

Walterboro City Council  
Public Hearing and Regular Meeting  
Tuesday, February 14, 2006

### **MINUTES**

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, February 14, 2006 at 6:15 P.M., with Mayor Charles H. Sweat, Jr. presiding.

**PRESENT WERE:** Mayor Charles H. Sweat, Jr., Council Members: Charles Lucas, Bill Young, Johnnie Thompson, Franklin Smalls, Ted Parker and Mary Anne Cannady. City Manager Tuck McConnell, City Clerk Betty Hudson and Attorney Peden McLeod, representing City Attorney George Cone, were also present.

There being a quorum present, Mayor Sweat welcomed everyone to the meeting and called on Council Member Smalls for the invocation and Council Member Cannady to lead the pledge of allegiance to our flag.

The Mayor announced a public hearing on proposed Ordinance # 2006-01, An Ordinance to Amend the Zoning Ordinance Regulating Electronic Display Boards. He stated that the public hearing would be held jointly with the Planning Commission since this commission came up with the Zoning Ordinance. He stated that Mr. Thomas Angell, Chairman of the Planning Commission, would conduct the hearing. Also, present on behalf of the Planning Commission were: Mr. Chris Bickley and Ms. Judy Bridge.

The hearing was duly published in the local newspapers, and attended by approximately 12-15 hotel owners from the Sniders Highway/I-95 interchange area. Mr. Cal Carter of the Silver Dollar Pawn Shop, Mr. Travis Godley, Mr. Gary Davis and Mr. Joseph Flood were also present. A copy of the sign-in sheet and a written petition opposing the amendment by the hotel owners is attached as part of these minutes. A letter from Dr. Peter C. Dubin, owner of Walterboro Eyecare Center, opposing the amendment is also attached as part of these minutes.

Mr. Thomas Angell opened the hearing by stating that the Planning Commission became aware of the LED signage when a few signs showed up in town. The Commission felt the need to work on a proposed ordinance which is being considered tonight. He indicated that the city researched similar ordinances, the Commission compared them and felt it was time for Walterboro to look at an ordinance for electronic signs which are growing in number. He said the proposed ordinance was written mostly to limit the size of text, intensity and duration of the signage effects. He then opened the floor for comments.

The following public comments were then received:

Mr. Charles Patel, of 1145 Sniders Highway and hotel owner, stated he would speak on behalf of the hotel owners who had signed in. He pointed out that the county did not have a problem with these signs. He asked why did the city have a problem with them now? The owners put up the signs the way they were suppose to and now the city is telling us we cannot display these signs the way we want to display them. He stated some of the signs cannot be adjusted. He asked why would (the owners) spend so much money on colored signs and then display it in one color?

Mr. Tuck McConnell, City Manager, stated that more than one color can be used in the Interstate Interchange Commercial

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District. He said in this district, the display may be reduced to 3 seconds and more than one color may be used.

Mr. Joseph Flood asked if there were a restriction on the size of the letters? Mr. McConnell stated this was not addressed in this ordinance. Mr. Patel also pointed out that all the signs were not of equal size. Mr. McConnell stated the maximum size of a sign is 4' x 8'.

Further discussion was held on flashing signs. Mr. Cal Carter, owner of Silver Dollar Pawn Shop, stated that before purchasing his sign, he spoke with the City Inspector and Mr. Tuck McConnell. He was told there were not a lot of ordinances on LED Signs. He also was told he could not advertise for other businesses with his sign, but he was given the okay if he wanted to advertise birthdays or something for a church or nonprofit organizations. The City also told him his sign could not flip and flop and rotate. He complained that the city gave him 24 hours to get his sign in compliance. He said it would have saved him a lot of money, if Mr. Tuck McConnell had not given him the permission to buy the sign in August. He has gotten praises from churches about his sign and his business has picked up. Mr. Carter felt that eliminating what can be done with the signs is wrong. He stated some people can get away with some things and others don't.

Mr. Joseph Flood stated he understood the logic behind the ordinance, but in defense of the people who already have their signs in place, it would be detrimental to their business and an unnecessary hardship to exclude them from something that's already there before the ordinance is passed.

Mr. Sam Patel informed Council that their signs were expensive. The programs are already set in there, and it's not up to us to change these programs. He said, you're telling us to dim them down, but we cannot dim them down, because the program has been written into the computer to do that. He said if we dim it by 25%, it still might not be enough for you. He also questioned the 3 seconds timing for the signs. Council Member Young pointed out that the 3 seconds were a minimum time, not the maximum time. Mr. Patel pointed out that leaving the signs on for a certain period of time damages them, and we are not about to pay all this money for signs and they get damaged. We are the ones who have to pay for damages.

