walterboro Development Corporation.

In responding to Council Member Buckner's question on the color of the columns, Mr. Angell stated that there are many types of bricks downtown, but the group chose a traditional brick that we felt would lend a contrast with the concrete bricks we are using in the city streetscape, but provides a traditional brick color.

**The motion for approval passed with all members voting in favor.**

**2. Pastor Leon Maxwell, Ecumenical Ministers Association - Hand Gun Buyback Program**

Pastor Leon Maxwell of St. Peters AME Church and president of the Ecumenical Ministers Association along with Pastor Alberta Cook of St. Johns AME Church in Cottageville requested support from Council with the handgun buyback program. The first program will be held on Saturday, March 27<sup>th</sup>. Pastor Maxwell then addressed the concerns brought up regarding the location of the gun buyback

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program. He stated that when his group met, we were looking for the best location to have the gun buyback. The two pastors with us, because of their Church's location being visible and viable from the streets and being very easy to enter and to exit, is why it was chosen by the pastors. The pastors chose the locations and submitted their Churches to be the site for the gun buyback. When we did our research in North Charleston and we asked the question "why Churches?" The Churches were chosen because most people feel that it is the most trustworthy place for someone to come in to turn in a weapon with no questions being asked. We have problems with people breaking into Churches and they are sacred ground. So, this event is not about selling weapons, it's just an area where we can receive the weapons by the Chief of Police and his staff, along with Sheriff Malone and his staff. We won't be handling the weapons at all. The only thing we will hand out is the gift certificates for the guns.

We came to City Council to ask the Mayor and City Council to work with us in this endeavor because we all know the crime that has taken place over the last year in Walterboro. We wanted to help to try and do the best we can to help assist anyone who wanted to work with us in this endeavor. The illegal handguns are what we are asking for. Pastor Maxwell stated that support and advice had been received from the Chief of Police, Sheriff Malone, Rev. Robinson of County Council, Senator Clementa Pinckney and Rev. Raleigh Williams of the NAACP. Pastor Maxwell concluded by stating, we don't want to offend anyone, we are just asking to do something to help the citizens of this county and city to have some peace as we live and work here.

Councilman Smalls then questioned Pastor Maxwell about the concerns raised by the two officers from the Church. He said, apparently there is a conflict between the pastor and officers at their Church. Can that be worked out? Pastor Maxwell responded that he had spoken with their pastor. I think she has already spoken to their presiding elder who has approved it with the pastors.

Mayor Young then questioned the amount of the gift cards. Chief Rhodes noted that the gift cards would be set at \$100 per working weapon. Pastor Alberta Cook reported that their group had raised around \$2,000. She also stated that the Church has always taken a lead in the community in bringing about changes, helping to save lives in addition to saving souls. There will always be some differences no matter what we undertake, but it is important to really save lives. Being on the Church ground, there is not going to be anything that will disrupt the Church and its function. Pastor Maxwell noted that his group would be grateful with whatever the city could give to help support the program.

Councilman Buckner asked if the Ministers had looked at other options for the location of the gun buyback so there will be no conflict with certain members of the congregation. Pastor Maxwell responded, after watching what happened and being mentored by North Charleston, we did not look at other options. It was brought to the attention of the clergy that this is what they wanted to do, because of the trustworthy factor as well.

Further discussion was held on the location of the gun buyback program at the Rock of Ages Church. Council Member Smalls asked if the matter would be re-discussed with the pastor and the officers at the concerned Church prior to this program taking place? Pastor Maxwell responded that he had spoken with the pastor of the Church and she has affirmed that the program would take place at the Church. At this late in the game, since we have advertised it in the newspapers and the news, to change locations now would be detrimental with what we are trying to do.

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A motion was made by Mayor Young that the City would donate \$1,500 to help with the gun buyback program through the Public Safety Department. Council Member Buckner seconded the motion. In discussing the motion, Council Member Lucas stated that the City is willing to help, but we are not choosing the Church. I would like for you to work it out with Mr. Simmons and his Church and make sure they are in agreement or not use his Church and use one of the others if necessary. I would like as many parties as possible to be content with the action. Pastor Maxwell reported that the pastor from the Rock of Ages Church could not be here tonight because of a funeral out of town. She would be the one to deal with that because each pastor is in charge of their local congregation. This is an in-house concern that needs to be settled among them. This is not going to be the last one, so we'll know when we do it again, we'll make sure to let everyone concerned know that we will possibly look at other locations. The main concern is the security and the trustworthiness in being able to hold the program at the church.

