

Walterboro City Council
Public Hearing and Regular Meeting
December 9, 2008

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, December 9, 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 42 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.

PRESENTATIONS:

At this point, the Mayor changed the agenda to allow the presentation of the police officers and those who have completed the new Public Safety Training Program. Chief Rhodes then introduced and recognized Police Officer Ciera Hilton, a local resident who just completed the police academy, and Jason Pierce, a 10-year fireman who came to the city from the county fire department. Officer Pierce is a certified police officer and fire fighter. He also introduced Chris Crosby, who has worked for the city for 6 years. Mr. Crosby is the first fire department personnel who has completed police officer training. So, now we have the first fireman receiving police officer training, and we have 10 more firemen to go.

Next, the Mayor recognized and introduced Mr. Jim Chaplin, SC HUD Director. Mr. Chaplin stated that he traveled to Walterboro tonight to present this community a special designation called "the Preserve America Designation." This city has done an outstanding job in applying to become a Preserve America Community. He told the members of Council, once you get this designation, you then can apply for grant monies - more than \$17 million have been given away throughout America to help preserve the history and promote heritage and tourism.

Mr. Chaplin stated that the Mayor had given him a tour today of the Great Swamp Sanctuary. He added that the Sanctuary will be a tremendous asset to promote heritage tourism in America right here in Walterboro, in this county. He also stated, I saw other areas of this wonderful, historic city, but I do have to tell you one thing, I'm sorry you did not preserve the "old livestock auction." Mr. Chaplin told Council and the audience that he had grown up on a truck farm near Rantowles and as a small boy, he would travel with his father to Walterboro to buy and sell livestock. He said, this is a special place and a really outstanding community, and the Mayor and Council Members of Walterboro are to be congratulated.

He then presented the award on behalf of the First Lady, Laura Bush, to Mayor Sweat for the City of Walterboro. He stated that the Preserve America Designation Award is a white house initiative program. The U.S. Department of Housing (HUD) is one of several partners in this initiative. He then told Mayor Sweat, it gives me great pleasure to present to the City of Walterboro this "Preserve America Designation," whereby it states: "Walterboro, South Carolina is designated as a 2008 Preserve America Community in recognition of its continuing commitment to preserving and using its cultural national resources for the benefit and enjoyment of the public, and signed by Laura Bush, First Lady of the United States, Honorary Chair of Preserve America."

Mr. Chaplin then asked Ms. Sherry Cawley, Vice-Chair of the Historic Preservation Commission, to stand to recognize her for all the work in helping the application go forward for this designation. He then thanked Ms. Cawley, and congratulated the Mayor and City Council.

PUBLIC HEARING:

The Mayor then opened the meeting for a public hearing, duly advertised, to receive public comments on two proposed Ordinances # 2008-14 and # 2008-15.

Ordinance # 2008-14, An Ordinance to Amend the Code of Ordinances, So As to Improve the Procedures for Tree Protection as They Relate to Pine and Non-Native Invasive Trees.

No public comments were received on this proposed ordinance.

Ordinance # 2008-15, An Ordinance Authorizing the City of Waltherboro to Convey 10.7 Acres of Land Located at the Intersection of Trinity Street and Jefferies Blvd. in the City of Waltherboro to Henry Belk Cook, Jr. and W. Harry Cone, Jr.

(This ordinance authorizes the exchange of above-mentioned property for a 3.5 acre parcel bounded by Washington Street and Klein Street. The proposed use is a park maintenance facility and dog park).

Several comments were received from the public as follows:

Ms. Carol Black, property owner in Mayfield Terrace, spoke in opposition to the proposed ordinance. She said, of all the times I have come before City Council, I don't think I have ever come with a more amazed belief than what the City is voting on tonight.

