

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, December 8, 2009 at 6:15 P.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson, City Attorney George Cone and Attorney Ashley Amundson were also present. There were approximately 20 persons present in the audience at the meeting.

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

The Mayor then opened the floor to receive Public Input on Agenda Items. No public comments were given.

PUBLIC HEARING:

The Mayor then opened the meeting for a public hearing, duly advertised, to receive public comments on proposed Ordinance # 2009-09.

Ordinance # 2009-09

An Ordinance to Amend Chapter 13, Postings, Soliciting, Advertising; Article II, Political Signs, Banners, Placards, Etc., of the Code of Ordinances of the City of Walterboro, So As to Revise the Provisions for and Set New Procedures for the Handling of Citizen Requests to Place Signs Within the Public Right-of-Way; to Set Forth Criteria by Which the City Will Determine What Types of Signs Are Allowed; to Authorize the City Manager to Receive and Review Such Requests; to Provide Penalties for Violation of this Ordinance; and to Provide a Time Period for Temporary Signs Within the Right-of-Way.

Mayor Young said, basically, this is an ordinance to give the City Manager the authority to allow temporary signs, rather than having persons to bring their requests to Council for approval.

No public comments were received on this proposed ordinance.

The Public Hearing was closed and the regular meeting began.

There were no Minutes before Council for approval.

OLD BUSINESS:

Ordinance # 2009-09 was given Second Reading and Adoption on the motion of Council Member Peters, seconded by Council Member Buckner and passed unanimously, being:

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In discussing the motion, Council Member Buckner stated that he felt that if a citizen is denied a request to place a sign within the city limits by the City Manager, then the citizen should have a right to an appeal process to the City Council. He said that he did not feel that the ultimate final decision should rest with the City Manager. So, therefore if the City Manager decides to deny a request, then a citizen should have the "right of appeal" to the City Council. Councilman Buckner then stated, I would like to amend this ordinance to provide for an appeal process for residents if the City Manager should deny the citizen's request.

City Manager Lord then stated that is inherent in all the ordinances whereas anything that staff does is appealable to City Council.

Council Member Lucas pointed out that if a citizen does not meet the requirements, then they do not really have the option of coming before Council. It is not just an arbitrary decision, there are some strict criteria they must meet.

City Manager Lord agreed and stated that this action will be set up to facilitate those requests that Council have traditionally done. So staff will go through the process and they will not have to wait on the next Council Meeting. If there are any questions, there is a provision for the City Manager to direct it to City Council.

The motion then passed unanimously, with all members voting in favor.

NEW BUSINESS:

Ordinance # 2010-01, An Ordinance to Annex Certain Property to the City of Walterboro was given First Reading Approval on the motion of Council Member Lucas and seconded by Council Member Peter. This property is Tax Map #178-08-00-044, located at the corner of Carter Street and Highway 63 owned by Donald Wayne Lake, Jr, and Tammy M. Lake. The motion passed with all members voting in favor.

Ordinance # 2009-02, was given First Reading Approval on the motion of Council Member Parker, seconded by Council Member Lucas and passed unanimously, being:

An Ordinance Adopting and Enacting a New Code for the City of Walterboro, South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for Certain Portions of the City Code Adopted in 2003 to Remain in Full Force and Effect; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and this Ordinance Shall Become Effective.

_____The Mayor announced that City Council had a number of public work sessions where Council went through the new revised City Code Book item by item over a period of a couple of months. This ordinance is the result of that work and it is now before Council for First Reading. The Mayor then thanked Attorney Ashley Amundson for her hard work on the new revised code book. Mayor Young felt that the new revised code book is more concise and a lot cleaner.

Consideration of Bids Received for the Great Swamp Sanctuary Invasive Rehab Project

City Manager Lord introduced this agenda item. He stated that this project was a result of a grant that the City received from the U.S. Fish and Wildlife Service to remove invasive species along the asphalt trail in the Great Swamp Sanctuary from

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Washington Street at the Detreville entrance. This area had been heavily impacted by Wisteria and other invasive species which acts to degrade the park. The City received a 50% matching grant from the U.S. Fish and Wildlife Service in the amount of \$18,900.00. The total amount available is \$37,800 for a three-year project. Mr. Lord pointed out that the rehab work is very specialized work. There are only a few firms that do this kind of work, because they have to be able to identify the different plants and also have the proper chemical license. Two bids were received as follows:

CPS/Timberland Division	-	\$36,850.00
Stone Forestry Services	-	\$39,950.00

Mr. Lord then recommended the award of the rehab project to the low bidder CPS/Timberland Division.