**The motion then passed on a vote of 6/1 with Mayor Young, Buckner, Peters, Lucas, Smalls and Lohr voting in favor and Council Member Parker voting against the motion.**

At this point, Council Member Peters stated, in case they do have the controversy of not being able to use the Rock of Ages Church, I know that is an internal problem they need to work out. What I suggest is that the City let them use the Fire Department Parking Lot here at City Hall to put on this event on Saturday if they need it. Chief Otis Rhodes pointed out that what will happen is that someone from the Ministerial Alliance would give out the gift cards, and we will receive and record the information off the weapons. He stated, since that location has already been advertised, I suggest that we do it in the street in front of the Church. I think that area is wide enough. Since everybody knows that's the location, instead of doing it on the Church property, we could do it right in front of the Church.

Council Member Peters stated, just in case you have an emergency and need a spot, I would like Council to approve the fact that you could use that parking lot if you need it.

Council Member Buckner stated that he understands the argument on both sides of this situation - the concern of the sanctity of the Church and not wanting guns on the particular Church grounds. That's a very sacred spot and I understand the concern there, especially of transacting business on the Church property which is another issue of concern. So, Chief your option to have it in the street or wherever close by the Church, but not exactly on the grounds, I think that is a great idea and I would be in support of that.

Council Member Peters then **MOVED** that if a problem occurs with a location for the gun buyback program that they would be able to use the parking lot behind City Hall. Council Member Lucas seconded the motion that passed unanimously.

**3. Earl T. Moultrie - Proposed Plan for Revitalization of North Lemacks Street.**

Mr. Earl Moultrie introduced the Moultrie Plan for Revitalization of North Lemacks Street, copy of which was submitted in the agenda packet.

Mr. Moultrie proposed the following changes to this area.

1. Extension of some streets, particularly Wiley Street, to extend all the way through Bells Highway and Jefferies Blvd.

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2. Extend the Grant Street Extension.
3. Would like 1008 N. Lemacks Street recognized as a historic district like the downtown area. This is one of the first homes in that area owned by the Warren Family.
4. Wants to establish history for that area.
5. Nature trails.
6. Roads constructed.
7. Tap in on the Washington money dealing with infrastructure.

In addition to seeking to improve the safety and appearance of his neighborhood, Mr. Moultrie wanted to recognize the historical significance of the area.

At the end of Mr. Moultrie's presentation, Council Member Smalls told Mr. Moultrie that the City has a Lemacks Street Revitalization Committee. The committee is at rest right now, but it will be back in action coming this fall. Council Member Smalls invited Mr. Moultrie to make the same presentation to that committee.

Mayor Young thanked Mr. Moultrie for his comments and informed him that the City has been working on the North Lemacks Street area for many years now. He said, we will certainly take your comments under consideration as we continue to revitalize that area.

**APPROVAL OF THE MINUTES:**

The Minutes of the February 9, 2010 Regular Meeting were approved as submitted on the motion of Council Member Parker, seconded by Council Member Lucas with all members voting in favor.

**PROCLAMATIONS AND RESOLUTIONS:**

1. **Proclamation No. 2010-04**, designating July 2010 as Colleton Training/Colleton High School Alumni Association Month was adopted on the motion of Council Member Smalls, seconded by Council Member Lucas and passed unanimously. The Mayor read the proclamation in its entirety into the records. Said proclamation is attached as part of these minutes.
2. **Resolution No. 2010-R-03**, designating April 2010 as Fair Housing Month and recognizing the City's Policy of Nondiscrimination on the Basis of Disability Status, was adopted on the motion of Council Member Lucas, seconded by Council Member Smalls and passed unanimously. The Mayor read the proclamation in its entirety into the records. A copy of the proclamation is attached as part of these minutes.

**OLD BUSINESS:**

1. **Ordinance No. 2010-03 (Second Reading and Adoption)** was before Council, being:

An Ordinance to Amend Chapter 2 of the Code of Ordinances of the City of Walterboro, "Administration," to Add Article V, "Procurement," So As to Set Forth the City of Walterboro Purchasing Procedures; to Set Forth the Purchasing Authority of Department Heads, the City Manager, and City Council; to Set Forth Procedures That Are to Be Followed for Purchases of Certain Types and Dollar Amounts.

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A motion giving Second Reading and Adoption was made by Council Member Parker and seconded by Council Member Smalls:

In discussing the motion, the following concerns were expressed.