Ms. Black said she had looked at the appraisals on both pieces of property. One property is appraised by the city's own appraiser for \$189,000. The other property, the City currently owns, is appraised for \$445,000. This has not been opposed. There has been no call for other appraisals. I now have read a draft, which you have not given to the people in the audience. I read a draft of this ordinance that Mr. Cone has prepared on behalf of the City and his brother, who he is representing at the same time. I now see that it is the position of the owner of the property on Hargo Hill that (their) property is actually worth more than the \$189,000 and they are going to give a portion of their property as a gift to the IRS. I called DHEC about this yesterday and asked them about the situation when you have a solid waste landfill, how do you determine whether or not it's safe to build on the property. I have gone out and personally walked the property. The part of the property that is falling down in the back is wetlands and cannot ever be built upon, unless someone hauls and fills without the permission of the Army Corps of Engineers, which was done on the property that Mr. Cone and Mr. Cook now own at the bottom of Hargo Hill. She further stated, I don't understand:

1) how the city has determined that they need a dog park in an area where we already have a great deal of land where people can walk their dogs.

2) who is going to pay for the dog park?

3) does the city have this in their budget?

4) Is the city anticipating that they are going to collect as much money in five years - do they not believe they are going to have a shortfall wherein most of the places in terms of accommodations tax and other type tax, and

5) I'd like to know where the city is going to get the money to build this dog park and why the city has a need for this dog park.

Ms. Black then asked, why the city believes it's in the best interest of the City to be represented by an attorney who also represents the opposing side in this land swap. I don't think I have ever seen anything that has amazed me more than this does. I am going to continue to contact DHEC about this. I am going to contact the IRS about this. I am going to

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send them copies of these appraisals and this ordinance that Mr. Cone has drafted in such a way to make it appear as though this is a like-kind exchange for two properties that are so substantially different that no one can ever say that they are like-kind properties.

She further stated that the landfill (the Old Farmer's Market Property) was closed over 70 years ago. I have gone down and looked. You see no signs of any type of dead trees, dead vegetation. I'd like to know whether or not the city has ordered any type of test on the water quality there. Nothing has been done to test this property. Now, Mr. Lord, the City Manager, has advised one of the people in my area who has talked to him that it would cost \$9,000 to do a Phase I environmental study. Now, the city had no problem in paying an extra \$7,000 to have the waterfall fixed, even though that was \$7,000 that was budgeted. I don't understand why the city is reluctant to find out what problems exist. And, I don't understand why a lawyer who represents both sides could determine that if he is going to represent the buyers of property that they wouldn't want to know if there are environmental problems. I wonder if he really could be representing them to his best effort, not to insist that there is an environmental audit on that property. I'd also like to know why the city feels like it's okay to transfer property to another person and tell them too bad for you if there are environmental problems. I submit that there are no "environmental problems," and that the city does not want to know, and the city wants to go ahead with this, and apparently, because someone has some type of gain that they must shelter their income this year. I don't understand what is the big hurry about this. The Mayor then reminded Ms. Black that her time was up.

Next, Mr. Tim Sightler, a city resident, spoke in favor of the proposed ordinance. He told Council that he lives in Mayfield Terrace. He said, I have children and I think this is a great idea - a nice open park, a beautiful place right there in the city. You know, not everyone feels comfortable going into the Great Swamp. You worry about safety. He said, I just think it is a great idea; nobody wants that old landfill property. You can even get rid of what's across the street and it's safe. And you can't get rid of what's down the street from it. I mean, nothing is moving. It's just useless. Businesses don't want to come here. Very few businesses are interested in coming and buying roadside property. You know there are three things that make a community good - cleanliness, charity and green space. We have a kiddy park over here and a kiddy park over there. We need some new equipment in those places. Improve those and have an adult park over there where people can go and eat lunch. Build some nice pathways and you can do a perimeter walk where people can just go and walk. The hospital did that and it has worked wonders. We have some great landscape architects in town, and we could do something really nice there. Nobody wants that other piece of property over there. I take my hat off to the persons willing to take it onto their budget to deal with it. It's going to cost a lot of money to find out about that place, to find out whether it's any good or not. I mean, you can pull up all the numbers you want, but in the end nobody wants that property (Old Farmer's Market Property). Nobody is going to do anything with it for the next 20 years. We can take advantage now, improve our city environment now. It's just an even swap. The only money we'll have in it is to build it. I think Walterboro is really solid financially and we could probably afford a nice adult park.

