

Walterboro City Council  
Public Hearing and Special Called Meeting  
Tuesday, April 4, 2006

**MINUTES**

A Public Hearing and Special Called Meeting of Walterboro City Council was held at City Hall on Tuesday, April 4, 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 City Attorney George Cone were also present.

There being a quorum present, Mayor Sweat 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.

A public hearing was then held, duly advertised, to receive public comments on three items:

1. CDBG Application Funding Request for \$500,000 for a water line for Walterboro ByPass Looping Project.

Ms. Michelle Knight of LCOG announced that she was present to conduct an application public hearing for a Community Development Block Grant, which will be submitted on April 10, on behalf of the City of Walterboro. The city is applying for \$500,000 to construct a 12-inch water line along the Walterboro By-Pass in the new section and a portion of the old section. The connection will be from Mill Street onto Greenpond Highway. It is approximately 8,000 linear feet in 12-inch water line. The total project cost is \$800,000. The city is contributing the required 10% match and providing the additional funds through Restricted CDBG Program Income funds and a combination of other monies. The project will benefit 2,728 people of which 62.5% or 1,705 are identified as Low-to-Moderate Income, based on the 2000 Census data and a partial survey of the service area. The Mayor then asked if there were questions or comments from the public. No comments were received.

2. Ordinance # 2006-08, An Ordinance to Levy a 1% Hospitality Tax to Replace the 1% Hospitality Tax Currently Levied by Colleton County. No questions or comments were received on this agenda item.

3. Ordinance # 2006-09, An Ordinance to Permit the City of Walterboro to Enter into a Lease-Lease Back Financial Arrangement in the Amount of \$1,600,000 for the purpose of Paying One-Half of the Outstanding Debt Incurred by Colleton County for the Purpose of Providing the Required Matching Funds for the VA Nursing Home Now under Construction. No questions or comments were received on this ordinance.

The public hearing was closed and the regular meeting began.

The Minutes of the February 28, 2006 Regular Meeting and the Minutes of the March 14, 2006 Public Hearing were approved as submitted on a motion by Council Member Thompson, seconded by Council Member Parker, with all members voting in favor.

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### **Resolutions:**

Resolution 2006-R-01, to Nullify Resolution # 2000-09 Authorizing Colleton County to Impose a 2% Hospitality Tax in the City of Walterboro, was approved unanimously on the motion of Council Member Young with a second by Council Member Lucas. A copy of said resolution is attached as part of these minutes.

Resolution 2006-R-02, Authorizing Submission of a CDBG Grant Application for \$500,000 for the Walterboro Bypass Water Line Looping Project and Committing 10% in Match Funds, was approved on a motion by Council Member Cannady, seconded by Council Member Lucas and passed unanimously. This resolution is attached as part of these minutes.

### **Old Business:**

Following Second and Final Reading by caption, upon motion of Council Member Thompson, seconded by Council Member Smalls, Ordinance # 2006-08 was ADOPTED, being: **AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING A LOCAL HOSPITALITY TAX TO APPLY TO ALL ESTABLISHMENTS WHICH SELL PREPARED MEALS AND BEVERAGES LOCATED IN WALTERBORO, SOUTH CAROLINA AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.** Attorney Cone noted that the effective date to be inserted on Page 4 is May 1, 2006. Vote on the motion for adoption was unanimous.

Following Second and Final Reading by caption, upon motion of Council Member Cannady, seconded by Council Member Parker, Ordinance # 2006-09 was ADOPTED, being: **AN ORDINANCE AUTHORIZING THE ENTRY BY THE CITY OF WALTERBORO INTO A LEASE PURCHASE FINANCING WITH RESPECT TO THE GREAT SWAMP SANCTUARY, TO PROVIDE FUNDS TO PAY A GRANT TO COLLETON COUNTY TO PREPAY A PORTION OF THE COUNTY'S DEBT INCURRED TO PAY A PORTION OF THE COST OF A VETERANS NURSING HOME IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,600,000; AUTHORIZING THE EXECUTION AND DELIVERY OF A BASE LEASE, PROJECT LEASE, AND ASSOCIATED DOCUMENTS IN CONNECTION THEREWITH, AND OTHER MATTERS RELATING THERETO.** Vote on the motion for adoption was unanimous.

At this point, the Mayor announced that Council has just completed action to set in motion probably one of the biggest projects the city has had in a long time. The actions just taken will provide funding for the new Great Swamp Sanctuary Discovery Center, 2006 Tourism Projects, as well as take care of the city's responsibility for the new VA Nursing Home. The Mayor thanked Council, Attorney Cone, City Manager McConnell, Jeff Lord and any staff members who have worked so hard since August last year to finally put this matter together. Mayor Sweat stated that Council is moving this city forward and hopefully, with everything we do, that we are going in the right direction.

Ms. Tommie Derry and her son appeared before Council stating that she was present to answer any questions concerning her request to place signs announcing the upcoming rodeo on May 5 and 6. She pointed out that her request was different from last year's request. She has asked to put up banner signs announcing the rodeo

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and then replace them with directional signs. The locations of the signs would remain the same. A lengthy question and answer session was held.