Council Member Buckner said he felt it was important to put a preference for "women and minority-owned businesses" in this procurement policy. We already have a preference for local vendors and we also need to add the language that 'there shall be a preference for women and minority owned businesses' in deciding on bids for the City of Walterboro procurement.

Council Member Buckner then **MOVED** to amend the original motion to add the following language to the City's procurement policy: "That there shall be a preference given for women and minority-owned businesses in the Procurement Policy for the City of Walterboro. The motion was seconded by Council Member Smalls.

On a procedural question raised by the Mayor to the City Attorney, Attorney George Cone clarified that the amendment to the motion would be voted on first, and if amended, Council would then vote on "adopting the ordinance as amended." Now, if the amendment is to come in, he (Councilman Buckner) needs to tell where the preference would come in on the list of the four preferences that are already stated in the ordinance.

Council Member Buckner pointed that the new language should be added to Section 2-245, Bid Awards, as a new Section (d) which says, "There shall be a preference given to women or minority owned businesses."

Further discussion was held on where to locate the new proposed language in the Procurement Policy with the City Attorney.

Mayor Young asked for a motion and a second to see if it is the will of Council to amend the motion to allow for a preference in the treatment of women and minorities and then if that is the will of Council, we can move forward to get the language to accomplish that.

Council Member Smalls said he felt that Council Member Buckner did not mean "preference", but meant "giving consideration". If you give them preference, then you are singling them out over the other bidders.

Council Member Lucas asked the City Manager if there were any problems identified in the past with complaints from minorities or women who felt they had not been treated fairly. City Manager Lord reported that no such complaints have been received by the City.

Council Member Buckner suggested including the amendment under Section 2-245, Section "c", which says "bidders who are women or minority owned businesses". City Attorney Cone then stated, you would add that in Subsection c as No. 4 and change No 5 to say "subsection 3 c1-c4, and that would say, "bidders which are majority owned by women or minorities.

Attorney Cone clarified that the amendment would come after No. 3 in Subsection 2-245 to insert a subsection No. 4 to give a preference to bidders that are majority owned by woman and/or minorities, and then renumber subsection 4 to be subsection 5 and change the wording of subsection 5 to say "If a tie remains after applying Subsections c (1) through c (4)..."

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Council Member Buckner **MOVED** that the amendment motion would be as restated by the City Attorney. Council Member Smalls seconded the motion. In discussing the motion, Council Member Peters then stated, as a local business owner with the opportunity to bid in the City of Walterboro, I will recuse myself from this vote. A copy of Council Member Peters recusal statement is attached as part of these minutes.

Mayor Young then stated, I would be concerned that we might not always get the best person for the job. That would be my main concern that when we put something out on bids that we always want to get the person that's going to do the best job for the City of Walterboro. Since we have not had any complaints and not had a problem that I am aware of in the 20 years I have been on Council, I would not be in favor of that language.

Council Member Buckner then stated, I am sure if we did the analysis of the amount of bids being awarded to women and minority owned businesses in the City of Walterboro, I'm sure it would be clear that we would need to have some consideration given to women and minority owned businesses, and therefore the historical disadvantages that have been placed on these type of businesses in being awarded government opportunities and contract, I think this language would help to just level the playing field. Of course, we want the best work for the best price, but we also need to look at making sure that everyone has a fair opportunity to be able to bid. Minorities and women have historically been disadvantaged in these type of contracts and I think it would be a step forward to add this language to our procurement policy.

Mayor Young then stated, to assume that would be to assume that the City Management is not dealing fairly now with the people what are submitting bids. I don't think that's the case, I do think that City Management has dealt fairly with anyone that submits a bid to our City and is considered for the bid. I don't think the additional language is necessary to make sure that someone is treated fairly, because I think that we treat people fairly. So, I will disagree with you on that Councilman.

The vote on the amended **motion** to add a preference for women and minority owned businesses to the procurement policy **was defeated** on a vote of 2/4 with Council Members Buckner and Smalls voting in favor of the motion, and Mayor Young and Council Members Lucas, Parker and Lohr voting against the motion for adoption. Council Member Peters recused from voting due to a conflict of interest.

The Mayor then called for any further discussion on the motion to adopt Ordinance # 2010-03 as submitted. Council Member Peters then recused himself from voting on the Ordinance, as a local business owner with an opportunity to bid on contracts with the City of Walterboro.

