

Walterboro City Council
Regular Meeting
January 8, 2008

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, January 8, 2008 at 6:15 P.M. with Mayor Pro-Tem Bill Young presiding.

PRESENT WERE: Mayor Pro-Tem Bill Young, Council Members: Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Mary Anne Cannady. Interim City Manager Charlie Chewing, City Clerk Betty Hudson and City Attorney George Cone were also present. Mayor Charlie Sweat was absent.

The invocation was given by Council Member Smalls, followed by the Pledge of Allegiance to our flag led by Council Member Lucas.

Mayor Pro-Tem Young then announced a **Public Hearing** to receive comments on proposed Ordinance # 2007-14, An Ordinance to Amend the Zoning Ordinance of the City of Walterboro, So As to Allow Limited Use of Electronic Display Signs, Limited Use of Wall Signs, and Expand the Use of Attention-Getting Devices. The public hearing was attended by several merchants who owned business near the I-95 interchange.

Finance Director Jeff Lord opened the hearing by briefly explaining the new ordinance amendment. He pointed out the proposed ordinance addressed two changes: for electronic message displays signs and for wall signs. It was noted that the last part of the ordinance, "and Expand the Use of Attention-Getting Devices," had been deleted.

Mr. Lord stated that the proposed ordinance before Council allows new electronic display signs, but it limits what those signs can do. It simply says "a new sign can only be: 12 sq. feet; only have 4 lines, only use text - no pictures. The proposed ordinance does not limit any existing signs, but allows new signs where the current ordinance does not. So, this ordinance is less restrictive than the current ordinance.

Mr. Lord further stated, with regard to the wall signs, when the transition was made in 2003, there were a few mistakes made in the translation. Some things were left out and there were some typographical errors. Staff was asked to go through and scrutinize the old ordinance and the new ordinance, and make suggestions as to what we might want to bring forward. The only thing identified was to limit the size of wall signs to 20% of surface area on the front and 25% on the side.

Mr. Ned Frownfelder asked how this new amendment, in general, would affect the signs that are non-conforming. Will all the signs that are non-conforming have to come down on July 1, 2008?

Attorney Cone responded that the grace period for the signs in which no action was taken, or no requirements made, expires on July 1, 2008. After that, the signs have to be amortized a \$1,000 per year based on their fair market value. So, nothing happens on that date, but at that point you will have to start amortizing it and figure out what's the sign's fair market value. In checking with the Assessor's office, they don't put values on specific signs. So, a mechanism will have to be worked out with that. Attorney Cone pointed out that Mr. Lord had stated that staff would be doing an updated comprehensive plan and an updated Zoning Ordinance. The time frame for the Comprehensive Plan is the year 2008.

Updating the Zoning Ordinance would be 2009. When the present Zoning Ordinance was passed we didn't have Interstate Interchange Commercial District. So, all that will be taken into consideration. At present, we don't have a mechanism to set the fair market value. The only thing that will probably happen after July is that they (the city) will take an inventory to figure out what signs we have, but no action will be taken against those signs. Probably, and it will be up to Council's discretion, they will wait until the updated Zoning Ordinance to figure out the mechanism for setting fair market value, even though the amortization will have started in July 2008.

Attorney Cone further pointed out that when the Zoning Ordinance is revised or updated, they will have for the first time to take into consideration that we now have 2 interstate interchanges. What we have done right now is patchwork based on the old zoning ordinance. The idea is to make everybody in the interstate interchange district have all the exposure they need to bring in the customers they want, but not be a bad neighbor and interfere with their neighbor's signage. The City wants everyone out there to have an equal shot at bringing in the customers they want.

To summarize, Attorney Cone told the business owners that the only thing you should see, and I don't know if a procedure has been established, is that staff will determine just what's out there, and then by 2009, they will use that information to figure how a procedure will be established to value those signs, so we know how long to amortize it, whether it takes 125 years or 5 or 10 years to amortize it. This includes the non-conforming signs.

