

Walterboro City Council
Public Hearing and Regular Meeting
August 22, 2006

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, August 22, 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, Franklin Smalls 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, the Mayor called the meeting to order and called on Council Member Smalls for the invocation and Council Member Lucas to lead the pledge of allegiance to our flag.

The Minutes of the August 8, 2006 Regular Meeting Minutes were approved as submitted on the motion of Council Member Lucas, seconded by Council Member Thompson, with all members voting in favor.

The Mayor then announced that a public hearing would be held to receive public comments regarding a proposal by the South Carolina Department of Transportation (SCDOT) to eliminate the SC 64 Business designation and the SC 63 designation in downtown Walterboro. The Mayor explained that earlier this year, he talked with the state highway department and asked them to come to Walterboro to do a sign survey of all the signs we have on our main roads in the city limits, in order to tell which signs are mandatory and which signs could be done away with, because of the sign congestion problem in Walterboro. As a result of the survey, SCDOT offered the following proposal:

1. **SC Highway Route 64**

Eliminate: The Business section of Highway 64 from downtown Walterboro. Currently, this highway route runs down Bells Highway to Jefferies Boulevard, to Paul Street, to Wichman Street, to Padgett Loop, and out to the Beltline toward Jacksonboro.

Reroute SC Highway 64 as follows:

To turn onto Robertson Boulevard and follow Robertson Boulevard to Hampton Street. Where the route meets at Hampton Street, SC 64 would then continue out toward Jacksonboro.

2. **SC Highway Route 63**

Currently starts at the Beltline on this end of town and comes through town. SCDOT proposed to start Highway 63 where it comes into Highway 17A and Highway 15 and go back out that direction rather than bringing the signage into the middle of Walterboro.

The Mayor stated that before the City commits to this proposal that Council wished to seek public comments from the citizens of Walterboro. He stated that the upcoming Loop Project was also considered in these proposed highway route changes. Maps displaying the proposed new routes were available for the public during the hearing. The Mayor then opened the floor to receive public comments.

Mrs. Mary Ann Burt, 120 Paul Street, spoke in favor of the proposal. In regard to current SC Highway 64 Business designation, she stated that she believed this route goes mostly through residential areas, not business areas. She stated there are more trucks than we should have going down Paul Street. They have run over the "no trucks" sign. She asked why is it that when you are coming from Hardee's and the bank on North Jefferies, the direction sign for SC 64 directs you to turn left onto Paul Street, but when you are coming from the opposite direction on South Jefferies, the directional sign for "SC 64 Business" directs you to turn right onto Wichman Street. She recommended that these directional signs be simplified and have "SC 64 Business" routed down Wichman Street, if we are unable to reroute this traffic around the town.

Ms. Burt added that it is important for our city to be a walkable city. It's impossible to walk on Paul Street now, because there is no sidewalk, except an asphalt uneven sidewalk put in by the highway department years ago. There is considerable foot traffic on Paul Street. As part of this thinking about highways, Mrs. Burt urged the city to request funds from the

Colleton County Transportation Committee to put in a proper sidewalk on that side of Paul Street.

Mr. David Smalls, as Board President of the SC Artisans Center, addressed Council. He stated he agreed to part of the proposal in reference to diverting truck traffic, but his concern from the Artisans Center's standpoint is that there is some indirect visitation that comes through Walterboro and stops at the Artisans Center. These visitors are seeing the scenic part of Walterboro, but it is not as scenic going around Walterboro. The Artisans Center and some other businesses in town could possibly lose some "sales." Mr. Smalls also pointed out that the intersection at Paul Street and Wichman Street is a dangerous intersection, and there have been a lot of "fender benders" over the years at the intersection. He asked if there was a way to look at this intersection to see if it can be a stop to turn or somehow to straighten it up. He asked if there was a way to divert "truck traffic" onto the Robertson Boulevard Bypass, and to allow "a scenic route" or vehicular traffic to come through town when traveling on SC 64. This way, the Artisans Center would continue to get those visitations and sales.