The motion to adopt on Second Reading Ordinance # 2010-03 then passed with a vote of 4/2 with Mayor Young and Council Members Lucas, Parker and Lohr voting in favor, and Council Members Smalls and Buckner voting against the motion for adoption. Council Member Peters recused himself from voting due to a conflict of interest. Ordinance # 2010-03 was adopted, being: AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF WALTERBORO, "ADMINISTRATION," TO ADD ARTICLE V, "PROCUREMENT," SO AS TO SET FORTH THE CITY OF WALTERBORO PURCHASING PROCEDURES; TO SET FORTH THE PURCHASING AUTHORITY OF DEPARTMENT HEADS, THE CITY MANAGER, AND CITY COUNCIL; TO SET FORTH PROCEDURES THAT ARE TO BE FOLLOWED FOR PURCHASES OF CERTAIN TYPES AND DOLLAR AMOUNTS.

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**NEW BUSINESS:**

**1. Acceptance of the SC National Heritage Corridor Grant Award in the Amount of \$20,000 and Committing \$20,000 in Local Match Funds**

City Manager Lord reported that application was made to Heritage Corridor for financial assistance for a trail to connect the canoe loading dock on the corner of Ivanhoe and South Jefferies to the rest of the park. The grant requires a \$20,000 match because it is a 50/50 grant. Mayor Young stated that the matching \$20,000 would come out of existing Great Swamp Sanctuary funds.

A motion to accept the National Heritage Corridor Grant in the amount of \$20,000 and commit \$20,000 in matching funds was made by Council Member Parker, seconded by Council Member Lucas. In discussing the motion, Council Member Buckner asked the City Manager if this particular trail was part of the original plan for the Great Swamp Sanctuary? Mr. Lord noted that part of the trail was in the master plan. The master plan has the continuation of the sewer easement road and trail and has it eventually continuing across the road and into the other property which we do not yet own. That is in the master plan. The part that connects it from the canoe dock to the trail is not originally part of the master plan, but most of it, which is about 15% of it.

Council Member Lucas asked if the cost would be within the \$40,000 total. City Manager responded that this project still needs to be bid out, so that is difficult to know. Council Member Lucas then stated, if it came above \$40,000, we might have to trim what is done.

**The motion then passed unanimously with all members voting in favor.**

**2. Request for Street Closing for Alumni Community Walk, July 3, 2010 7:30 - 8:30 A.M.**

Mr. Herman Bright appeared before Council requesting a street closing for the Alumni Walk by the Colleton Training School/Colleton County High School Alumni Association. He stated that the Association's grand reunion is held every two years. We are asking permission to block off the streets for the alumni walk from the old football stadium, down Lemacks Street. This year we will end our walk at the building at the corner of Ackerman and Gruber Street.

On a question raised by Mayor Young, Chief Rhodes agreed that there would be no problem keeping the group safe during their walk.

A motion to approve the request to close the streets for the Alumni Community Walk as submitted was made by Council Member Lucas, seconded by Council Member Smalls and passed unanimously.

**3. Request to Place Informational Banner Across Jefferies Boulevard for Victims Rights Week on April 11-19, 2010**

A motion to approve this request as submitted was made by Council Member Parker, seconded by Council Member Smalls. In discussing the motion Council Member Buckner expressed a concern with the hanging of so many banners in the city. He stated, it seems like we are putting up a lot of banners in our city and every cause is just and every cause is something that has merit to it. I don't know if other municipalities are putting up banners for everything. So, Jeff, I would like you to look into this. Just to see whether or not we are putting up a lot of banners as opposed to other municipalities and why are we putting up banners for every



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particular instance, and whether or not it's too much. Then maybe, we could look at trying to curtail some of this. I don't know what the policy is on deciding which banners get put up.

City Manager Lord responded that the City does not put the banners up. SCE&G puts the banners up because they have the trucks and they can do it. What Council does is authorize them to do it, so this is not something that the City does. So far as the frequency of the banners in other jurisdictions, I can't address that. As far as procedure, it always has been approved by Council. Mayor Young added, I don't believe that we put up more than 4 or 5 banners per year.

**The motion then passed with all members voting in favor.**

**4. Request to Place Banners on Lamp Posts for Awareness of Downtown Business District**

Mr. David Smalls, Executive Director of the Walterboro/Colleton Chamber of Commerce appeared before Council asking to place banners on the lamp posts on Jefferies Blvd and in the downtown area. The intent of the banners is to provide visibility and awareness of our beautiful downtown business district. The tag line of the banners will read "The Front Porch of the Lowcountry" with a red rocker logo. There would be 14 banners placed along Jefferies Boulevard between Wichman and Hampton Street and 37 banners placed in the downtown business district along Washington, Walter and Lucas Streets.

