

Walterboro City Council
Public Hearing and Regular Meeting
April 13, 2010

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, April 13, 2010 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, and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson, City Attorney George Cone and Attorney Ashley Amundson were also present. Council Member Franklin Smalls was absent. There were approximately 30 persons present in the audience at the meeting.

Mayor Young called the meeting to order and gave the invocation. Council Member Parker led the Pledge of Allegiance to our flag.

PUBLIC INPUT ON AGENDA ITEMS:

The Mayor then asked for public comments on agenda items. No public comments were given.

PUBLIC HEARING:

The Mayor then announced a public hearing duly advertised to receive public comments on the submittal of a CDBG Grant Application for the Francis Street Water Looping Project in the amount of \$416,925. The Mayor recognized Ms. Michelle Knight of Lowcountry Council of Governments to conduct the hearing. A copy of the sign-in sheet for the public hearing is attached.

Ms. Knight stated that the hearing is being held to receive any comments, pros and cons, on the application the City is submitting to the South Carolina Department of Commerce. The application falls under the "Ready to Go" Set Aside, which is a non competitive grant program. The request is for \$416,925 and the City is being asked to provide a \$53,000 match to go along with the project to do water looping along Francis, Bailey, Warren, Hill, Popular and Breland Streets. This is to address water pressure and fire flow issues in those neighborhoods. She stated, these people have water service already, this is just to improve the service that they have. Basically the project will serve roughly 223 people, of which 86% are low to moderate income. The project area consists of 90 occupied households, four vacant units and several businesses and churches that would be affected by the improvements.

Ms. Knight then opened the floor to receive public comments. No comments were given and the hearing was closed.

PROCLAMATIONS AND RESOLUTIONS:

1. **Resolution No. 2010-R-04**, A Resolution Authorizing Submission of a CDBG Grant Application for the Francis Street Water Looping Project in the Amount of \$416,925 and Committing \$53,000 in Local Match Funds was before Council. A motion to approve Resolution # 2010-R-04 was made by Council Member Peters and seconded by Council Member Parker.

In discussing the motion, Council Member Buckner asked for clarification on the benefits to the residents as it relates to this project. Utilities Director Wayne Crosby explained that the project is primarily to increase fire flow in those areas. There are a lot of dead-end, six inch lines on each one of those side streets including Breland Street, Hill Street, etc. This is to connect each one of those dead lines with a larger eight-inch line stretching the entire length of Francis Street.

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The motion then passed unanimously, except Council Member Smalls was absent and did not vote. A copy of the resolution is attached as part of these minutes.

At this point, the Mayor announced that Council Member Smalls was out of town attending the funeral of his brother-in-law in Washington, D.C.

2. **Resolution No. 2010-R-05**, A Resolution Honoring Sylvia Rowland on her retirement from the Walterboro/Colleton County Library, was approved on the motion of Council Member Parker, seconded by Council Member Lucas and passed unanimously. Mrs. Rowland was recognized for her contributions to the library for more than 25 years, where she served as its Executive Director for more than 23 years. The Mayor read the resolution in its entirety into the records. A copy of said resolution is attached and made a part of these minutes.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2010-04 (First Reading)**

A motion was made by Council Member Parker, seconded by Council Member Lohr giving First Reading Approval to Ordinance # 2010-04, being:

An Ordinance to Amend Chapter 21, the Walterboro Zoning Ordinance and Land Development Regulations, Section 1.6, Definitions and Rules of Construction, to Add Definitions for "Alternative Financial Services Institutions," "Check-cashing Services," "Deferred-presentment Services," and "Title-lending Services"; and to Create a New Article XI, "Alternative Financial Service Institutions," to Set Forth Regulations Regarding Locations of Such Businesses.

In discussing the motion, Council Member Buckner asked for further clarification on this ordinance. He stated, we have had this issue previously before us and we talked about it. I think the goal of this ordinance was to not totally eliminate these types of businesses, but curtail them from continuing to operate in the City. I think there was the issue of possible lawsuits, so I want to ask the City Attorney where are we exactly with this ordinance? If we added the information on the language about the lease, what is the probability that we would be facing any type of potential lawsuit?

City Attorney Cone then referred the response to Attorney Ashley Amundson. Attorney Amundson reported that she had spoken with attorneys in Greenville, who relayed that they had also adopted a similar ordinance. They do have some lawsuits ongoing which have not been resolved. So, we don't really know what the outcome of those lawsuits will be. One thing we discussed that you can consider is to look at the "lease" issue or you could do the total number of years. Of course, when you do something like those options, you are going to be opening up potential liability.

Mayor Young felt that the way the language is written in the ordinance, it basically "grandfathers in" the existing businesses, unless they close for more than 90 days. Then, if they reopen or if another similar business comes in, they would then have to meet the requirements of the ordinance.