The Mayor then entertained a motion to award the rehab contract to the low bidder. Said motion was made by Council Member Lucas, seconded by Council Member Parker.

In discussing the motion, Council Member Buckner asked if any bids were received from any South Carolina firms. Mr. Lord responded that none were received. Staff published the notice locally and this is very specialized work.

The motion passed unanimously with all members voting in favor.

Consideration of \$30,000 Funding Assistance to Habitat for Humanity from the Program Income Fund

A motion was made by Council Member Lucas to approve \$30,000 funding assistance to Habitat for Humanity from the Program Income Fund. Council Member Smalls seconded the motion.

In discussing the motion, Council Member Buckner stated that he is a member of the Board for Habitat for Humanity, and therefore he recused himself from voting on this motion.

Council Member Smalls then asked Ms. Lou Ann Adams, who was present on behalf of Habitat for Humanity, if there were any difficulties with the house that is almost completed. Ms. Tasha Price, Director of Habitat for Humanity, responded that the house is complete and that Habitat is in the process of getting a closing date scheduled. There was a lien on the property and Habitat had to clear that lien up before a closing date could be set.

A brief discussion was held on why there was a lien on the property. Ms. Tasha Price informed Council that the lien was placed on the property in 2003 and was resolved in 2006. It was Colleton Medical Center that placed a lien on the property for outstanding debt. Attorney Cone affirmed that this matter was resolved in 2006. Mayor Young affirmed that the property was clear of the lien before the City gave the property to Habitat.

The motion then passed with all members voting in favor, except Council Member Buckner recused himself from voting on the motion due to the fact that he is a member of the Board of Directors for Habitat for Humanity.

Request to Waive Sign Ordinance for Placement of Temporary Advertisement Signs in City Limits During December - by Willard Long

City Manager Lord clarified that the permit to allow the placement of the advertisement signs would last for seven days, not the entire month of December. On a question from Mayor Young, City Manager Lord responded that it would be up to the

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businesses to identify the seven days they would use to place the signs. The placement of the signs ends on January 1.

A motion was made by Council Member Peters to waive the sign ordinance to allow businesses an additional seven days to display attention-getting devices. Council Member Lucas seconded the motion. In discussing the motion, Council Member Buckner asked Mr. Long where he would place the signs. Mr. Long responded that the signs would be placed at four different firework stores that he owns - three stores on Highway 63 and one store on Bells Highway. Council Member Peters wanted to make sure that all businesses were included in this matter and not just the fireworks stores. Attorney Cone believed that this was restricted to the Interstate Commercial Zone. City Manager Lord recommended that the placement of the signs should be citywide. This is restricted to the property. This is a seven-day permit where you can only place attention-getting devices where your business is located.

The Mayor then stated that it is understood that this is a citywide waiver of the sign ordinance. On a question raised by Council Member Lucas, City Manager Lord responded that as he understands the motion, this would be an allowance of a second seven-day permit. So, anyone who has already used their first seven-day permit, can do another. Mayor Young asked how staff would keep up with how everybody uses their seven days, if everybody can use a different seven days. Mr. Lord responded that whenever staff finds somebody who has new attention-getting devices out, we usually tell them they need to get a permit, and that will be used for their first seven days. We keep track of this. Mr. Lord also affirmed that the permit is for a consecutive seven day period. On a question raised by Council Member Buckner on whether this was for the holiday season, Mr. Lord responded that this would be for one seven day permit for the rest of this year.

The motion then passed with all members voting in favor.

Street Closing Request for Martin Luther King, Jr. Day Parade on January 17, 2010

A motion was made by Council Member Buckner to approve the street closing parade permit request as submitted for the Martin Luther King, Jr. Day Parade on January 17, 2010. Council Member Peters seconded the motion that passed with all members voting in favor, except Council Member Smalls did not vote in that he is a member of that organization.

Announcement of Annual City Council Retreat

City Manager Lord announced that Walterboro City Council would conduct its annual planning retreat on Friday, January 29, 2010, through Sunday morning, January 31, 2010 to be held at the Wild Dunes Conference Center, Isle of Palms, SC. No formal action will be taken on any item at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration.

There being no further business, a motion to adjourn was made by Council Member Parker, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at 6:50 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: January 12, 2010