Mayor Young added that the Tourism Commission has worked on this over the past several months and has looked at this and considered different options before bringing this to Council.

City Manager Lord pointed out that this request is that these new banners become permanent ones.

A motion was made by Council Member Lucas, seconded by Council Member Smalls to allow the hanging of the banners as requested. Council Member Lucas asked if the large banners would be on Jefferies Blvd and the small ones on Washington Street. Mr. David Smalls affirmed that the smaller banners (17"x36") would be placed on Washington Street and the larger banners (24"x48") would be placed on Jefferies Boulevard. Council Member Buckner felt that the design, "Front Porch of the Lowcountry", was too cluttered. He suggested taking that wording off the banner and just have the red rocking chair and Walterboro. Mayor Young pointed out that the commission had discussed this same matter, but ended up with this recommendation as presented.

Council Member Peters asked if the banners would be taken down when the Antiques, History & Arts Festival is held. Mr. Smalls affirmed that they would be taken down. Council Member Parker asked if the banners met the code regulations. Mr. Smalls responded that the banners on Jefferies are the same size as the banners that were up before. City Manager Lord noted that the code has not changed, the only concern we have to make sure of is that the site triangles are maintained.

**The motion then passed with all members voting in favor.**

The Mayor then entertained a motion to enter an Executive Session. Said motion was made by Council Member Parker, seconded by Council Member Buckner and passed unanimously. The Mayor announced that the meeting would enter an executive session for a personnel matter related to Boards and Commissions Appointments.

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The meeting returned to Open Session. Council then considered the 2010 appointments to the City's Boards and Commissions.

The Mayor entertained a motion to appoint those persons interested in serving on the Boards and Commissions with the exception of the Election Commission and Historic Preservation Commission. Council Member Peters so **MOVED** and Council Member Parker seconded the motion. The Mayor announced the appointments as follows:

**Accommodations Tax Board**

Alta Mae Marvin reappointed for another 3-year term.  
Susan McConnell reappointed for another 3-year term.

**Board of Zoning Appeals**

Ron Ordel reappointed for another 3-year term.

**Municipal Planning Commission**

Thomas Angell reappointed for another 4-year term.  
Chris Bickley reappointed for another 4-year term.

**Tree Protection Committee**

Carroll Brown, III reappointed for another 2-year term.  
Dr. Martha McKeivin reappointed for another 2-year term.  
Robert M. Wilkerson, III reappointed for another 2-year term.

**Youth Advisory Commission**

Melissa Terry was newly appointed for a 2-year term.  
Wayne Alvin Bennett was newly appointed for a 2-year term.

**The motion to approve the above appointments then passed with all members voting in favor.**

Next, the Mayor entertained a motion for nominations to the Historic Preservation Commission. Council Member Lucas **MOVED** to reappoint Sherry Cawley and newly appoint Leonard Hultquist to the Historic Preservation Commission for a 2-year term. Council Member Parker seconded the motion that passed with all members voting in favor.

There being no further business to consider, a motion to adjourn was made by Council Member Parker, seconded by Council Member Peters and passed unanimously. The Mayor adjourned the meeting at 8:25 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

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Walterboro City Council  
Regular Meeting  
April 13, 2010

**MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, April 13, 2010 at 6:15 P.M. with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson, City Attorney George Cone and Attorney Ashley Amundson were also present. Council Member Franklin Smalls was absent. There were approximately 30 persons present in the audience at the meeting.

Mayor Young called the meeting to order and gave the invocation. Council Member Parker led the Pledge of Allegiance to our flag.

**PUBLIC INPUT ON AGENDA ITEMS:**

The Mayor then asked for public comments on agenda items. No public comments were given.

**PUBLIC HEARING:**

The Mayor then announced a public hearing duly advertised to receive public comments on the submittal of a CDBG Grant Application for the Francis Street Water Looping Project in the amount of \$416,925. The Mayor recognized Ms. Michelle Knight of Lowcountry Council of Governments to conduct the hearing. A copy of the sign-in sheet for the public hearing is attached.

