

Walterboro City Council
Regular Meeting
July 11, 2006

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, July 11, 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, Ted Parker, and Mary Anne Cannady. City Manager Tuck McConnell, City Clerk Betty Hudson and City Attorney George Cone were also present. Council Member Franklin Smalls was absent.

There being a quorum present, Mayor Sweat called the meeting to order and gave the invocation. Council Member Lucas led the pledge of allegiance to our flag.

The Minutes of the June 27, 2006 Public Hearing and Regular Meeting were APPROVED as submitted on a motion by Council Member Parker, seconded by Council Member Lucas with all members voting in favor. Council Member Smalls was absent and did not vote.

There was no Old Business before Council.

Under New Business, Council considered a tree cutting appeal submitted by Mr. Ron Ordel of 1003 Wichman Street for a water oak tree at his rental property at 110 Heyward Street. Previously, this request was reviewed by the Tree Committee and denied. Council had received a letter from Mr. Lee Murdaugh of Murdaugh's Tree Service stating that the oak tree, 30 inches in diameter, had a bad root system and is very dangerous. It is overhanging the house and central unit and could be dangerous to persons nearby. A motion granting the appeal to fell the tree was made by Council Member Young, seconded by Council Member Thompson and passed unanimously. Council Member Smalls was absent and did not vote.

Resolution # 2006-R-09 was APPROVED on a motion made by Council Member Cannady, seconded by Council Member Parker and passed with all members voting in favor. This resolution authorizes submission of a loan application to the SC Water Revolving Loan Fund Authority in the amount of approximately \$600,000 to finance the costs of upgrading two lift stations and pledges a lien on the city's water and sewer system revenues for repayment of the loan. Mayor Sweat announced this was for the upgrade of the liftstations at I-95. A copy of said resolution is attached as part of these minutes.

Next, the Mayor announced that the city had received a \$500,000 community infrastructure grant award from the Department of Commerce Community Development Block Grant Program for the installation of a 12" water transmission line from the southwest part of the new Robertson Boulevard Extension. A motion accepting the grant award was made by Council Member Young, seconded by Council Member Cannady and passed unanimously. Council Member Smalls was absent and did not vote.

Next on the agenda was a request by staff for a signage moratorium. In briefing Council on this request, the City Manager stated that the Planning Commission spent years going over the sign ordinance and finally came up with one they felt would be good for the future development of the city. Last week, staff found out there was a glaring hole in the ordinance in regard to the size of signs. He explained that there was a sign recently erected on Jefferies Boulevard which was 10 x 15, yellow and orange in color and is double-sided. When the sign company read the ordinance, they found something that the Planning Commission was not aware of, which were basically two things:

- 1) The current code allows one square foot of signage for every linear foot of road front up to 100 feet; then after that you get ½ foot of square footage of signage for every linear foot. That particular piece of property wraps from Jefferies Blvd. onto Greenpond Rd., which gave a substantial amount of frontage.
- 2) There is another section on double sized signs which states that only one side should be counted. So, you end up with 300 sq ft. of signage.

City Manager McConnell stated that staff was not successful in calling a special meeting of the Planning Commission last night, to come up with a temporary recommendation. He suggested that Council consider a moratorium on large signs, with Council deciding "what large is", until the Commission can meet and come back to Council with recommendations to prohibit that type of sign.

Attorney Cone stated that his recollection was that the old ordinance allowed a sign to be up to 64 square feet and be double sided. City Manager McConnell stated that with the current ordinance, if a person had enough footage, they could have two 300 ft. billboard size signs. He stated the Planning Commission is concerned about this and would be able to meet the week after next.

Council Member Lucas asked if the moratorium could be stated such that the Planning Commission could approve all signs, so that legitimate signs would not be restricted.

City Attorney Cone responded that Council could put a moratorium on signs over so many square feet or some standard that everyone could figure out.

City Manager McConnell reminded Council that this matter comes under the Zoning Ordinance. Any changes to the Zoning Ordinance requires a recommendation from the Planning Commission, a notice in the newspaper for a public hearing, and a first and second reading of an ordinance. He said this may take up to two months.