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Next, Ms. Marsha Johnson, a city resident, spoke in opposition to the proposed ordinance. She said, I think it's bad that people don't want to locate in Walterboro. Ms. Johnson told the audience that she was a former attorney with the McLeod, Fraser and Cone Law Firm. She said, I am the person who saw the appraisals and saw the engineer's report and I am astounded. My undergraduate degree happens to be in accounting, and I can't make those figures work no matter what you do. There is a lot more in just green space and . . . , parks that go into making a community nice to live in. It's also a community that handles its resources efficiently and effectively. This is not by any means an efficient use of resources. To not do any kind of investigation, even a simple water test on this is not good. We happen to be in one of the worst economic recessions that we have faced for many decades. Property sales are down every where. It's not just Walterboro. Why do you want to exchange property now, when nobody is buying property? When the area out there where the property is located has a lot less lots available to build, and when we get back to economic growth, which we are expecting . . . and then land will be very desirable. There is 3.5 acres out there. I have walked the land, and it's not high as Mr. Lord has said because of the filling of the landfill. It's the same level as all the other land out there.

Ms. Johnson further stated, a dog park is a wonderful thing, but you "guys" must be living on another planet. I've talked to people and they can't even feed their children. Animal groups are talking about an un precedent number of animals being surrendered because they cannot afford to feed their dogs and take proper care of their little ones and we are going to build a dog park at a time when everything is in a downswing. It makes absolutely no sense for \$157,000 for a landscape building. That's really nice if we have a lot of money, but we are the City of Walterboro. We need a lot more things. We have the lowest wages of any of the counties around here. We need to do something to attract those businesses, who have already said they do not want to come here. They don't want to come here because of a lot of other reasons, but not because we don't have a dog park. Mayor Sweat then reminded Ms. Johnson that her time had expired.

Dr. Lori Campbell, a local veterinarian, then addressed Council opposing approval of the ordinance. Dr. Campbell stated that as a Mayfield Terrace resident, she had already expressed concerns to Mr. Lucas with regard to the stray animals in her neighborhood. She said, I think that some of my neighbors can attest to two dogs running through the Great Swamp Sanctuary that woke us all up at 2:00 A.M. chasing deer. That's not the only incident, but I have expressed a concern to him already about this and I don't understand why we want to bring more dogs into the neighborhood. Dr. Campbell further stated, I am an animal lover, and I like to think I have shown that through the years, but this is going to be a problem for our neighborhood. Where am I going to walk my dogs when I don't know what to expect that's coming into this certain area, or how they will be retained in that area. There is a Great Swamp Sanctuary down there that's a nice place for them to walk right now. Dog parks are made for bigger cities where there are a lot of apartments and people don't have places for their dogs to run. As a veterinarian, I think this idea is terrible. You have an increased risk of parasites - you are concentrating animals. Anytime you concentrate animals, you concentrate disease and parasites. Not everybody in this town that loves their animal, takes care of their animal medically. If you put parasites in an area and you put kids in that same area, you've got problems for both of them. You are also talking about a maintenance shed in that area. Where are you going to keep all those chemicals? Make sure those dogs don't dig under the fence. Who's going to take care of those animals when they get into chemicals? Who's going to be liable for it? When 2 dogs get into a fight in that area, who's going to pay for the damages that they do to each other. When the owners go to break up that fight and they get bit, who's going to pay for that. All that adds up to me is the taxpayer and says you've got a liability. I have a problem with that and I also have a problem with who's going to clean this area up. Mr. Sightler says there are other parks that have deteriorating equipment and we