Ms. Knight stated that the hearing is being held to receive any comments, pros and cons, on the application the City is submitting to the South Carolina Department of Commerce. The application falls under the "Ready to Go" Set Aside, which is a non competitive grant program. The request is for \$416,925 and the City is being asked to provide a \$53,000 match to go along with the project to do water looping along Francis, Bailey, Warren, Hill, Poplar and Breland Streets. This is to address water pressure and fire flow issues in those neighborhoods. She stated, these people have water service already, this is just to improve the service that they have. Basically the project will serve roughly 223 people, of which 86% are low to moderate income. The project area consists of 90 occupied households, four vacant units and several businesses and churches that would be affected by the improvements.

Ms. Knight then opened the floor to receive public comments. No comments were given and the hearing was closed.

**PROCLAMATIONS AND RESOLUTIONS:**

1. **Resolution No. 2010-R-04**, A Resolution Authorizing Submission of a CDBG Grant Application for the Francis Street Water Looping Project in the Amount of \$416,925 and Committing \$53,000 in Local Match Funds was before Council. A motion to approve Resolution # 2010-R-04 was made by Council Member Peters and seconded by Council Member Parker.

In discussing the motion, Council Member Buckner asked for clarification on the benefits to the residents as it relates to this project. Utilities Director Wayne Crosby explained that the project is primarily to increase fire flow in those areas. There are a lot of dead-end, six inch lines on each one of those side streets including Breland Street, Hill Street, etc. This is to connect each one of those dead lines with a larger eight-inch line stretching the entire length of Francis Street.

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**The motion then passed unanimously, except Council Member Smalls was absent and did not vote.** A copy of the resolution is attached as part of these minutes.

At this point, the Mayor announced that Council Member Smalls was out of town attending the funeral of his brother-in-law in Washington, D.C.

2. **Resolution No. 2010-R-05**, A Resolution Honoring Sylvia Rowland on her retirement from the Walterboro/Colleton County Library, was approved on the motion of Council Member Parker, seconded by Council Member Lucas and passed unanimously. Mrs. Rowland was recognized for her contributions to the library for more than 25 years, where she served as its Executive Director for more than 23 years. The Mayor read the resolution in its entirety into the records. A copy of said resolution is attached and made a part of these minutes.

**OLD BUSINESS:**

There was no Old Business before Council.

**NEW BUSINESS:**

**1. Ordinance # 2010-04 (First Reading)**

A motion was made by Council Member Parker, seconded by Council Member Lohr giving First Reading Approval to Ordinance # 2010-04, being:

An Ordinance to Amend Chapter 21, the Walterboro Zoning Ordinance and Land Development Regulations, Section 1.6, Definitions and Rules of Construction, to Add Definitions for "Alternative Financial Services Institutions," "Check-cashing Services," "Deferred-presentment Services," and "Title-lending Services"; and to Create a New Article XI, "Alternative Financial Service Institutions," to Set Forth Regulations Regarding Locations of Such Businesses.

In discussing the motion, Council Member Buckner asked for further clarification on this ordinance. He stated, we have had this issue previously before us and we talked about it. I think the goal of this ordinance was to not totally eliminate these types of businesses, but curtail them from continuing to operate in the City. I think there was the issue of possible lawsuits, so I want to ask the City Attorney where are we exactly with this ordinance? If we added the information on the language about the lease, what is the probability that we would be facing any type of potential lawsuit?

City Attorney Cone then referred the response to Attorney Ashley Amundson. Attorney Amundson reported that she had spoken with attorneys in Greenville, who relayed that they had also adopted a similar ordinance. They do have some lawsuits ongoing which have not been resolved. So, we don't really know what the outcome of those lawsuits will be. One thing we discussed that you can consider is to look at the "lease" issue or you could do the total number of years. Of course, when you do something like those options, you are going to be opening up potential liability.

Mayor Young felt that the way the language is written in the ordinance, it basically "grandfathers in" the existing businesses, unless they close for more than 90 days. Then, if they reopen or if another similar business comes in, they would then have to meet the requirements of the ordinance.

Mayor Young further reported that in looking at this ordinance, we found there is a difference between "supervised" lending institutions and "non-supervised" lending institutions. Most of the payday loans companies are what they call "non-

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supervised institutions" and when you break them down according to that, the numbers we had been working with were not as high as we thought. Also, in looking at the leases, aside from the lawsuits or the legal issues, we had an impact on landlords, that probably we had not foreseen. So, I think this is a good compromise between the stricter language and no ordinance at all. It falls in the middle, and allows us to move toward limiting the number of payday lenders, but at the same time it does not immediately shut people down or cause landlords to lose tenants immediately.