Council Member Young asked what would happen to that sign after we change the ordinance. City Manager McConnell pointed out that nothing happens, it could remain. However, he stated that the Planning Commission could amortize a sign over so many years. There is a new billboard ordinance now that has passed the state legislation.

City Attorney Cone stated that the old ordinance allowed seven years for the big signs to be amortized.

Council Member Young suggested that the city could offer to pay for a smaller sign if they would take the larger one down.

City Manager McConnell pointed out that the areas we are concerned with for this type signage are in the Highway Commercial and General Commercial Zones, not the Interstate Interchange Zone.

City Attorney Cone suggested that Council could place a 60 day moratorium on signs over a certain square footage and specify that Council will consider any special requests for emergency signs. He stated that if the amended ordinance is not completed in 60 days, then Council could continue the moratorium.

Further discussion was held on the wording of the moratorium on signs. After which, a motion was made by Council Member Lucas that **a moratorium be set on all signs larger than 64 square feet, and that any sign larger than that would have to be brought before City Council for the next 60 days.** Council Member Cannady seconded the motion that passed unanimously. Council Member Smalls was absent and did not vote.

Next, Mayor Sweat announced that Mrs. Carnelia Neeley has requested to address Council about a concern and that he had granted her this opportunity to speak. He stated that Council had received a copy of a letter from Ms. Neeley concerning this request.

Mrs. Carnelia Neeley, co-owner of the Fireworks Supermarket located at 1289 Sniders Highway in Walterboro, then addressed Council.

Ms. Neeley began by stating that she and her husband, Dennis, have owned the Fireworks Supermarket for over 25 years with no problems, or complaints. She said that they consider themselves to be good stewards of this county and have acted honorably in all our business dealings. Several months ago, confusion at Exit 53 became apparent when Mr. Willard Long changed the name of his fireworks store, which is located right beside their store, from "Foxy's Fireworks" to "Fireworks Superstore", which greatly resembles the name of their store. She believed this was done to take advantage of their billboard which was erected on I-95 coming into South Carolina from Florida, inviting traffic to visit the "Fireworks Supermarket at Exit 53".

Ms. Neeley stated that many people, coming into their store, have remarked that Mr. Willard Long, their neighbor, was piggybacking off their billboard sign. Ms. Neeley pointed out that I-95 traffic is 95% of their business. She stated that rather than being confrontational, Mr. Neeley decided to paint the color of their store the same color of their billboard, thus showing the I-95 traffic exactly which store was theirs. On June 28, the Neeley's discovered that Mr. Long had moved in a cargo container, approximately 45 feet long and 9 feet high. She pointed out that this elevated container, blocked out their business from the interstate site, as well as the new painting on their building.

Ms. Neeley informed Council that she asked the City's Code Enforcement Officer, Mr. Ross Hantz, to speak with Mr. Long. Mr. Long assured Corporal Hantz that all permits were in order, but Mr. Hantz had little information as to how all this came about. Mr. Hantz told her that his boss said Mr. Long had been working on this for approximately ten days and that Planning and Zoning had given permission for this to take place.

Ms. Neeley told Council that later Mr. Long painted his cargo container and painted the name of his business in bright red letters. Mrs. Neeley said one Council Member visited their store and said he considered this to be a sign.

Ms. Neeley expressed concern that if this is a sign, then it does not comply with the Walterboro Sign Ordinance, page 116 of the City of Walterboro's Zoning Ordinance, part (c) and (d).

Mrs. Neeley stated that their building and signage is completely obscured by the 45 ft. cargo container. She asked that Mr. Long be required to remove the cargo container immediately, so that their business is visible to interstate traffic. She also requested that any and all permits given to Mr. Long be reviewed. She said that her business is directly affected by these decisions and that she was never notified in any way.

In concluding, Mrs. Neeley stated that she understood that the Walterboro-Colleton Chamber of Commerce recently received \$338,000 for improvement and landscaping of the two interstate exits. She said that she felt it was counterproductive to allow painted cargo containers to be considered add-ons to existing buildings. She did not see how this really beautifies anything.