Mr. Willard Long stated he appreciated what Council is doing in this matter. He stated he and other owners have spent a lot of money on the interstates to get the tourists off the interstate. Once we get them off the interstate, then we need the signs to keep them here. He stated, I would appreciate it if Council would work with us on this.

Mr. Long then asked if the City had a committee working on this matter. Mr. Thomas Angell, Chairman of the Planning Commission, responded that his committee had just initiated a 10-month process to go through the comprehensive plan. The recommendations will come together by the end of 2008, and presented to Council in 2009. As part of the process, the committee hopes to consult with the merchants in some facet as they move forward with that process. We hope to have a subcommittee or something to reach out to the business owners and find out what they need.

Attorney Cone added, as far as anybody taking down any signs, nothing will happen. Depreciation will start and that's at \$1,000 per year based on value, and we don't know how we will determine the value yet.

Mrs. Cornelia Neeley from Greenwood, SC and owner of Fireworks Supermarket on Bells Highway told Council she had some transcribed minutes from the Planning and Zoning Commission which stated that the auditor would be the person who would determine the valuation of the signs, not the Assessor's office.

Ms. Neeley also noted that she has read a lot of the city's ordinances, and one thing they have observed is that variance on the Welcome Center, which was secured by former City Manager McConnell was not obtained according to the procedure. Ms. Neeley explained that the procedure requires that the neighbors have to have posted information when a variance is being sought. She noted that this procedure is cited on page 17.

At this point, Mayor Pro-Tem Young stated that this was not pertinent to the ordinance being discussed.

Ms. Neeley then asked, since the variance was not obtained correctly, does this mean the sign on the Welcome Center is non-conforming? Mayor Pro-Tem Young responded that he did not know the answer to this, but would be glad to get this information for Mrs. Neeley, but this is not a part of this public hearing.

Mr. Travis Godley, speaking as a member of the Zoning Board of Adjustments and Appeals, told Council that his committee actually put part of this request in to the Planning Commission on the electronic display signs. The committee pointed out that walls signs had been left out, and the committee was in favor of putting it back in. Mr. Godley then read the following quote from the ordinance: Section 4.8.4 says, "Non-conforming signs shall be removed or brought into conformance within 3 years of the effective date of this ordinance." He stated there is no reference to "amortization" and this section should be reworded. Further discussion was held on the wording of this section.

Council Member Peters agreed that the amended ordinance was not clear. It said, he believed the whole amendment should be written the way it should be done.

Council Member Cannady stated, it was her understanding that the whole Zoning Ordinance would be redone and re-presented to Council in 2009. That's all we need to know, and then it will be clearer. Council Member Peters than asked, why is this amendment even being brought up? Council Member Lucas responded by stating, right now, there are no new electronic signs allowed. This will allow new electronic signs to come about between the next 2 years, before the (Zoning Ordinance) is rewritten and revised. Council Member Lucas felt that the proposed amendment should be passed by Council to allow that 2 year window for electronic signs to be put up.

Mr. Dennis Neeley pointed out that it was mentioned in a set of minutes, which he had, that the Welcome Center is being blocked by a couple of signs. He pointed out that the City purchased that building with those signs already there. They knew they were there. He stated, what my wife was speaking to earlier, is that you did not have a place to put a sign out there. It was voted on one night to have a variance to put a sign on the Welcome Center. It was not done properly because you are supposed to advertise it, and put up signs on the adjacent properties.

Mr. Neeley then questioned the set back requirements for the Welcome Center building. He stated the building was within the 35 ft. set back. He asked if this means anything. He said, there is probably 30 ft. of the city's building, the Welcome Center, that is in that setback, and the sign projects out from the Welcome Center. I am not against the Welcome Center or the sign, I'm just saying, it was voted on in here one night to get a variance for that sign to be erected or to make it legal.

Mayor Pro-Tem Young responded that he did not have any recollection of this action by Council to comment on the question. Attorney Cone believed that the matter was referred to the City Manager and the Chamber of Commerce. He then said that the city would look into this matter to find out what was done and would let the Neeley's know the results.