Ms. Judy Bridge of the Planning Commission explained that the reason the commission is addressing this is because of the total impact it has over the way the county and city is presented to people in the area or coming into the area. The commission just completed in the past 2 years, a complete rewrite of the Ordinance, but LED signs were not addressed. Now, it has become an attraction for businesses. The Commission Members have ridden throughout the city coming from the interstate and the LED signs do not present a good image. She said the Commission felt, even though the signs are good for business and given the technology age we are in, it has to be controlled and regulated. Otherwise, we will have people putting up signs, high and low. She stated the Commission did a lot of research and looked at ordinances in other cities and counties. She explained that what is being incorporated into the proposed ordinance are the things that seem to be working well in other places.

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Mr. Chris Bickley of the Planning Commission felt that if the signs are left unregulated, these types of signs could become safety hazards and could contribute to visual clutter in the community. He said they are something new, and the intent of the Planning Commission is not to eliminate them or prohibit them, but to control and to regulate them in a reasonable manner. Mr. Bickley pointed out that the Planning Commission also recognizes that the interstate area is different from the in-town area and that's how we came up with this specific ordinance.

Mr. Joseph Flood expressed concern that this could cause unnecessary hardship for those who have already placed their signs up in the community. He believed that those persons should not be affected by the ordinance if it is passed. He also stated that based on the size of the letters at Walgreen's, it is probably not in compliance. Mr. Flood also noted that Mr. Cal Carter's sign was a lot smaller than the Walgreen's sign. Mr. Chris Bickley answered that there is nothing in the ordinance that regulates size.

Mr. Flood said he could not see why the city would make an ordinance retroactive and put those people with signs already up in undue duress.

Mr. Sam Patel commenting on the 25% for the LED signs, stated that a large sign at 25% would be a little less brighter than a smaller sign at 25%.

Mr. Tuck McConnell explained that when this was started, the city got the names of some of the manufactures from the LED signs around town. We contacted them to see if they had any model ordinances, because we figured they were running into problems with other municipalities and counties on these type signs. They sent them to us, so the ordinance we have here is one of their model ordinances. Their model ordinance recommended that the sign be at 100% brightness in full sunlight, but at night it should be cut down to 15%. Mr. McConnell said the Planning Commission felt this might be low, so it was cut to 25%. He stated the manufacturer recommended that the brighter it is, the brighter your sign is supposed to be. The darker it is, the darker your sign is supposed to be. This is done so you won't get so much contrast, particularly when there are several signs running together and you can't read them properly.

As an example of the safety aspect of the signs, Mr. Chris Bickley said to have a car's bright headlights aimed at you at 12:00 noon is one experience, and having it aimed at you at 10:00 at night is a different experience. He said a light that is bright as it needs to be and looks appropriate at high noon, could well be a safety hazard at midnight.

Mr. Sam Patel agreed with the safety aspect of the signs. However, he said all these years the signs have been up and running. He asked how many accidents have occurred involving the reading of a sign?

Mr. Chris Bickley did not agree with the term "all these years." He did not believe the signs had been around all these years.

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Mr. Bickley pointed out that in the Interstate Zone, the Commission is recommending that the lights not change any quicker than every 3 seconds.

Mr. Carter said he took out the animation and different movements from his sign. However, if there is a long message, then the sign will need to scroll.

Mr. Travis Godley said he has no signs and therefore not biased on signs to begin with. He asked the Planning Commission who is the ordinance model after - the manufacturer or for some town? What is its purpose and what is the image you want to protect in Walterboro? How would this ordinance fit into the overall image? He said he had not heard what Walterboro wants to be when it grows up.

Mr. Chris Bickley responded that the Commission started with a number of model ordinances and looked at them as a starting point. We didn't just take one and try it. We went through it, talked about it and tried to come up with something we felt was reasonable and protected the character of the community. The Planning Commission felt this is a 21<sup>st</sup> century development in commercial advertisement and is not something that existed around here 10 years ago. He said the Commission did not want to prohibit the signs, but wanted to find what works and what doesn't work. The Commission was concerned and spent time looking at different signs. The signs that go pop and splash with different colors and are close to the roadway do need to be toned down. The Commission felt that the interstate is different from downtown. What's appropriate for traffic going 75 mph on I-95 is not appropriate for Jefferies Blvd. where the speed limit is 35 or 45 mph. He said if 3 seconds does not work, then let's talk about it.

Mr. Travis said he wanted to know if this model ordinance had been used by any other city? Does that city have demographics similar to Walterboro and what experiences have they had? Has it lead to success or slowed down the economic growth in their town? Has it helped them in some way? How many variances have they dealt with because of the sign ordinance? How many will we have to deal with here? He said these are some of the things I would like to see research on - showing how this model ordinance has been utilized somewhere and how it has helped.

