

Walterboro City Council  
Regular Meeting  
December 11, 2007

### **MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, December 11, 2007 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. City Manager Tuck McConnell, City Clerk Betty Hudson and City Attorney George Cone were also present. Mayor Charlie Sweat was absent.

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

Mayor Pro-Tem Young welcomed everyone to the meeting and announced that this meeting would be the only meeting to be held in December unless a Special Called Meeting is scheduled.

A public hearing was held, duly advertised, to receive public comments on proposed Ordinance # 2007-13, An Ordinance to Convey Two Parcels of Land with a Building Thereon Located on Lemacks Street in the City of Walterboro to Colleton Habitat for Humanity, Inc. No comments were given, the public hearing was closed and the regular meeting began.

The Minutes of the November 6, 2007 Rescheduled Regular Meeting were approved as submitted on the motion of Council Member Cannady, seconded by Council Member Lucas, with all members voting in favor. Mayor Sweat was absent and did not vote.

The Minutes of the November 27, 2007 Regular Meeting were unanimously approved as submitted upon motion of Council Member Parker and seconded by Council Member Smalls. Mayor Sweat was absent and did not vote.

Under Old Business, a motion was made by Council Member Cannady giving Second Reading and Adoption to Ordinance # 2007-13 being: AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO CONVEY TWO (2) TRACTS OR PARCELS OF LAND WITH A BUILDING THEREON LOCATED ON LEMACKS STREET IN THE CITY OF WALTERBORO TO COLLETON HABITAT FOR HUMANITY, INC. The motion passed with all members voting in favor. Mayor Sweat was absent and did not vote.

Under New Business, before Council was First Reading Approval of 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.

City Manager McConnell informed Council that staff would like to get first reading approval of the proposed ordinance so that a public hearing could be held at the next meeting. He explained that the firecracker businesses only have about three times out of the year where they have a chance to get tourism business, so staff is recommending that we expand this to 3 weeks a year. The payoff for the city would be, in order to do this; they would have to take down all those big ground mounted signs immediately. The two signs we are speaking of here are the ones which block the view of the Welcome Center and

the one which poses a problem looking down the highway coming off the interstate. City Manager McConnell further explained that the current (firecracker) signs are grandfathered until July 1, after which they would have to come down anyway. However, in anticipation of some kind of lawsuit where it could be strung out for two or three years, staff felt it would be good to make a deal, clean up the interchange and maybe have a win/win situation for everybody.

A motion was then made by Council Member Peters giving First Reading by Title Only to 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. Council Member Parker seconded the motion. In discussing the motion, Council Member Smalls asked if the merchants were aware of the proposed ordinance. It was noted that the City Manager only talked with the firecracker merchants. City Manager McConnell stated that we only have 2 firecracker merchants in town. We sent notices to all of them; he talked personally to one of them and talked with the representative of the other merchant personally.

Mayor Pro-Tem Young asked about the size of the display signs the merchants would be allowed to use during those times of the year. City Manager McConnell noted that the (firecracker) businesses have been cooperative so far. They get a week now to put up attention getting devices. He affirmed that the businesses would not go and purchase new signs, but would use the ones they already have. Attorney Cone added that the area of electronic message display boards can be composed of no more than 12 sq. feet. On a question raised by Mayor Pro-Tem Young, City Manager McConnell noted that this ordinance would apply just to the Interstate Interchange Commercial District.

Mayor Pro-Tem Young pointed out that the ordinance stated "in Highway Commercial, General Commercial and the Interstate Interchange Commercial District." City Manager McConnell clarified that what we are talking about there is "how big the gas signs" can be. 4"x 3" is as large as it could be. This will cover the digital signs that give gas prices too. Council Member Lucas questioned if the ordinance had been worked on by the Planning Commission. Mr. McConnell noted that the committee had worked on the ordinance.

Council Member Randy Peters asked if the colored lighted sign at Walgreen's goes down for repair, will they be able to put the color back in the sign, because according to this ordinance, you can't use color. Mayor Pro-Tem Young also questioned if existing signs would be grandfathered. City Manager McConnell stated that the signs are grandfathered until they lose that status. Signs lose that status by basically deteriorating to more than 50%.

Further discussion was held. Attorney Cone noted that he had not looked over the ordinance to a great extent, but it is his understanding that the ordinance would change what those businesses could do with their signs for those 3 weeks of the year, but not the rest of the time. Council Member Lucas pointed out that there are two different concerns here - one is the firecracker situation and the other is electronic signs. City Manager McConnell added, "And one affects only one zone which is the Interstate, and the other change affects three other zones."