Mr. Donald Davis, a resident on Hendersonville Highway, said on an average of once per week, he is stopped and asked for directions from people who are lost coming off Exit 53. Travelers come to this intersection and there are no sign directions for Edisto Beach or Charleston. Mr. Davis agreed that the proposal for Highway 64 was a good idea, but he believed the problem would be enhanced for travelers trying to get to Charleston and Edisto Beach. He stated there are inadequate highway markings coming into Walterboro from the south side. If you remove the SC Highway 63 signs, people are really going to get lost, and this could cause accidents.

Council Member Cannady pointed out SC 64 coming off I-95 did not have a sign that says "Edisto Beach." When you get to 17A, a person does not know where to go, because there is no sign that says "Edisto Beach on SC 64 Straight Ahead." Mayor Sweat stated that this type sign has already been requested by the city.

Regarding "Jefferies Boulevard" or "Jefferies Highway" from Walterboro on Highway 15, Council Member Thompson recommended that the city check with the Highway Department, to see if a sign could be placed stating, "This is Jefferies Boulevard to Highway 15". It is confusing for our tourists coming from the Beltline.

Mayor Sweat stated there would probably be more hearings on signage when the Cherette and the loop project between the two interchanges are developed, because this will change signage, as well as ornamental planning, directional signage, lightning and etc. Basically, it's trying to bring improvements so that we do get people off the interchange to bring them into our community to spend money. That's the big purpose - to make it as least confusing as possible for travelers to get to the places they want to go and - to move truckers through our community so that they don't damage our historical homes on Wichman and Hampton Street. The only way to do that, is to engage the public in comments, finding out what your thoughts are.

Ms. Mary Ann Burt then commented that the "business" route designation is old fashion. What we are really searching for now is a way to keep the trucks out of town and yet encourage the tourists. Instead of the "Business" designation sign, we should say "Historic Downtown." She also proposed the placement of specialized signs as you come in on Jefferies Blvd. to direct visitors to points of interest, rather than the catchall "business" designation signs.

No further comments were received and the hearing was closed.

There was no Old Business listed on the agenda; however, Council Member Lucas proposed having a moratorium on fences being constructed until the proposed new ordinance has been released. A motion was then made by Council Member Lucas to set a moratorium on fences, other than residential backyard fences, until the new ordinance is complete which is in revision. Council Member Cannady seconded the motion.

A discussion then ensued on the permitting of fences. Council Member Young questioned how the city could tell persons there is a moratorium on fences when a permit to install a fence is not currently required. Further discussion was held. Council Member Parker suggested publicizing the information. Mayor Sweat noted that a proposed hearing on the new ordinance will be in Friday's newspaper. City Manager McConnell stated that Council Member Young's question was a good question, and currently we do not require permits on fencing and anyone can do as they wish on fencing.

Council Member Lucas then amended his motion, with the approval of the second, to include "that the city advertise on the local government channel and in the newspaper as much it can, to notify the public of the requirements on fencing."

City Attorney Cone pointed out that this would only be a "moral obligation of the people." He stated that Council can advertise it, but there is no approved ordinance which forbids it.

In response to a question raised, City Attorney Cone explained that the Building Inspector does not have any legal basis to prevent the installation of a fence, unless Council wished to put it in the form of an ordinance that "no fences shall be erected in the City of Walterboro for 60 days or something." He stated that it has to be an ordinance. A resolution does not carry the force of the law. He stated that Council can have a resolution to declare a moratorium where you direct your building Inspector not to issue a permit, but no permit is required.

City Attorney Cone also told Council that it could introduce a temporary ordinance to do what you want to do, which will require a second reading, in this way you will have some way to enforce it.

He clarified that Council could enact an ordinance on first reading tonight and in two weeks, pass the ordinance on second reading for temporary purposes, or City Council can request that no fences be erected until the new ordinance is passed.

