

Walterboro City Council
Regular Meeting
September 23, 2008

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, September 23, 2008 at 6:15 P.M. with Mayor Charlie Sweat presiding.

PRESENT WERE: Mayor Charlie Sweat, Council Members: Randy Peters, Charles Lucas, Bill Young, Ted Parker, Franklin Smalls and Mary Anne Cannady. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. There were approximately 18 persons present at the meeting.

There being a quorum present, the Mayor called the meeting to order and called on Council Member Smalls for the invocation and Council Member Parker to lead the Pledge of Allegiance to our flag.

APPROVAL OF MINUTES:

The Minutes of the August 26, 2008 Public Hearing and Regular Meeting and the Minutes of the September 9, 2008 Public Hearing and Regular Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Lucas, and passed with all members voting in favor.

There was no Old Business before Council.

NEW BUSINESS:

A **proclamation** designating October 2008 as Domestic Violence Awareness Month was adopted by Council on the motion of Council Member Cannady, seconded by Council Member Smalls and passed unanimously. A copy of said proclamation is attached as part of these minutes.

Consideration of Parade Permit Request

Next, Council reviewed a parade permit request submitted by Ms. Donna Laird on behalf of the Colleton County Rice Festival for the 2008 Christmas Parade to be held on Sunday, December 7, 2008. Lineup will begin at 2:30 P.M. and the parade will start at 3:30 P.M. The parade will begin at the Live Oak Cemetery on Jefferies Blvd., travel north on Jefferies, turn left at Forest Hills Road and then disperse at Ivanhoe Creek.

A motion to approve the 2008 Christmas Parade Permit Request as submitted was made by Council Member Parker, seconded by Council Member Smalls, and passed with all members voting in favor.

Concerns Regarding the Adopted Smoke Free Ordinance

Next, the following persons appeared before Council to express concerns regarding the newly adopted Smoke Free Ordinance by Walterboro City Council. The Mayor recognized first, Mr. Jim Schiavone, owner of Walterboro Family Bowl.

Mr. Jim Schiavone, owner of Walterboro Family Bowl Food and Restaurant, expressed his concerns against the smoking ban which was enacted on August 1st. He said, the first thing I'd like to do is commend the City Council. You have finally found a way to relieve at least a handful of business with some of the tax liability that we have been faced with all these years. Our sales tax went down about 30%. Liquor tax, of course, down about 30%. Hospitality tax, the same, both local and city. What has it done, well, you can no longer walk into Wal-Mart with a cigarette in your mouth smoking. But, of course, you couldn't do that before the smoking ordinance. You can no longer walk into "John's Furniture Store" with a cigarette in your mouth. But, of course, you couldn't do that before either. The ordinance has affected a handful of businesses within the city, dramatically. It has affected a lot of people's lives. I mean that by various waitresses at the Waffle House, at the Huddle House, my own staff and various other staff members and various other businesses that this smoking ordinance has affected. It has affected their pockets and it has affected my business. Being off 30% is not easily overcome.

Mr. Schiavone suggested that the smoking ordinance should have been written better for the City of Walterboro, in the form of a public notice sign to be placed in front of businesses. This will allow the citizens of Walterboro to make their own minds up on whether they will go into an establishment or not. If we made it mandatory that businesses post a sign outside their doors, stating that "There is smoking on the premises. If this offends you, then please don't come in" or something of that nature. He said, at least that would give the choice to the public, where it belongs. I am sure that 85% of the patrons that smoke in my lounge are not going to be that offended by second hand cigarette smoke. They themselves smoke. The other people who were there obviously were not bothered by second hand cigarette smoke. The citizens of Walterboro when stepping into an establishment that is smoke filled, if they dislike it, they will turn around and leave. The business no longer has the choice to tell them before they came in, that the business is smoking or non-smoking. So, let's change the ordinance to read to make the public aware that the premises has smoking or doesn't have smoking. And let the customers, the public, make the choice. The statistics that have come from across the country are unbelievable, as far as how many businesses have gone out of business because of the smoking ban. He said that the Elks Lodge closed their bingo operation in Florence because of the smoking ban. They experienced more than an 80% dropped off in their bingo fund raising ability.

Mr. Schiavone told Council his business has been open for over 10 years. He said, I opened it with the idea that smoking was allowed. Now, I am faced with a whole new set of rules. My bowlers don't particularly care for it. I have couples coming in on Friday night, they see the sign, No Smoking, and they turn around and walk out. Those people represent revenue lost. My restaurant has not experienced any loss in sales, mainly because it was "non-smoking" when I opened it 2 years ago. I wish I could say the same for my bowlers. My bowlers don't hang around after the league any more; they are out the door as quick as they can to have a cigarette. All these things have affected my business and other businesses.

In conclusion, Mr. Schiavone told Council that he had a \$250,000 expansion planned for his business this year, but now it has been put on hold. Business is too far off to consider that. He then said, I may use that money to relocate out to the county area. I hope it does not come to that because it would cost a great deal of money to relocate a bowling center. But when faced with the idea of going out of business, this might be my only alternative.