Mr. Bickley said he did not consider this amendment a model ordinance. That's what we started with, but we went though it trying to tailor it for Walterboro.

Mr. Cal Carter pointed out that Walgreen's and CVS use different colors. He asked what color has to do with a sign in the city? Mr. Bickley responded that in looking at what is appropriate for our community, the Commission felt that one color would work better in town. It would get the message across and would not likely create a safety problem or hazard.

Mr. Cal Carter recommended that if any further research is done on the LED signs, that the Commission pick two owners of LED signs, so they can have some input.

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Mr. Sam Patel expressed concern on the information received from the manufacturers regarding the dimming of the sign at daytime and night. He explained that when they buy the signs, they also do an investigation. As far as the brightness is concerned, the manufacturers sell it to us that way. Maybe the color is too bright and it becomes blurry, then why would we want a sign that will be blurry. It's not going to help our business. If a person can't read the sign, it's pointless. Mr. Patel pointed out that there were no instructions from the manufacturers indicating the need to turn down the signs 15% at night time.

Mr. McConnell explained that the manufactures have said that most all signs have dimmers in them that will react to the ambient light. So, they will burn 100% when it's bright and cut down to 15% when its dark. He stated, I guess you can change it yourself or have the manufacturer change it.

Mr. McConnell stated that the first zoning ordinance was passed in Walterboro in 1975 and the sign ordinance prohibited flashing lights, fluttering ribbons and banners that are distractions. It has gotten to be that the LED signs were being used to get around the physical limitations. In answer to Mr. Carter's questions, Mr. McConnell said if a LED sign is configured so as to violate an old zoning ordinance, then that's when we asked him (Mr. Carter) to change his sign, to comply with the old ordinance.

Mr. Gary Davis asked if there were any considerations given in the amendment to signs on Washington Street. It was noted that nothing has changed.

Mr. Cal Carter asked if special signs announcing sales, Christmas, July 4<sup>th</sup>, etc. would be allowed the same privilege as in the past.

Council Member Young then asked Attorney McLeod if Council could grandfather existing signs in for the life of the existing signs, if Council so desired, and exempt them from the new Ordinance? Attorney McLeod believed this could be done. Using outdoor advertising signs for a scenic highway, as an example, he said those signs are allowed to stay up at one year, two years, or three years. He noted that he was not sure of the exact time they are allowed to stay up and that it may vary from place to place.

Council Member Young stated he had a problem with people who have recently annexed into the city and made an investment in a sign and now we are changing the rules on them in the middle of the game. He said, at the same time, we do want to preserve the character of Walterboro. Mr. Patel agreed that the owners do not want to hurt the image of Walterboro. He said, what we are trying to do is attract more business to this area.

Council Member Young suggested that we work together and try to find a middle ground that's fair for everybody. He explained that this is a public hearing, it's not a law yet, it's a proposed ordinance and we can go back and look at it again.

The Public Hearing was then closed at approximately 7:05 P.M.

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The Regular Meeting convened at approximately 7:08 P.M., with all Council Members present, except Council Member Johnnie Thompson was absent and did not vote on the following agenda items.

The Minutes of the January 24, 2006 Public Hearing and Regular Meeting were approved as submitted on the **MOTION** of Council Member Cannady, seconded by Council Member Lucas, with all members voting in favor.

There was no Old Business before Council.

Under New Business, Ordinance # 2006-01, an Ordinance to Amend the Zoning Ordinance Regarding Electronic Display Boards, was referred back to the Planning Commission for further consideration.

Ordinance # 2006-02 was approved on First Reading on the **MOTION** of Council Member Young, seconded by Council Member Parker, being: AN ORDINANCE TO ASSIGN THE DUTIES IN ARTICLE II, DOWNTOWN IMPROVEMENT DISTRICT REVIEW BOARD, TO THE BOARD OF ZONING APPEALS AND TO ELIMINATE THE DOWNTOWN IMPROVEMENT DISTRICT REVIEW BOARD. The motion was passed with all Council Members present voting in favor.

Next, the following 2006 City Boards and Commissions Appointments were made:

**Board of Zoning Appeals:**

**Mr. Paul Hinson was newly appointed to fill the unexpired term of Marion Simmons ending 2008. Mr. Travis Godley reappointed for a 3-year term ending 2009, and Mr. Kenny Blakeney reappointed to another 3-year term ending 2009.** Approved on the **MOTION** of Council Member Young, seconded by Council Member Parker and passed with all members voting in favor.

**Election Commission:**

**Mr. Harris Beach reappointed to another 6-year term expiring 2012.** Approved on the **MOTION** of Council Member Parker, seconded by Council Member Young and passed unanimously.