City Manager McConnell pointed out that the fence we are discussing is the one being erected at the Fireworks store by Mr. Long. He stated that this fence would be a non-conforming use and it has to be removed as a non-conforming use after three years. Any non-conforming fence erected now, will have to come down within three years, according to the ordinance. He stated that Council can go back to its Planning Commission and change that, but the process must be followed prescribed by state law. You have to have a public hearing. He stated that staff went through the process as quickly as it could at Council's request.

When questioned by Council Member Cannady if there was anything that could be done about the fence, City Manager McConnell responded that he did not see anything that could be done. He then referred the question to the City Attorney.

Attorney Cone responded that according to his recollection three years is what is cited in the ordinance. Any thing that is grand fathered is supposed to be taken down. Council could amend that ordinance to make it a lesser time, and then, you will have the problem with condemnation, taking property without due process of law. Three years, we are saying, is enough time to amortize your fence. When questioned by Council Member Smalls on the time frame needed to amend the ordinance, City Attorney Cone responded that it would take about a month.

City Manager McConnell then stated that the current ordinance makes a non-conforming use stay for three years. You can change the ordinance, as Attorney Cone says, but you also have to be careful of taking somebody's property and then having to pay for it. The state legislature just made it almost impossible at its last session to take down off-premise signs. So, you would have to pay a really big price if you remove off premise signs.

Council Member Lucas then said he will withdraw his motion since it would have no effect. Attorney Cone then said it would not have any legal implications. He said that the good citizens might follow the request of City Council. They might understand better if you put it in your request that if they put up the fences, they will have to take them down within three years, and it might convince some people not to invest that money.

The motion was then withdrawn with the approval of the second.

Under New Business, Ordinance # 2006-22 was given First Reading Approval on a motion by Council Member Cannady, seconded by Council Member Young and passed unanimously, being: AN ORDINANCE RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT.

After a brief discussion, Resolution # 2006-R-10, a resolution to accompany the application for Preserve America Community Designation was deferred by Council to its next meeting. It was noted that Council wished to review a copy of the application being submitted by the Historic Preservation Committee.

Next, the City Manager announced that the City was in receipt of a \$250,000 grant from the SC Department of Transportation to make improvements to the Exit 57 Interchange. It compliments the grant previously received by Colleton County for Exit 53, and it transferred that grant over to the city. Mr. McConnell stated that the City will work at both of those improvements together so that our interchanges compliment each other. The City is excited about the possibility of working on that program. He stated that later on, staff will want to talk with Council about a potential contract with a firm to do the initial design work.

Mayor Sweat then announced that this afternoon, at the board meeting of the SC National Heritage Corridor, Walterboro was named a recipient of a \$20,000 grant for displays and materials inside the new information center.

A parade request by the Colleton County Veterans Council was approved on the motion of Council Member Cannady, seconded by Council Member Lucas and passed unanimously. Council Member Thompson stated that the request was for the First Annual Veterans Day Parade to be held in Walterboro. This parade is in conjunction with the celebration of the Grand Opening of the new \$28 million nursing home on Veterans Day, November 11, 2006. The celebration will begin with a parade at 9:00 A.M., and afterwards, everyone will be asked to go out for the grand opening at the nursing.

Before entering an executive session, Mayor Sweat asked for any comments from the public.

Mr. Dennis Neeley then addressed Council. He commented on the 14 ft. sign that's installed near the Fireworks Supermarket and Fireworks Superstore. He asked how do we know it will be strong enough to withstand the wind load. It would be awful to have a citizen drive by and a piece of the plank came off and hit them. The City would be liable and he (Mr. Long) would be liable. Mr. Neeley then suggested that City might need an engineer to look at it to see if the wind load would be good enough to hold it up. He asked if the container was a sign or a fence? He said we have a container that's not a container, it's not a storage building, it's not a sign, but it is there.