Next, Mr. Daniel Westbury, owner with Theresa Westbury of Pyes Recreation Center and the Time Out Sports Bar addressed Council. Mr. Westbury told Council that right now the public is not happy at all. As a direct result of the smoking ban, he said, my wife and I will lose Pyes Recreation because there are so few customers. This happened overnight, it did not happen in a matter of time. He stated, the smoking ban has turned people into second class

citizens. I did not give 6 years of my life in the United States Army to become a second class citizen. Mr. Westbury stated there are 100 bars in the Bloomington and St. Paul Minnesota area that have gone out of business because of the smoking ordinance. Mr. Westbury pointed out that he does not really want to go out of business. He said, I have given everything I have and I don't know what else to do. He told Council, "Please take away the smoking ban". If you can't take it away, would you please grandfather us in, so we can allow our customers to smoke? I am not just talking about myself; I am talking about Mr. Jim's place, and the Waffle House. Our businesses are out the door. If we can do the grandfathering, let us make a sign saying "We smoke". If you don't like it, don't come in. That's real easy, but we are going out of business.

Mr. Westbury said another thing I want to add, when you ask us where the proof is. He said. The ladies who smoke are leaving their drinks on the bar. He pointed out that any rapist could put a date rape drug into their beer, while they have gone outside to smoke their cigarette. That's a safety issue. That's really a big deal. Please take this away from us, it's killing us.

Next, Ms. Bertie Tomaszewski addressed Council. She told Council she was a nonsmoker who owned a night club on Highway 15, which is in the county. She said, I understand it in public places where you take your children. I understand it if you are serving food. But the least you can do is to help some of these business people. They had no warning. They put up everything they owned to open up a business here. They would not have done it if they had any idea that this was coming. It's not cheap getting into these kinds of places. She said, I'd like to think I run a good place, but I'd also like to say that if the ban went out that far, that I have the right, because I have an adult club. I don't allow children there. I don't care if they are 18. I do not allow anyone under 21 in my club. Whereas, these people here, this is their whole livelihood.

Ms. Tomaszewski stated that the proprietor has a right. We need to have some of these rights back. We are losing rights, and not gaining any. To be able to say, I am Bertie I don't smoke at all, but I want the right to put a sign on my building. "This is a smoke environment place. If you are not happy about this, do not come in". I think that's the least you can do to help out some of these businesses. She said, I am more concerned about a lot of my friends, they're hurting because of it, and I don't think that's fair. If you don't care to smoke and I have that splattered on my front door that you are allowed to smoke, then you'll turn around and leave. That's your right, but it should be our right to make it a nonsmoking place or a smoking place, especially if there is no food or children allowed.

There were no further comments on the smoke free ordinance.

There were no Committee Reports given.

With the permission of the Mayor, Ms. Carol Black addressed Council. She said, I have talked with Mr. Dodd on numerous occasions about the problems in Mayfield Terrace concerning the code violations. We came here 6 weeks ago. I don't see that most of the people who are violating the code have been cited, or if there has been a change. I like to see if anything can be done to speed up the process if Mr. Dodd needs some more clerical help. Whatever that needs to be done. I don't see that some of the people are being cited. Ms. Black noted that she had found a copy of an ordinance that prohibits tractor trailer trucks in back yards that was passed in September 2001. I have given Mr. Dodd the evidence that at least one of those (tractor trailers) was there after that time. So, whatever you can do, we really want something done.

A motion was then made by Council Member Cannady to enter an Executive Session. Council Member Peters seconded the motion. The motion passed with all members voting in favor. The Mayor announced that Council will enter an Executive Session to discuss a contractual matter on the Artisans Center, a personnel matter on the appointment of the City Attorney and City Prosecutor and various Boards and Commissions, and a legal matter to discuss negotiations incident to proposed sale of property.

The meeting returned to Open Session and Council Member Cannady moved to reappoint George Cone as City Attorney for another term. Council Member Parker seconded the motion. The motion passed with all members voting in favor.

A motion was then made by Council Member Peters to reappoint Kim Miller as the City Prosecutor. Council Member Parker seconded the motion that passed unanimously.

The following Boards and Commissions appointments were made on a motion by Council Member Cannady, seconded by Council Member Smalls and passed unanimously:

Buck Limehouse was appointed to replace Tesa Griffin on the Great Swamp Sanctuary Commission for a 4-year term.

Lucille Powers was reappointed to the Historic Preservation Commission for another 2-year term.

Robert Wilkinson was reappointed to the Tree Protection Committee for another 2-year term.

Next, a motion was then made by Council Member Lucas to newly appoint Ms. Virginia Saunders to the City Appearance Board for an unexpired term ending 1/2011. Council Member Parker seconded the motion that passed unanimously.

Next, a motion was made by Council Member Young to reappoint Mr. Jessie Fields to the Building Board for another 4 year term and to newly appoint Mr. Les Igoe to the Building Board for an unexpired term ending 1/2011. Council Member Cannady seconded the motion that passed unanimously.

The Mayor noted that Council would need more clarification on the appointments to the City Economic Development Board at the next meeting.

There being no further business to consider, a motion to adjourn was made by Council Member Parker, seconded by Council Member Young and passed unanimously. The Mayor adjourned the meeting at 8:36 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: October 14, 2008