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need to do something. That's great. If the parks we have already are not being taken care of, as a taxpayer does my money go to cleaning up dog feces? Who's going to do that, or are we going to dump that on another department in the city that's already overloaded, like for example animal control. Years ago, when the animal control officer from the city retired, no animal control officer was replaced. That was because the county agreed, under the city's pressure, to take over because we city taxpayers were also county taxpayers. But, we, the citizens in the city, lost some rights with that. I was at that meeting, so nobody can tell me otherwise. The county only agreed to cover the city with county ordinances, not with city ordinances. I, as a city taxpayer, lost my area to live in that had leash laws. I lost my ability to live in an area that had licensing. Even though nobody here enforced it, we had a licensing program. They (the county) did not agree to enforce that. You also got an animal control that no longer has the same number of animal control officers, because they got environmental control and litter control forced on them, so we now have 4 animal control positions - only 3 of which are filled to cover 1,052 square miles of county. Right now, the one officer that's dedicated to the city goes on an average of 15 calls a day. You (the city) have done absolutely nothing since the county animal control took over animal controls, which are basic needs, and now you want a dog park - ridiculous.

Ms. Mary Ann Burtt, a city resident, also spoke against approval of the ordinance. She said, I think that we have priority needs in Walterboro that are not being met, and I certainly would put a dog park at the end of the list. I think it's been said already that we need to enforce the leash laws. We have a huge problem where I live with roaming dogs at night that bark and awaken the neighborhood. I also, since I have been in Walterboro, have pleaded with Council time and time again to make Paul Street walk able for people. I think that should be a priority over making a park, especially a park for dogs to walk. I challenge each member of this City Council to try and walk from Wichman to Commerce Street on Paul. The City Manager and I tried to do it the other day, and you can't do it. Yet, when I go out of my driveway every day, there is always someone on foot, on a bicycle and often someone in a wheelchair trying to negotiate that strip, where the traffic goes by far beyond the speed limit and we still have trucks including 18 wheelers going down this street. So, I would certainly rather see some of this money going into improving and making the city walk able. I know Mr. Young has raised the issue before when I brought it up, that there are many other places in the city that need sidewalks, and I agree with him. So, shouldn't we be making the city a walk able city first before we worry about a dog park? Secondly, I would say (I work as a professional financial adviser), I deal with 1031 exchanges. This one does not seem like one to me (on a number of issues), so I would caution the city about moving forward on this. It doesn't seem like a good idea to me.

At this point, Council Member Bill Young told the audience, he wanted to try and go through what the Council's thought process was in doing this and try to let you know what we were thinking on this.

He then stated, I don't even remember where the suggestion came from that a dog park would be a good thing for our citizens, but the idea come to us and it was before, even back when Tuck was still here. I think Tuck and Jeff started looking for a place near the Great Swamp Sanctuary that would be suitable for a dog park. All of us thought that it would be a nice thing for our citizens, but I see tonight that some of you don't agree with that, and I am sure there are others out in the community that do agree with it. People have different opinions about things. So, we started looking for a place where we could have something and ideally have it close to the Great Swamp Sanctuary. The piece of property at the bottom of West Washington Street came up as a possibility. Without knowing really, I was one of the ones that said maybe we could get them to swap us for a piece of property. They could swap us for a piece of property we already have and then we won't have to take cash to buy it and

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we won't have to put the cost on the taxpayer. If we already have something we are not using and we can swap it and we can get something good, then, let's look at. At that point, I knew that this piece of property down here (from being in the real-estate business) was 3.2 acres. I didn't now actually how big the city's property was. So, we started talking about it and Council talked about it. By the way, during our discussions, we had the City Attorney leave the Council Chambers while we discussed things. He was not in here; he was not a party to those discussions. I asked him to leave. As we talked about it, we decided we better look and see exactly how big these two parcels are before we do anything. So, we looked at it and realized we have 10+ acres against 3.2 (acres). At this point, we said, now we've got to stop, step back and look at this, because there is just too big of a disparity in the size of the properties. At that point, we had Jeff get the appraisals. We received the appraisals and we looked at them and said this is way out of whack, the same thing you all are doing. You are looking at and saying this is a big disparity between one piece of property and another piece of property. But, we also knew that the landfill had been there in the past and we also knew from talking to other people that the amount of useable land that's in the 10+ acres is roughly equivalent to the amount of useable property on Washington Street, or what we consider to be useable. At that point, we still didn't go forward, but we had our engineers go in and do a preliminary study to see what we were involved with. I don't know exactly how to word this, because when you are dealing in real estate, you know you just can't always discuss all of the negotiations publicly. And, that's right Marsha, you can't, and that's one of the things we can go into an executive session for is discussion of real estate matters. I am trying to be as transparent as I can be right now with you, but the bottom line of this thing was that if we went further into the environmental studies and we did find out that there was a problem there, then the City might be facing some mitigation issues there. So, at that point, in looking at 3.2 acres of useable space verses 3.2 acres of useable space, one being that we have owned for years and years and years and nothing has come about with it, against a piece over by the Great Swap Sanctuary, which would be convenient for us to have a maintenance place., which would allow us to take care of the Great Swamp Sanctuary, which we do have a great investment in already and will continue to invest in. To us, it looked like a good move to make, and that was our thought process as we went through it. I mean, there is no behind the scenes things going on here, it's just us trying to do something for our citizens. That was our intent when we started. It's still our intent.