Mrs. Neeley stated, we bought out there with the intention of attracting the motoring public, and if we have to lose our signage to help the Welcome Center, then that's

not fair to us and our expectations about why we bought out there. Our sign has remained the same for 25 years. It hasn't gotten any taller, gotten any longer or wider. There is another sign down the street which was recently put in and there are lights around it, and nobody says anything about that sign.

Mayor Pro-Tem Young then said, I have never heard anybody mention the Welcome Center in conjunction with this ordinance. In all the discussions of this ordinance, if that was somebody's intent, it certainly was not made clear to me. I have not heard any Council Member discuss it or anybody else.

Interim City Manager Charlie Chewing then pointed out that the matter mentioned by the Neeleys may have been discussed at a Zoning Board meeting and not at a City Council meeting. Mr. Neeley agreed that the matter may have been discussed at a Zoning Board meeting.

Mr. Travis Godley then said, on the Welcome Center, it is inside the setback and a variance was requested and we (the Zoning Board) did grant a variance for the building inside the setback. The Committee has never dealt with any of the signage issues of the Welcome Center, but the Appeals Board did grant a variance for the building.

Mr. Mike Windham told Council to keep in mind that the businesses along the interstate interchange are the ones that spend all the money on the interstate to bring people into Walterboro. It's like the City is damaging our businesses by trying to restrict our signs.

Attorney Cone then reiterated to Mr. Windham that the intent of the ordinances passed by Council is definitely not to damage businesses, but to allow each business to have a fair shot at attracting all of the interstate traffic and customers that pass by. Mr. Windham then stated that he did not realize that the businesses were complaining, everybody's been doing business for many years without having someone tell us how to do it. Attorney Cone then responded, 'I do not know any specifics, but there have been complaints.' The public hearing was then closed, and the regular meeting began.

The Minutes of the December 11, 2007 Regular Meeting were approved as submitted on the motion of Council Member Smalls, seconded by Council Member Cannady, and passed unanimously. Mayor Sweat was absent and did not vote.

On a question raised by Council Member Lucas on the status of the non-partisan election materials, Attorney Cone noted he did a memo which the City Manager has to be distributed at the retreat, outlining the state laws that apply, and the sections of the City's election ordinance that would need to be changed. He further stated, if you (Council) make the decision as to which forum you want to go with, we will set in process the referendum and everything else that needs to be done, and the Justice Department's approval. That's why I have said March is when we should adopt whatever you plan to adopt. The change must be adopted by ordinance and ratified by referendum. Attorney Cone further stated that the state law identifies the 3 type non-partisan election procedures, and once you pick one of those, there is no problem to draft an ordinance.

Mayor Pro-Tem Young then announced that Council would conduct its annual planning retreat on Friday, February 1, through Sunday morning, February 3, 2008 to be held at the Wild Dunes Conference Center, Isle of Palms, SC. No formal action will be taken

on any item at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration.

There were no committee reports given.

Council Member Cannady moved and Council Member Smalls seconded the motion to enter an executive session. The motion passed unanimously. Council Member Sweat was absent and did not vote.

Mayor Pro-Tem Young then announced that Council will enter into an executive session to hear a personnel matter related to employment, to discuss an appointment of a person for a public body, and to hear a legal matter pertaining to a potential claim and other matters related to attorney/client privileges.

The meeting returned to Open Session, and Council Member Cannady made a motion to hire Mr. Jeff Lord as the new City Manager for the City of Walterboro. Council Member Parker seconded the motion. The motion passed unanimously. Mayor Sweat was absent and did not vote. Mayor Pro-Tem Young stated that the City would finalize the details with a contract.

There being no further business to consider a motion to adjourn was made by Council Member Cannady, seconded by Council Member Lucas, and passed unanimously. The Mayor Pro-Tem adjourned the meeting at 7:32 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 22, 2008