**Historic Preservation Commission:**

**Ms. Sherry Cawley and Lucille Powers reappointed to a 2-year term ending 2008.** Approved on the **MOTION** of Council Member Cannady, seconded by Council Member Smalls and passed unanimously.

**Municipal Planning Commission:**

**Mr. Thomas Angell and Chris Bickley reappointed to a 4-year term ending 2010.** Approved on the **MOTION** of Council Member Parker, seconded by Council Member Lucas and passed unanimously.

**Recreation Commission:**

**Mr. Thomas Lohr and Scott P. Bridge reappointed to another 4-year term expiring 2010.** Approved on the **MOTION** of Council Member Young, seconded by Council Member Parker and passed unanimously.

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At this point, Council Member Young noted that the Tree Protection Committee calls for one at-large member. He asked if the ordinance could be amended to require one at-large and other at-large members as prescribed by Council. He stated that there are other persons interested in serving on this committee. City Manager McConnell then read into the records, the following proposed amendment to the Tree Ordinance.

**AN ORDINANCE TO AMEND CHAPTER 19, WEEDS, TREES, VEGETATION, ARTICLE I, TREE PROTECTION, SECTION 19.901, TREE COMMITTEE, PARAGRAPH (a) TO CHANGE THE MEMBERSHIP OF THE TREE COMMITTEE.**

WHEREAS, the City Council desires to increase the number of citizens serving on the Tree Committee; and,

WHEREAS, several citizens have expressed a desire to serve on the Tree Committee.

NOW, THEREFORE, BE IT ORDAINED, that Section 19.901, paragraph (a) is hereby amended to permit more than one at-large member to be appointed.

Council Member Young noted that he was the only one making the request on this committee. He said he knew of two good people who wanted to serve. City Manager McConnell suggested that if Council so wished, it could reappoint the 2 incumbents tonight, have first reading of the proposed amendment, and if the ordinance is passed, Council could appoint more persons at that time.

A **MOTION** was then made by Council Member Cannady giving First Reading Approval of an Ordinance to Amend Chapter 19, Weeds, Trees, Vegetation, Article I, Tree Protection, Section 19.901, Tree Committee, Paragraph (a) to Change the Membership of the Tree Committee. Council Member Young seconded the motion that passed with all members voting in favor.

A second **MOTION** was made by Council Member Young, seconded by Council Member Parker to reappoint Carroll Brown, III and Robert Wilkinson, III to another 2-year term on the Tree Protection Committee. The motion passed unanimously.

Next, a request by Ms. Jackie Dasen, wife of Lt. Ken Dasen, was approved to display a banner across Jefferies Boulevard announcing National Law Enforcement Week beginning May 12<sup>th</sup> through May 22<sup>nd</sup>. The **MOTION** approving the request was made by Council Member Cannady, seconded by Council Member Lucas and passed unanimously.

Next, Ms. Tommie Derry appeared before Council asking permission to use the same locations and some new locations to place signs announcing the Rodeo dates/time on the weekend of April 8. On May 4, those signs would be removed and replaced with directional signs for the rodeo. By copy of a memo to Council, Ms. Derry gave a listing of the sign location sites. The signs would be placed with the property owner's permission and non-obstructive.

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It was Mayor Sweat's opinion that what was done in the past with directional signs was not a problem, but now we are going counter productive because of other ordinances this could violate. He proposed that Council take a week or two and study this request to make sure it does not violate any ordinances and if so desired to make any exceptions. He stated that Council agreed with what you have done in the past, but this is something new.

Next, a **MOTION** was made by Council Member Young to place a moratorium on issuing any additional LED sign permits until such time that the Planning Commission and City Council completes the ordinance. Council Member Parker seconded the motion that passed unanimously.

Last under New Business, Council Member Parker **MOVED** to cancel the March 14, 2006 Regular Meeting since most Council Members will be attending the NLC Meeting in Washington, DC on that date. If a need arises, the meeting would be rescheduled. Council Member Cannady seconded the motion that passed unanimously.

As an add-on agenda item, Mr. Gary Davis appeared before Council requesting permission to hold another old car show 'cruise in' on Washington Street. He asked permission to hold this event on Saturday, March 25 from 6:00 P.M. to 8:00 P.M. and to use approximately 10 parking spots on Washington Street in front of the waterfall for this event. A **MOTION** approving this request was made by Council Member Cannady, seconded by Council Member Lucas and passed unanimously.

A motion was then made by Council Member Parker, seconded by Council Member Young to enter an executive session to discuss contractual matters: Colleton County Intergovernmental Agreement, police briefing and airport property matter.

The meeting returned to Open Session, and there being no further business to consider, a motion to adjourn the meeting was made by Council Member Cannady, seconded by Council Member Young and passed unanimously. The Mayor adjourned the meeting at 8:00 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