Council Member Young then stated, as far as the waterfall goes. The waterfall was falling down. The material needed maintenance. When something is falling apart, you have to fix it. Hopefully, we won't get to a situation where we have to come into a Council Meeting and explain why we do maintenance on every little thing in the city. We have professionals who take care of that, and when they tell us it needs to be fixed, then we try to fix it.

With the Mayor's approval, Ms. Carol Black was allowed to have follow-up questions. She then asked if there has ever been any type of discussion as to whether or not there is really a desire from the people of this town for a dog park. I am not questioning your motives, but what is the big rush? What is the rush? Why can't you have hearings (is there a big need) and discuss the things that Dr. Campbell has talked about.

Council Member Young responded by saying, quite frankly some of the issues that Dr. Campbell brought up are probably some of the things we need to look at. We need to think about how to handle those issues. It hasn't been a rush, like I said; we have been talking about this since Tuck was here. Government moves so slowly and so often by the time the public sees something happening, it's been going on for months and months, but it doesn't mean we have not had our due diligence in trying to do that.

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Dr. Campbell interrupted by stating, but the public has jobs too. It's hard for us to keep up with everything that's going on. So, we understand that you have been talking about it, but we need time to talk about it. We should not be cut off in a public hearing, but we need more time to get more people involved, to see what their feelings are. I mean, the public should be informed of both sides and then let them make a decision.

Council Member Young then pointed out that everybody does not agree with the people who are opposed to it. You are here tonight, and we are listening to you. He further stated, if you were here last week when we had our audit report, then you would know that this Council has done a great job with the finances of the city. The city is in great financial shape. We don't do anything that we can't finance.

Council Member Peters then stated, he wanted to address the statements made by Ms. Carol Black. He stated that the dog park is not the main issue. The dog park is an idea that's been on the board for quite a while. It just happens to be thrown in that this could possibly be a good location for the dog park. It's not etched in stone that the dog park is going to happen, simply, because you're right we haven't budgeted money for the dog park. Ms. Black then asked, what's the rush? Council Member Peters responded, if that's a piece of property that we want, then we need to make a move on it. The owners of the property would like to go ahead and proceed with the transaction. Ms. Black continued to argue the point by stating, "are you then going to put the desires of the other property owners over those of the citizens of Walterboro?" Council Member Peters responded that he was not planning to do this. He added, because I have been talking about this thing for a couple of weeks with some of the Council Members and you're right, the numbers don't jive. I don't like the way the numbers look, but again, I wanted to have your input and hear exactly what everyone has to say about it, before I can make a final decision as to which way I would want to vote. There are two sides to all of it. But, just to think that this Council was going to spend money for a dog park while knowing we don't have the money for it - that's not true.

Council Member Young added, understand too, that we went to these property owners and we engaged them in these negotiations. They did not come to us. The City initiated this. We engaged them in this transaction. It took a good bit of talking to get them to even consider doing this. We had to do some heavy negotiating with them to get them to even consider the idea of doing the land swap with us. He said, we initiated this, they didn't come to us.