Council Member Lucas then asked, if we pass this ordinance as is and then later we find out that Greenville's legal situation can benefit the city, could we go back and make the ordinance stricter? Attorney Amundson responded that Council can always amend the ordinance if it desires.

**The motion then passed unanimously giving First Reading Approval to Ordinance # 2010-04, except Council Member Smalls was absent and did not vote.**

**2. Ordinance # 2010-05 (First Reading)**

The Mayor explained that the ordinance was left out of the City's Zoning Ordinance before and the FAA will not go forward with some of the things that the Airport is addressing at this time until we get this completed.

City Attorney Cone explained that City first adopted an Overlay Zone Ordinance in 1992 and somehow when the Zoning Ordinance was recodified, it repealed all prior zoning ordinances and did not include an Overlay Zone. This Ordinance has been modified in Section 12.6 Non-Confirming Uses, to better address the responsibility for the expense of cutting trees and allowing the cutting of trees and vegetation in their entirety if only the top of the tree encroaches in the Overlay Zone. It also provides that the Airport Commission will have the responsibility for paying for that. It also modifies that "future non-conforming uses" will be handled in the same manner in the event runways are lengthened. So, with those few changes, it is basically the same as the 1992 ordinance.

A motion was made by Council Member Peters, seconded by Council Member Lucas, giving First Reading Approval to Ordinance # 2010-05, being:

An Ordinance to Amend the Walterboro Zoning Ordinance and Land Development Regulations So as to Create a New Article XII to Reestablish and Provide for an Overlay Zone to Include Airport Overlay Zone Height Restrictions and Matters Related Thereto.

**The motion passed with all members voting in favor, except Council Member Smalls was absent and did not vote.**

**3. Ordinance # 2010-06 (First Reading)**

The Mayor then stated, I think it would probably be a good idea if we adopt this and wait a month or so and post it on our website and make it available to give people time to look at it. Then we can come back in a month or five weeks and have second reading.

A motion was made by Council Member Parker, seconded by Council Member Lucas, giving First Reading Approval to Ordinance # 2010-06. In discussing the motion, the Mayor recognized Mr. Thomas Angell, Chairman of the Municipal Planning Commission. Mr. Angell told Council his commission was excited to have the requisite land development plan done and hope that Council will like it. Mayor

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Young stated, I know you have worked a long time and worked hard on this new plan. Council Member Peters stated that the new comprehensive plan was really in depth and that he would like to have a special work session with the Planning Commission before the plan is adopted. There were some things that I have looked for, but have not yet found, he stated. Mr. Peters then requested that Mr. Angell or a member of the committee is available to talk with Council about the comprehensive plan.

Council Member Buckner commended the Planning Commission for the work they have done with the Comprehensive Plan, because this is like our road map for the City of Walterboro. I will agree with Council Member Peters that we should talk about this. I have read through this and there are a few issues and some concerns dealing with the preamble and the statement for the City of Walterboro. There is some language there that I would like to tweak or change that I think would help us out. Mr. Angell responded, we will welcome your input.

**The motion then passed unanimously, except Council Member Smalls was absent and did not vote.**

**4. Consideration of Requests for Qualifications (RFQ's) for Revision of the City of Walterboro Zoning Ordinance and Land Development Regulations**

The City Manager briefly described this agenda item. He reported that the City had requested qualifications from planning consulting firms that specialize in revising Zoning Ordinance. The City advertised in the South Carolina Business Opportunities and received four submittals. Mr. Lord reported that City staff and Mr. Thomas Angell interviewed two firms - Benchmark and Clarion Associates of Chapel Hill, NC. It was their unanimous recommendation that Council accept Benchmark, CMR as the most qualified firm, so that staff can seek contractual terms with them. This will then be brought back to Council. Mr. Lord also reported that Benchmark is the firm also engaged by the County to do their Zoning Ordinance and Comprehensive Plan. So, they have a lot of knowledge about this area and it will help us match up the boundaries because of their knowledge with the county's Zoning Ordinance and Comprehensive Plan.

A motion was made by Council Member Peters to approve Benchmark, CMR Inc. for revision of the City of Walterboro's Zoning Ordinance. Council Member Lohr seconded the motion. In discussing the motion, Council Member Buckner stated that he would like to make a point on the RFQ's. In addition to that with the Request for Bids, and with any job opportunity, I would like to see those things posted on our City's website. I think that is something that we can do. It would be good to put that out there, so the government can be as transparent as possible. We want to have that perception that everything is open to everybody. I'd like to see RFQ's, Requests for Bids and Job Opportunities for the City on the website advertised. City Manager Lord noted that city job opportunities are already posted on the website and we can easily add another page for solicitations.