Mayor Sweat pointed out that her request is different from what we have done in the past and it is in contradiction to our sign ordinance. Council Member Young expressed concern that if Council do this for one person, then it'll have to do it for everyone else who comes before us. He said, if we do that, then we might as well not have a sign ordinance. He further stated that he did not want to deprive the rodeo of the signs it needs, but it's just the precedence this will set for everyone else who comes before us in the future. City Manager McConnell pointed out that this request was difficult for staff, because we enforce these ordinances on businesses on the inside and outside the city. He stated that over the years, neither Council nor the Planning Commission has approved off premise signage. Ms. Derry pointed out that since she had people attending the rodeo from in state and out of state, she has to give them proper notice. Ms. Derry's son stated they were caught off guard about the exact boundaries of the city limits as far as signage should go. He requested an appointment with the Planning Commission to develop guidelines for those activities that will benefit the city that are family oriented and offers more than the typical fair. He pointed that even though the rodeo is for profit, it has the benefit of bringing in the I-95 traveler. For those local sponsors, they also advertise their businesses multiple times.

Council Member Lucas stated he was in favor of allowing the signage one more time. On a question by Council Member Smalls, Ms. Derry stated they were asking to place 8 signs, the same as last year.

Council Member Young pointed out that Ms. Derry was asking to put up the signs for a whole month, starting April 8. So, instead of asking to put up the signs for 3 days as in the past, you are now asking for about a month.

A motion was then made by Council Member Lucas that the rodeo be allowed to place the signs up in the 8 locations as requested. A discussion was then held on the number of days the signs should be up.

Council Member Lucas then restated his motion that the rodeo be allowed to place the signs up in the 8 locations requested fifteen (15) days prior to the rodeo. Council Member Smalls seconded the motion. In discussing the motion, Council Member Young pointed out that Council just approved a lot of money to beautify our city, but if everyone needed to put up a sign for whatever purpose, then our city wouldn't look the way we want it to look. That's the whole purpose of the ordinances and the city spending this money to beautify the city. He said, for those reasons, he could not support the request. The motion was defeated with a vote of 3/4, with Council Members Smalls, Lucas and Cannady voting in favor, and Mayor Sweat, Council Members Young, Parker and Thompson opposing the motion.

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**New Business:**

Mr. Herman Bright, on behalf of Steering Committee for the new Colleton Center, briefed Council on the project to improve the old Hampton Street School to make it a center wherein we'll be proud of and will also bring itself to the times we are in. Mr. Bright thanked Council for its recent donation to assist the project.

Mr. Bright stated that the plan is to renovate the old Hampton School to house a civic center, the Colleton Museum, the Arts Council's offices, the arts gallery, classrooms, gift shops and an updated auditorium. The center will be available for community use. Plans for the civic component include catering, a catering kitchen, breakout rooms in an attractive decor. The people of Colleton County will have access to this center. Mr. Bright reported that the anticipated contribution to this project for Colleton County is anticipated to be somewhere between \$500,000 and \$700,000. The approximate total contribution needed is \$3,000,000. He pointed out that 10% of all the contributions will be put into an endowment which will defray operating costs. The issue of earned income will be addressed in terms of income from gift shops, income from rental spaces for conferences, civic club meetings, weddings, etc. He stated that the anticipated time-line for the completion of the project is between 3-5 years.

Ms. Katie Smith, also present on behalf of the Steering Committee, was recognized.

Council Member Cannady asked if the building had been purchased or was on a lease? Ms. Smith responded that they have a 20-year lease now and the plans are to completely renovate the building. Regarding what the county is doing, Ms. Smith informed Council that the county is relocating the courthouse in this building while the current courthouse is being renovated. The county is actually spending over \$1,000,000 on renovating the Hampton Street building for courthouse use. Much of that can be adopted to our use, she stated.

Ms. Smith stated that Steering Committee has a lot of partners and are very grateful to the School District, first of all, for having faith in this project. Originally the Arts Council took on this project, but it is much bigger than the Arts Council. She pointed out that the partners in this project are the Arts Council, the City, Colleton County and the School District.

Council Member Cannady asked if the Committee had a 20-year lease with an option to buy. In other words, are you going to spend this money, then in 20 years your lease may not be renewed. She asked what do you have to protect yourself in your lease agreement. Mr. Bright and Ms. Smith agreed this was a good point and would pursue this question. Mr. Bright then recognized that Council Member Bill Young is a member of the Steering Committee.

Mr. Bright stated that the Steering Committee is an independent group of citizens who have joined together to see this project through. It will be jointly administered by the Arts Council, the County Museum and the Colleton Center organization. It is their intention to attract donors and are looking forward to

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having a good relationship between the County, the City and all the citizens of Colleton County. We want this to be an attractive location that will help attract people from different towns and states.