Ms. Marsha Johnson stated that she was taking issue with the fact that on the value of the property, the discrepancy is very, very high. She stated she talked to Mr. Lord about 2 weeks ago and mentioned that she had just spoken to Dr. Campbell and that she is very current on all of the different things that are transmittable between people and animals. She said I mentioned this to Mr. Lord and stated that a good resource for the city would be to talk with her. He even went that day to take his dog to her and he never talked to her. Every time I make suggestions, there is a lack of follow-up. It's like you all have made up your minds. Whether George Cone was out of the room for the discussions or not, is not the issue of whether it is a conflict of interest. The conflict of interest is whether or not someone can really represent two parties - two parties that he has represented for a very long time, and there is a huge discrepancy in the properties. It just doesn't look good. This is your legacy. You have been here a very long time. This is going to be your legacy. We are not going to let you forget this. This is not an appropriate use of city property and at a time when the economy is so tough. I talk to people all the time and they can't feed their kids. Even if you build a landscape shed, it doesn't make sense to build it there, when you could build it next to that beautiful piece of real estate that you have out on Beach Road. Guess what, you have to maintain landscape property, and having your maintenance facilities all in one place is an

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excellent way to watch out for the resources of the city. You know, we've got to look at the nickels and dimes. A lot of the potential areas where there will be great drains of the resources was not revealed to this accountant. Did you tell him that you were thinking about (swapping) \$189,000 piece of property, that you were going to get it and then give away (a piece of property worth) \$445,000. This is going to be your legacy; you have been here a long time.

Ms. Mary Ann Burttt, then stated that she would like some feedback from Council. She said, you know, we so often as citizens come and speak about things that concern us, and you all sit and listen patiently, but you don't respond. I have said that I think making streets walk able for people in town is more important than making parks walk able for dogs. Is there no feedback from any of you?

Mayor Sweat, then stated, Mrs. Burttt, I think what you are doing is asking Council to give off the spur comments. As a general rule, what we like to do is listen to what you have to say, digest it, discuss it and then come back and talk about it.

Next, with the permission of the Mayor, Ms. Carol Black was allowed to make brief remarks. Ms. Black stated that when the public notices are published in the newspaper that the city needs to give more information. There is nothing in that public notice that would have led anyone in this town to know that it's actually an exchange or transfer of property. It did not explain anything about the dog park. No one who saw that public notice would have had any idea about the use intended for this property, or the fact that it is an exchange. I think that you are not really allowing the intent of public notices to apply because when you put in something so short like that, it really doesn't explain things to people. Maybe more people would have come to say they were in favor of a dog park, but they don't have an opportunity, because you don't put enough information in your public notices.

Mr. Tim Sightler then stated, what I have noticed is that people who do nothing, are always going to be critical of people who are trying to do something. It seems like that is their self-appointed job.

No further comments were received and the public hearing was closed.

APPROVAL OF MINUTES:

The Minutes of the October 28, 2008 Regular Meeting and the Minutes of the November 6, 2008 Joint City/County Council Meeting were approved as submitted on the motion of Council Member Parker, seconded by Council Member Peters and passed unanimously.

OLD BUSINESS:

Ordinance # 2008-14 was given Second Reading and Adoption on the motion of Council Member Cannady, seconded by Council Member Lucas and passed unanimously, being: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES SO AS TO IMPROVE THE PROCEDURES FOR TREE PROTECTION AS THEY RELATE TO PINE AND NON-NATIVE INVASIVE TREES.

Ordinance # 2008-15, An Ordinance Authorizing the City of Walterboro to Convey Ten and Seven Tenths (10.7) Acres of Land Located at the Intersection of Trinity Street and Jefferies Boulevard in the City of Walterboro to Henry Belk Cook, Jr., and W. Harry Cone, Jr., was postponed by Council to a later date on the suggestion of Council Member Peters. On a question raised by Council Member Young on whether to hold another public hearing, Council Member Peters responded that it would be best to hold another public hearing. He added that

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the public hearing notice should have everything stated in it so that everybody knows what they are coming to talk about, even if we need to hold a special meeting so that's all we talk about. Council Member Parker agreed that it would be good to let other people talk.