Council Member Lucas then asked, when do we look at the price for this, with regard to the Request for Qualifications. City Manager Lord responded, if you approve this, then we will start contractual negotiations with them and then we will bring that back to you.

**The motion then passed with all members voting in favor, except Council Member Smalls was absent and did not vote.**

**5. Request to Use City Parking Lot for Farmers Market by Clemson Extension**

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On behalf of Marilyn Peters, who was unable to attend the meeting, Mr. David Smalls appeared before Council requesting use of the City Parking Lot for the Farmers Market starting on May 15. There was a grant obtained through the county for the building of the new Farmer's Market. The construction of that building will start in late May or early June. So, we would like to use the City Parking Lot using the area closest to the Bethel United Church side fence. This will not hinder traffic patterns going in and out of the parking lot. This would be every Saturday between 10:00 and 2:00 P.M. starting May 15 to August.

A motion to grant the request by Clemson Extension for use of the City Parking Lot as submitted was made by Council Member Lucas, seconded by Council Member Parker. **The motion passed with a vote of 5/0 with Mayor Young, Council Members Buckner, Lucas, Parker and Lohr voting in favor. Council Member Peters abstained from voting due to a conflict of interest and Council Member Smalls was absent and did not vote.**

**6. Requests by the Colleton County Historical and Preservation Society for the 2010 Antiques & Arts Festival, May 14-15, 2010**

Ms. Sarah Miller, Vice President of the Colleton County Historical and Preservation Society, appeared before Council with the following requests in regard to the 2010 Antiques & Arts Festival to be held May 14-15 in downtown Walterboro:

1. Hanging of 36 banners on Washington Street and six large banners on Jefferies Blvd.
2. Closing of Lucas Street between Washington and Hampton Streets and the closing of Washington Street to the drive way of the Cannady Insurance Agency from May 14 (Friday AM) to May 15 (Saturday night).
3. Reserve two parking spaces on Washington Street directly in front of the Cannady Insurance Agency and two spaces directly across the street.
4. Reserve two spaces in the City Parking Lot for Port-o-Lets, facing Lucas Street.
5. Reserve the entire row of parking spaces facing Lucas Street in the City Parking Lot for the antique tractors.
6. Allow for event direction signs to be placed where appropriate in the city starting Wednesday, May 12.
7. Allow for "Carriage Route" signs to be placed along the Historic Walterboro Tour route.
8. Permit for Antique Tractor Parade from City Parking Lot onto Hampton Street to Walter Street to Hampton to Memorial and Hampton and back to the City Parking Lot
9. Permit for Historic Walterboro Carriage Tours from Miller Street to Church to Heyward, to Valley Street, to Lemacks, to Savage, to Lubbs house, turn and go back to Valley, to Verdier, to Webb, to Witsell, to Church and back to the Bedon Lucas House.

A motion to approve the requests by the Colleton County Historical and Preservation Society as submitted was made by Council Member Lucas, seconded by Council Member Peters. In discussing the motion, Council Member Buckner asked if the tours meant that this carriage would be "horse driven." Ms. Miller affirmed that the carriage would be driven by mules.

On a question by Mayor Young, Chief Rhodes affirmed that his department would be able to handle the carriage route, which has a slight change from the route used last year.

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Ms. Gale Doggette, on behalf of the Historical Society, then asked that Council also include in their request the "waiver of the business license fees for the vendors for the two-day event."

**Council Member Lucas then amended his motion to include the change as requested by Ms. Doggette. Council Member Peters seconded the motion that passed unanimously, except Council Member Smalls was absent and did not vote.**

There were no Committee Reports given.

The Mayor then entertained a motion to enter an Executive Session. Council Member Lucas **MOVED** and Council Member Parker seconded the motion to enter into an Executive Session. The motion passed unanimously, except Council Member Smalls was absent and did not vote.

The Mayor announced that the meeting would enter an Executive Session for a discussion of matters relating to the proposed provision of services encouraging the location or expansion of businesses in the area and for a discussion regarding the development of security personnel or devices related to the Rice Festival. The meeting then convened into Executive Session.

The meeting returned to Open Session with no action being taken as a result of the Executive Session.

There being no further business, a motion to adjourn was made by Council Member Parker, seconded by Council Member Peters and passed unanimously. The Mayor adjourned the meeting at 8:09 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