A discussion was then held by Council. Council Member Cannady asked if the city had given Mr. Long permission to put the container there. City Manager McConnell responded that no permits are required for this. He said that signage on truck bodies are displayed all over the state. It is a common dodge that people use to get around signage. He told Council there was nothing in the ordinance to prevent this. There are a good many of these type containers around town. Mr. McConnell informed Council that on May 2, staff asked the Planning Commission about this, because there are a good number of them around town. The Commission told him that at the time, it did not believe this to be a problem, but if it became a problem, then they would look at it.

City Manager McConnell stated that when this problem occurred, he received a phone call from Mr. Long asking about the requirements. He told him there was a 35 ft. front setback and a zero (0) side setback. If he met the setbacks, then there was nothing in the codes that prevented him from using a container.

Ms. Neeley told Council that she had to jump through many hoops to get a small portable sign for the front of her business. She felt it was unfair that she had to fill out a request for a small sign and Mr. Long did not have to get a permit for his large sign. If it's right for one person, then it has to be right for the other person.

Mr. McConnell stated that the ordinance provides that once a year, for a seven day period, you can get a permit for portable signs, flashing signs, etc. He said he recalled that Mr. Long got a permit for a seven day period around this time July 4th last year. He said any business in town can get a 7 day permit once a year to celebrate whatever. In regard to the sign on the side of the container, Mr. McConnell said he believed there are some rulings on this.

City Attorney Cone clarified that the old city code, which was recently codified, specifically exempted lettering on motor vehicles and trucks. He did not know what the new interstate commercial zoning required. He also stated that we have tractor trailers around the county and on I-95 that take advantage of lettering on vehicles. It is a common method of people advertising. As to a container that does not have the wheels under it, he did not know if there were any rulings on this. Attorney Cone stated that if it's not considered a truck or motor vehicle, then it would have to comply with the zoning ordinance, as far as whether it's considered a building. He believed the lettering on a building is limited to 1/3 of the side of the building. Attorney Cone said he was just not up to date on the interstate zoning.

Council Member Parker stated that if this complies with the Zoning Ordinance, then we need to change the Zoning Ordinance.

City Manager McConnell stated he felt the Planning Commission would certainly want to address this matter.

Council Member Lucas cited the sign ordinance, 6.5.6 (d), to prevent placement of a sign that would conceal or obscure signage of adjacent businesses. He indicated that this clearly blocks the signage of the adjacent business.

Council Member Lucas asked if the city could require Mr. Long to remove the container for a 2 or 3 month period, until this matter is sorted out. Attorney Cone responded "not unless he had violated a present ordinance in some way." He suggested that the city could cite him for having a sign. Issue him a ticket or citation and then it would go before a city judge and he would make a ruling as to whether it's a sign or not. He told Council, they can only enforce the ordinances that are on the books now, but if you consider it a sign, you can have a ticket issued and this could be sorted out in municipal court.

Council Member Cannady stated she believed this was definitely a sign.

Mrs. Neeley asked why the city could not get the container moved because Mr. Long had already violated section (c) and (d) of the code which is already on the books.

Mayor Sweat suggested that the matter be turned over to the city attorney for a ruling on the matter. Council Members Parker and Cannady agreed that the matter should be handled expeditiously.

Next, the Mayor introduced and recognized Ms. Carolyn Powell who was recently hired as the department head of the city's new Parks Department.

The Mayor briefly updated Council on the new I.L.S. System to be installed at the airport. The Government (Aeronautics Commission) had proposed to warehouse the I.L.S. equipment because of the lack of a parallel taxiway. They proposed that the Airport Commission put in the rest of the I.L.S. system at its own expense. Because of phone calls and letters from staff, they have now assured the Airport Commission that they will go ahead and purchase the I.L.S. System, warehouse a portion of it, and install the rest of the system at their expense when the parallel taxiway is completed.

A motion to enter Executive Session to hear a contractual matter was made by Council Member Lucas, seconded by Council Member Thompson and passed unanimously.

The meeting returned to Open Session and the Mayor stated that Council Member Smalls did call to say he could not attend the meeting tonight.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Parker, seconded by Council Member Cannady and passed unanimously. The Mayor adjourned the meeting at 7:45 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