Mayor Young further reported that in looking at this ordinance, we found there is a difference between "supervised" lending institutions and "non-supervised" lending institutions. Most of the payday loans companies are what they call "non-

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supervised institutions" and when you break them down according to that, the numbers we had been working with were not as high as we thought. Also, in looking at the leases, aside from the lawsuits or the legal issues, we had an impact on landlords, that probably we had not foreseen. So, I think this is a good compromise between the stricter language and no ordinance at all. It falls in the middle, and allows us to move toward limiting the number of payday lenders, but at the same time it does not immediately shut people down or cause landlords to lose tenants immediately.

Council Member Lucas then asked, if we pass this ordinance as is and then later we find out that Greenville's legal situation can benefit the city, could we go back and make the ordinance stricter? Attorney Amundson responded that Council can always amend the ordinance if it desires.

The motion then passed unanimously giving First Reading Approval to Ordinance # 2010-04, except Council Member Smalls was absent and did not vote.

2. Ordinance # 2010-05 (First Reading)

The Mayor explained that the ordinance was left out of the City's Zoning Ordinance before and the FAA will not go forward with some of the things that the Airport is addressing at this time until we get this completed.

City Attorney Cone explained that City first adopted an Overlay Zone Ordinance in 1992 and somehow when the Zoning Ordinance was recodified, it repealed all prior zoning ordinances and did not include an Overlay Zone. This Ordinance has been modified in Section 12.6 Non-Confirming Uses, to better address the responsibility for the expense of cutting trees and allowing the cutting of trees and vegetation in their entirety if only the top of the tree encroaches in the Overlay Zone. It also provides that the Airport Commission will have the responsibility for paying for that. It also modifies that "future non-conforming uses" will be handled in the same manner in the event runways are lengthened. So, with those few changes, it is basically the same as the 1992 ordinance.

A motion was made by Council Member Peters, seconded by Council Member Lucas, giving First Reading Approval to Ordinance # 2010-05, being:

An Ordinance to Amend the Walterboro Zoning Ordinance and Land Development Regulations So as to Create a New Article XII to Reestablish and Provide for an Overlay Zone to Include Airport Overlay Zone Height Restrictions and Matters Related Thereto.

The motion passed with all members voting in favor, except Council Member Smalls was absent and did not vote.

3. Ordinance # 2010-06 (First Reading)

The Mayor then stated, I think it would probably be a good idea if we adopt this and wait a month or so and post it on our website and make it available to give people time to look at it. Then we can come back in a month or five weeks and have second reading.

A motion was made by Council Member Parker, seconded by Council Member Lucas, giving First Reading Approval to Ordinance # 2010-06. In discussing the motion, the Mayor recognized Mr. Thomas Angell, Chairman of the Municipal Planning Commission. Mr. Angell told Council his commission was excited to have the requisite land development plan done and hope that Council will like it. Mayor

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Young stated, I know you have worked a long time and worked hard on this new plan. Council Member Peters stated that the new comprehensive plan was really in depth and that he would like to have a special work session with the Planning Commission before the plan is adopted. There were some things that I have looked for, but have not yet found, he stated. Mr. Peters then requested that Mr. Angell or a member of the committee is available to talk with Council about the comprehensive plan.

Council Member Buckner commended the Planning Commission for the work they have done with the Comprehensive Plan, because this is like our road map for the City of Walterboro. I will agree with Council Member Peters that we should talk about this. I have read through this and there are a few issues and some concerns dealing with the preamble and the statement for the City of Walterboro. There is some language there that I would like to tweak or change that I think would help us out. Mr. Angell responded, we will welcome your input.

The motion then passed unanimously, except Council Member Smalls was absent and did not vote.

4. Consideration of Requests for Qualifications (RFQ's) for Revision of the City of Walterboro Zoning Ordinance and Land Development Regulations

The City Manager briefly described this agenda item. He reported that the City had requested qualifications from planning consulting firms that specialize in revising Zoning Ordinance. The City advertised in the South Carolina Business Opportunities and received four submittals. Mr. Lord reported that City staff and Mr. Thomas Angell interviewed two firms - Benchmark and Clarion Associates of Chapel Hill, NC. It was their unanimous recommendation that Council accept Benchmark, CMR as the most qualified firm, so that staff can seek contractual terms with them. This will then be brought back to Council. Mr. Lord also reported that Benchmark is the firm also engaged by the County to do their Zoning Ordinance and Comprehensive Plan. So, they have a lot of knowledge about this area and it will help us match up the boundaries because of their knowledge with the county's Zoning Ordinance and Comprehensive Plan.