NEW BUSINESS:

Resolution # 2008-R-08, A Resolution to Join with Colleton County in Requesting the Dissolution of the Walterboro-Colleton County Recreation District as Established by South Carolina Act 628 in July of 1973 was before Council. A motion for approval of said resolution was made by Council Member Lucas, seconded by Council Member Parker.

In discussing the motion, Council Member Peters asked the Mayor to explain the resolution to the audience. Mayor Sweat stated, what we are doing here is making a motion to send to our State Congressmen stating that "even after the fact that we set up the Recreation Commission in 1973, that now because the County wants to change the way recreation is taken in this county and the way the commission is organized in this county, that the old Commission be dissolved, so that they (the County) can set up a new Recreation Commission or a Recreation Complex under the direction of the County Administrator." **The motion then passed with all members voting in favor.**

A **Request to Use the City Parking Lot** on December 13, 2008 by Future Business Leaders of America, Thunderbolt Career and Technology Center was approved on the motion of Council Member Young, seconded by Council Member Lucas and passed unanimously. Ms. Dandi Daniels, FBLA Advisor, was present on behalf of FBLA and spoke to Council to make the request. She explained that FBLA will hold a Community Yard Sale on December 13 in the City Parking Lot from 7 A.M. to 1:00 P.M. The proceeds will be used for travel expenses to competitions and funds for various community service activities.

Next, **Council discussed whether to cancel or reschedule its December 23, 2008 City Council Meeting**. Council briefly discussed whether to meet as scheduled on December 23 or to reschedule another meeting to hold the public hearing. City Manager Lord suggested that Council cancel the meeting, and then let staff look at the schedule to see what can be worked out. If a meeting needs to be called, then staff will properly advertise it. It was requested by Council Member Young that the public notice would have detailed information about the dog park and that Council would be hearing everybody's views on it.

A motion was then made by Council Member Peters to cancel the December 23, 2008 Regular Council Meeting. Council Member Lucas seconded the motion that carried unanimously.

Next, the Mayor opened the floor to receive Public Comments from the general public.

Ms. Mary Ann Burt, a resident on Paul Street, then told Council she was glad to see the City receive the Preserve America designation. Those of you who know me, know I've worked pretty hard during the time I have been in Walterboro which is 20 years to preserve the trees in Historic Districts and the historic buildings in town and create cultural resources. I think the city is losing by default because we are letting utility companies come in and trim trees along the power lines. Trim is not the right word, butcher is a better word. They have made a horrible mess on Paul Street. They have butchered some very old and beautiful trees and really ruined the whole landscape, wherein our own study of the historic district says "primary concern should be preserving the trees in this historic district". Now, I understand that they have to trim, although I think we should be more aggressively pursuing underground wiring in town, particularly the historic part of town. When they came through several weeks ago, they

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made a horrible mess and didn't clean anything. They have violated their own guidelines for trimming trees. This is not done any longer by Redbug, where you had some control. It's done by Lewis Tree Company out of New York State. I am sure they are the lowest bidder and they want to come in and do it as quick and fast and get out of here. I was astounded at the mess they left behind. I called Mr. Lord to look at it. They had left tons of debris. So, he came down and agreed with me and called them up. They came back and they must have worked for 4 or 5 hours just to clean up some of the debris. It's still a very awful looking sight. They have left a pile of debris at the corner of Paul and Commerce Street and it's still there. I think we should demand of SCE&G that they get their arborists on staff to come to Walterboro and look at our trees to see whether they were trimmed properly or improperly. I think the answer is improper, and to have some reconstructive work done as much as you can. I talked to Thomas Angell before this meeting and he thought some of those trees, the smaller ones that they have cut the tops off, simply need to be cut out. I just think we are losing by default by not demanding more of the utility companies in the way they do this pruning. They can do good pruning or bad pruning.

Ms. Burttt then pointed out that about 15 years ago, they were going to butcher the live old trees on Savage Street, where her mother lived. I called the Council Members, the utilities members, SC Urban Forestry and others to the site. We got the utility (SCE&G) to agree at that time to notify and work with the homeowner before they went into places where there were grand old historic trees, and to do that pruning very, very carefully. They did at that time, but I don't know what happened to that agreement, but everyone seems to have forgotten about it. I think it's time for the city to step up and demand this. Yes, they have the legal right to trim the trees, but they don't have the legal right to butcher the trees and leave that mess.