To answer the question raised by Council Member Peters, Mr. McConnell indicated that there are only 3 or 4 color signs now in the city which are considered non-conforming signs. If they are damaged or something happens for it to lose its nonconformity (or protective status), and it is replaced, it would have to be replaced to the current code. City Manager McConnell pointed out that no electronic signs are currently allowed.

Finance Director Jeff Lord added that the current ordinance allows current signs to do only certain things. It does not allow any new electronic display signs. Mr. Lord explained that the proposed ordinance is in three parts. One part allows very limited use of electronic display signs for gas price purposes. Part two covers the attention-getting devices and part three is for wall signs.

Mr. Travis Godley, as a member of the City Board of Zoning Appeals, then spoke on the issue. He reported that the Zoning Board has recently been turning down appeals for variances for signs at gas stations because of the way the ordinance is currently written. There are 3 different changes in this proposed ordinance. One part allows gas stations to have a limited use of LED signs. The second part was left out in the last sign ordinance which did not address wall signs, which is addressed here. The third part is for limited use of attention-getting devices. So, there are three different things here.

**The motion then passed on First Reading by Title Only with all members voting in favor.** Mayor Sweat was absent and did not vote on the motion. On a question by City Manager McConnell, Mayor Pro-Tem Young agreed that a public hearing would be held on the proposed ordinance before Second Reading. Attorney Cone stated that he would be glad to help with any rewording of the ordinance before final approval by Council. He stated he could pull the present ordinance for Council to study side by side. Mayor Pro-Tem Young then stated it would be helpful if Council could receive a copy of the old ordinance along with the new ordinance for first reading, to make it easier for Council to look at side by side.

Next, Resolution # 2007-R-05, a Resolution to Authorize the Mayor of Walterboro, or his designee, to Sign an Agreement with Coastal Electric Cooperative, Inc., for the Purpose of Providing Potable Water to an Industrial Site on I-95, was before Council. A motion was made by Council Member Cannady to approve Resolution # 2007-R-05. Council Member Parker seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote. Copy of said resolution is attached as part of these minutes.

Next, Jeff Lord informed Council that a nonprofit was set up for the Friends of the Great Swamp Sanctuary, so people can give tax deductible donations to the Great Swamp Sanctuary. The Bylaws have to be approved by an Executive Committee before nonprofit status is given. The Bylaws of the organization require that City Council appoint three individuals to the Executive Committee as follows: Two persons from the Great Swamp Sanctuary Commission and one at-large.

A motion was made by Council Member Cannady to establish an Executive Committee for the Friends of the Great Swamp Sanctuary and to appoint Moultrie Plowden and David Soliday from the Great Swamp Sanctuary Committee, and Roger Crook, at-large, to serve 2 year terms. The Executive Committee would also consist of the Mayor or his designee and the City Manager or his designee. Council Member Peters seconded the motion that passed with all members in favor. Mayor Sweat was absent and did not vote.

Last, Finance Director Jeff Lord gave a brief demonstration of the new audio-visual Equipment which was recently installed in Council Chambers.

There were no Committee Reports given.

Ms. Lu Ann Adams, on behalf of the Colleton Habitat for Humanity, thanked City Council for its donation of the lots on Lemacks Street in order to build homes on those lots. She reported that Habitat would start building the homes as soon as other issues are ironed out.

Council Member Lucas asked if the meeting had been scheduled with the I-95 exchange merchants and staff yet. City Manger McConnell told Council he spoke with Mr. Barnwell Fishburne, who indicated there was no sense to hold a meeting if extra patrolmen are not put out there. Mr. McConnell indicated he did not think so, but a meeting should probably be held. Staff is awaiting a call from Mr. Fishburne to set the meeting, and then flyers could be sent inviting everyone involved. City Manager McConnell reported that he spoke with two merchants at the interchange who reported they had no problems out there, they were quite happy. However, we still to get together and talk with them.

A motion to enter an executive session to hear a contractual matter concerning water and sewer was made by Council Member Cannady, seconded by Council Member Lucas and passed unanimously.

The meeting returned to Open Session and a motion was made by Council Member Peters, seconded by Council Member Cannady, to approve Resolution # 2007-R-06, A Resolution to Authorize the City of Walterboro to Assume a Claim Deductible (\$50,000.00) with the South Carolina Municipal Insurance Trust Workers' Compensation Fund. The motion passed unanimously, except Mayor Sweat was absent and did not vote. Copy of said resolution is attached as part of these minutes.

Council briefly discussed a letter received from Mr. Gary Davis regarding the machine blow cleaning of Washington Street. Public Works Director Charlie Chewing reported that the Parks crew blow clean the street late Wednesday nights and the street sweeper cleans it up early on Thursday mornings.

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 8:16 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

Note: This was the last Council Meeting attended by City Manager Tuck McConnell, who passed away on December 22, 2007.