Ms. Cornelia Neeley then stated that the City is putting money toward a new welcome center. What Mr. Long is doing is blocking out a portion of that building. She asked, how is this fair to us. She said there are loop holes, and I'm sure they have been found out. We are there trying to make an honest living and yet, this is just going to float by. Mr. Neeley stated that since signs are not supposed to block out other signs of businesses, is this a sign or a fence. He (Mr. Long) told us he would block us out with a 14 ft. wall. At least, he's honest. He's building one right now.

Further comments were given by Mr. and Mrs. Neeley expressing their concerns to Council on their beliefs that it was unfair for Mr. Long to have installed a container/sign and now was erecting a 14 ft. fence which would block the view of their business. Ms. Neeley stated that she wanted to go on public records, to the newspapers and anyone who wanted to know it, that she has never met Mr. Willard Long, and has never talked to him. She stated she came down to Walterboro on June 28 and what she saw facing her was a cargo container. She stated she called the City Manager, asked for help, but never received a phone call back - not one. Never got any assistance - not one.

Ms. Neeley then said her question is - if this is a level playing field, then there's got to be something that you can do to assist us - out of just moral obligation and integrity. She stated that it seems like Council could go into an executive session and figure out what they (the Neeleys) can do, because we don't deserve this.

Next, Mr. Alvin Woods appeared before Council with a complaint on the penalties and late fees charged on his water bill. He stated that he has never seen such a high penalty charged on a water bill before. He stated that he did not believe the City had considered the elderly and the poor people's ability to pay. He told Council that he previously lived in Orangeburg County, where the water and light bill are combined. If a person is late, you pay \$15.00. In the Winston Salem, NC, if you are late, you pay a \$10.00 late fee. He felt that the late fee charges and penalties on his last bill were ripoffs. He asked if there was something that Council could do about the matter. He asked why a person has to pay an extra \$30.00 if their water is not turned off.

City Attorney Cone suggested that Council ask Jeff or the City Manager to give a report on this matter, to see if there is something Council may wish to take action on.

On a question raised by Council Member Lucas regarding the \$30.00 turn-on fee, City Manager McConnell responded that the city cannot turn everybody off and back on at the same time. So, Council voted in the past to put that fee on. If an account is not turned

off on Tuesday, Wednesday or Thursday, within those three days, we would get everybody cut off that was supposed to be cut off. He explained that the fee goes on the bill regardless of whether the water is physically cut off or not.

Mr. McConnell explained that the \$50 fee comes about when the water is turned off and you turn it back on yourself. Rather than prosecute people, we add a \$50 fee for that and if it happens again, we remove the meter.

Attorney Cone pointed that there is no way Council can make a decision on this issue without knowing all the facts. He stated that Council needs to hear what the Utilities Department has to say on this matter.

Council Member Young then asked the Finance Director Jeff Lord how many days it takes to get where there is a \$30.00 re-connection fee?

Mr. Lord responded that the bill is issued on the first of the billing month and is due on the 24th of the same month. The 10% penalty is assessed on the 25th day. On the 15th of the following month, the \$10 delinquency fee is added. The following day after the 15th, we process the termination of service and add the \$30.00 charge. This is about 45 days.

Council Member Thompson then commented that he has been on this Council quite a few years, and he has never heard of this type complaint come to Council before. He stated, there is nothing that we can accomplish tonight, other than looking into this matter to see if it's a one person problem or if there's a problem for the whole community, then we need to correct it. We can't do anything on it tonight, and I'm glad you brought this to our attention and we will look into it.

There were no Committee reports given.

Council Member Cannady then moved to enter an executive session for two contractual matters on (1) Great Swamp Sanctuary Exhibits, and (2) Architectural/Engineering Firm on the Loop Project and the I-95 Interchanges. Also, to be considered was one property matter. Council Member Parker seconded the motion that passed unanimously.

The meeting returned to Open Session and the City Attorney stated that an ordinance will be done at an appropriate time. The city will need to have two readings on an ordinance to sell property.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Lucas, seconded by Council Member Cannady 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

APPROVED September 26, 2006