Ms. Burttt then asked that Council Members try and walk on Paul Street. She said, you cannot walk on that street, unless you go out on the road. We spend a lot of hours and dollars etching sidewalks everywhere else in town and blowing leaves, but here is a major street in the historic district that you just can't walk. So, I am imploring you to be more active in trying to preserve the resources that we were left with, but don't seem to be taking good care of as we should.

Ms. Carol Black then asked that Council consider again at the start of the New Year to revisit the payday lenders prohibitions that we talked about a couple of years ago. The state legislature is not doing anything about them. I mean, they do and nothing gets passed. I would ask that you look at that again, especially during this down turn of economic times. Also, I'd like to ask whether or not the city has considered trying to do more notification to the residents about the requirements for fence permits and for permits for doing exterior painting. Regarding the fencing permits, Ms. Black stated that fence contractors put up fences that violate the laws, then a variance can't be granted and sometimes the homeowners are out of a good deal of money. She asked the city to try to do more in giving public notice.

Mr. Travis Godley, then invited the public and Council on next Monday night to the Leadership Institute of Salkekatchie, along with a number of non-profit organizations in the county, to a meeting to put together an event for next year. Surprisingly, it's an event where we've learned helps with economic development. We need some organizational leadership. We are asking people to volunteer. The meeting will be held next Monday night at 6:00 P.M. at USC - Salkehatchie.

Ms. Heather Strickland then announced to Council that she is the new Colleton County Arts Council Director. She invited all persons to attend any of the Arts Council events. She stated that the Arts Council is working with all our downtown merchants to try and boost the

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local economy whenever we can. She invited everyone to attend this Thursday night for the first Downtown Walterboro Gallery Crawl from 3:00 pm to 9:00 pm.

Council Member Peters then commented on the problem with the tree trimming on Paul Street. He asked Public Works Director Charlie Chewning if Paul Street were a city maintained street or a state maintained street. Public Works Director Charlie Chewning responded that Paul Street is actually a "state route". He said, in the past the Highway Department had bids that have gone in to try to make an asphalt walkway, which certainly hadn't worked out. He said, if we try to get anything on that, we have to go through them.

A motion was then made by Council Member Cannady that a letter be written to South Carolina Electric & Gas regarding the tree trimming policy. Council Member Young seconded the motion that passed with all members voting in favor.

City Manager Lord announced that he met with SCDOT officials last week about the truck route ordinance, because they have to approve the ordinance changes. It was a very positive meeting. They seem to be on board with everything. They have to go back and look at the realignment on the route, but they anticipate to have that in place by the end of January, at which point, we can enforce it.

Mayor Sweat added that the city was in the process of looking again at the street signs and the traffic signs in the city now. He said if anyone has any comments on those; please bring them forward to the City.

A motion to enter an executive session was then made by Council Member Lucas, seconded by Council Member Smalls and passed unanimously. The Mayor then announced that the meeting will enter an executive session for negotiations incident to proposed purchase of property and a discussion of negotiations incident to proposed contractual arrangements.

The meeting returned to Open Session and a motion was made by Council Member Peters to place a moratorium on the sign ordinance to allow the fireworks businesses an additional seven (7) days this year to display attention-getting devices. Council Member Smalls seconded the motion that passed unanimously. In discussing, the motion, Council Member Peters explained the reason for this action. He said this is just for this year. They (the fireworks businesses) asked for this approval this year because last year we allowed it. We were hoping that the sign ordinance would have been passed and approved by now where this could be made permanent every year where they would get two weeks, which is 7 days during July and 7 days during the holidays. Because the sign ordinance has not been changed, and nothing has been done, they've only had 7 days this year to do it.

There being no further business, a motion to adjourn was made by Council Member Parker, seconded by Council Member Cannady and passed unanimously. The Mayor adjourned the meeting at 7:57 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 27, 2009