A motion was made by Council Member Peters to approve Benchmark, CMR Inc. for revision of the City of Walterboro's Zoning Ordinance. Council Member Lohr seconded the motion. In discussing the motion, Council Member Buckner stated that he would like to make a point on the RFQ's. In addition to that with the Request for Bids, and with any job opportunity, I would like to see those things posted on our City's website. I think that is something that we can do. It would be good to put that out there, so the government can be as transparent as possible. We want to have that perception that everything is open to everybody. I'd like to see RFQ's, Requests for Bids and Job Opportunities for the City on the website advertised. City Manager Lord noted that city job opportunities are already posted on the website and we can easily add another page for solicitations.

Council Member Lucas then asked, when do we look at the price for this, with regard to the Request for Qualifications. City Manager Lord responded, if you approve this, then we will start contractual negotiations with them and then we will bring that back to you.

The motion then passed with all members voting in favor, except Council Member Smalls was absent and did not vote.

5. Request to Use City Parking Lot for Farmers Market by Clemson Extension

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On behalf of Marilyn Peters, who was unable to attend the meeting, Mr. David Smalls appeared before Council requesting use of the City Parking Lot for the Farmers Market starting on May 15. There was a grant obtained through the county for the building of the new Farmer's Market. The construction of that building will start in late May or early June. So, we would like to use the City Parking Lot using the area closest to the Bethel United Church side fence. This will not hinder traffic patterns going in and out of the parking lot. This would be every Saturday between 10:00 and 2:00 P.M. starting May 15 to August.

A motion to grant the request by Clemson Extension for use of the City Parking Lot as submitted was made by Council Member Lucas, seconded by Council Member Parker. **The motion passed with a vote of 5/0 with Mayor Young, Council Members Buckner, Lucas, Parker and Lohr voting in favor. Council Member Peters abstained from voting due to a conflict of interest and Council Member Smalls was absent and did not vote.**

6. Requests by the Colleton County Historical and Preservation Society for the 2010 Antiques & Arts Festival, May 14-15, 2010

Ms. Sarah Miller, Vice President of the Colleton County Historical and Preservation Society, appeared before Council with the following requests in regard to the 2010 Antiques & Arts Festival to be held May 14-15 in downtown Walterboro:

1. Hanging of 36 banners on Washington Street and six large banners on Jefferies Blvd.
2. Closing of Lucas Street between Washington and Hampton Streets and the closing of Washington Street to the drive way of the Cannady Insurance Agency from May 14 (Friday AM) to May 15 (Saturday night).
3. Reserve two parking spaces on Washington Street directly in front of the Cannady Insurance Agency and two spaces directly across the street.
4. Reserve two spaces in the City Parking Lot for Port-o-Lets, facing Lucas Street.
5. Reserve the entire row of parking spaces facing Lucas Street in the City Parking Lot for the antique tractors.
6. Allow for event direction signs to be placed where appropriate in the city starting Wednesday, May 12.
7. Allow for "Carriage Route" signs to be placed along the Historic Walterboro Tour route.
8. Permit for Antique Tractor Parade from City Parking Lot onto Hampton Street to Walter Street to Hampton to Memorial and Hampton and back to the City Parking Lot
9. Permit for Historic Walterboro Carriage Tours from Miller Street to Church to Heyward, to Valley Street, to Lemacks, to Savage, to Lubbs house, turn and go back to Valley, to Verdier, to Webb, to Witsell, to Church and back to the Bedon Lucas House.

A motion to approve the requests by the Colleton County Historical and Preservation Society as submitted was made by Council Member Lucas, seconded by Council Member Peters. In discussing the motion, Council Member Buckner asked if the tours meant that this carriage would be "horse driven." Ms. Miller affirmed that the carriage would be driven by mules.

On a question by Mayor Young, Chief Rhodes affirmed that his department would be able to handle the carriage route, which has a slight change from the route used last year.

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Ms. Gale Doggette, on behalf of the Historical Society, then asked that Council also include in their request the "waiver of the business license fees for the vendors for the two-day event."

Council Member Lucas then amended his motion to include the change as requested by Ms. Doggette. Council Member Peters seconded the motion that passed unanimously, except Council Member Smalls was absent and did not vote.

There were no Committee Reports given.

The Mayor then entertained a motion to enter an Executive Session. Council Member Lucas **MOVED** and Council Member Parker seconded the motion to enter into an Executive Session. The motion passed unanimously, except Council Member Smalls was absent and did not vote.

The Mayor announced that the meeting would enter an Executive Session for a discussion of matters relating to the proposed provision of services encouraging the location or expansion of businesses in the area and for a discussion regarding the development of security personnel or devices related to the Rice Festival. The meeting then convened into Executive Session.

The meeting returned to Open Session with no action being taken as a result of the Executive Session.

There being no further business, a motion to adjourn was made by Council Member Parker, seconded by Council Member Peters and passed unanimously. The Mayor adjourned the meeting at 8:09 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 27, 2010