Council Member Thompson asked how long will the county courthouse occupy their building. Ms. Smith responded they were told one year. When asked by Council Member Cannady if the issue of asbestos in the building been addressed, Ms. Smith responded that the county had addressed this matter. They were told there is asbestos in the windows and a special contractor has to work with the windows. Ms. Smith said they are working with architects from Columbia to come up with the best plan to preserve the building and its beauty and be mindful of the expense.

Next, a motion was made by Council Member Cannady, seconded by Council Member Thompson, giving First Reading Approval by Title Only to Ordinance # 2006-10; being: AN ORDINANCE TO AMEND CHAPTER 20, WRECKER ROTATION TO PROVIDE FOR A CHANGE IN THE RATE STRUCTURE, CHANGES TO THE WRECKER ROTATION PROGRAM AND BUSINESS LICENSE REQUIREMENTS.

In discussing the motion, Mr. Erwin Smith of Payless Towing addressed Council. He was concerned that the towing rates were low. He said a \$5 raise is nothing. He said if you think about it, the cost of living has gone up more than \$5. He asked Council to think about this before passing the ordinance. He said it cost as much to pick up a ticketed car, as it does any other car. The cost was \$60 and now its \$75, so it's a little better, but to turn a car over for \$15, that is ridiculous. He pointed out that it costs \$150.00 to fuel his truck and \$50-\$60 to change oil. He said a new towing truck costs \$72,000.

Mr. Nate Bristow, owner of Tommy's Auto and Diesel pointed out the following concerns raised by the local wrecker services.

1. He stated it is imperative that Council understands what the wrecker companies go through. He owns Auto Pit Stop and Tommy's Auto and Diesel.
2. The majority of the wrecker companies have \$80,000 trucks and several have new ones.
3. They are trying to get Council to see the expense they have.
  - a) On the national level, the towing industry does not look favorably on any municipality setting a rate. He felt that if the City wanted this, then it should bid the job out and hire its own contractor for towing.
  - b) On the state level, they are about to go the same way. Towing went up from \$125 to \$250, This was passed because the state realizes the expense we have.
- 4) On the low rates proposed by the City, Mr. Bristow asked why the City would charge \$60 for a junk car, when it requires the same labor. He said that everything in his shop has one rate, and it's by the hour. He stated that when it comes to towing a DUI, he goes by a standard he has agreed with the city.

He said he is not concerned about the \$5 raise, but is concerned about how much time his wrecker is obligated to the scene of an accident. He stated that he runs one of the biggest heavy

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duty wreckers in the Lowcountry right now. His business averages about 3 calls a month between Charleston to Columbia. He said this is a big business and this is why we are very concerned. He concluded by stating that it's very important that the city and the wrecker companies work together, so we do not have a hostile environment.

Council Member Young asked Mr. Bristow, what specifically about the ordinance do you want us to do or not to do? Mr. Bristow said he was not satisfied with the rate structure. As far as the businesses being in the city limits, this also should not be an issue. Mr. Bristow reported that the statistics for wrecker calls in Charleston is an average of 4 wrecks per day. His average in the City of Walterboro is 2 calls per month. He was concerned if he sends his truck to an accident and another truck arrive on scene, that all are on the same playing field and getting the same money.

Mr. Bristow reported that the South Carolina Highway Patrol designed the following program. Everybody who is on city rotation submits a request in October with their price sheets. Then the State Highway Patrol in Columbia takes an average of the wrecker companies rates. Those companies out-of-limit with the average are sent a letter to come within the limits within 10 days. He stated that this program seems to be working for all of us on the state level. Another option Mr. Bristow proposed was for the city to bid out this service to maybe two independent contractors. Mr. Bristow reported that the averages now with the SC Highway Patrol are: \$175 and \$250 after hours.

Council Member Smalls asked if consideration was given to the people's ability to pay. Mr. Bristow answered that 8 out of 10 services at his shop are paid by the insurance companies.

**The motion for First Reading Approval by Title Only of Ordinance # 2006-10 was then approved unanimously.** The Mayor told the representatives of the wrecker companies present at the meeting that they would have an opportunity to be heard again on this item at a public hearing in about 30 days before it goes into final reading.

Next, Mayor Sweat appointed Council Members Lucas and Cannady to work with the Historical Preservation Commission to work on the Preserve America Program Application, the signage and the pamphlets for the Historic District.

The Mayor also appointed Council Member Thompson and himself to work with the Bethel United Methodist Church on the parking lot issue.

Mr. Gerald Bailey of Gerald's Wrecker Service, told Council he was trying to get the grandfather clause in the proposed amendment, because he is located outside the city limits. He said he has been doing business in Walterboro for 35 years and now they want to change it. He said if a new business came in outside the city, I could see you not allowing that company on the list, but someone, like me who has been helping the city for 35 years, should not be shut out now.

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The Mayor thanked everyone for coming to the meeting and announced that the next regular City Council Meeting will be held as scheduled on Tuesday, April 11<sup>th</sup>.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Thompson, seconded by Council Member Cannady and passed unanimously. The Mayor adjourned the meeting at 7:25 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 April 25, 2006**