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# City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

**Walterboro City Council  
Regular Meeting  
October 3, 2017  
City Hall  
6:15 P.M.**

## **A G E N D A**

### **I. Call to Order:**

1. Invocation.
2. Pledge of Allegiance.

### **II. Public Input on Agenda Items:**

### **III. Public Hearing:**

1. **Ordinance # 2017-08**, An Ordinance to Approve and Carry into Effect an Intergovernmental Agreement Between the City of Walterboro and Colleton County to Provide for the Sale and Transfer of Rights in Real Property Owned by Colleton County, South Carolina and Other Property Owned by the City of Walterboro and Matters Related Thereto.
2. **Ordinance # 2017-09**, An Ordinance Authorizing the City of Walterboro to Grant an Easement/Right of Way to the South Carolina Department of Transportation Over Property Adjacent to the Present Right-of-Way of South Jefferies Boulevard (Us Hwy 17A/SC Hwy 63).

### **IV. Approval of Minutes:**

1. Minutes of the June 6, 2017 Regular City Council Meeting (Minutes attached).
2. Minutes of the August 1, 2017 Regular City Council Meeting (Minutes attached).
3. Minutes of the August 30 Joint Luncheon Meeting with County Council (Minutes attached).

### **V. Old Business:**

1. **Ordinance # 2017-08**, An Ordinance to Approve and Carry into Effect an Intergovernmental Agreement Between the City of Walterboro and Colleton County to Provide for the Sale and Transfer of Rights in Real Property Owned by Colleton County, South Carolina and Other Property Owned by the City of Walterboro and Matters Related Thereto, **Second Reading and Adoption** (Ordinance attached).

2. **Ordinance # 2017-09**, An Ordinance Authorizing the City of Walterboro to Grant an Easement/Right of Way to the South Carolina Department of Transportation Over Property Adjacent to the Present Right-of-Way of South Jefferies Boulevard (Us Hwy 17A/SC Hwy 63), **Second Reading and Adoption** (Ordinance attached).

**VI. New Business:**

1. **Ordinance # 2017-10**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 6, Section 6.5, Flood Damage Control, of the Unified Development Ordinance of the City of Walterboro, **First Reading** (Ordinance attached).
2. **Ordinance # 2017-11**, An Ordinance to Update the Elements of the City of Walterboro Comprehensive Plan, **First Reading** (Ordinance attached).
3. **Ordinance # 2017-12**, An Ordinance to Amend the Zoning Map of the City of Walterboro, South Carolina, to Provide for Changes in the Zoning Districts of the City of Walterboro by Changing the Zoning Classification of Two Parcels of Land on Wichman Street Designated as TMS #'S 163-11-00-135 and 163-11-00-136 from General Commercial District (GCD) to Central Business District (CBD), **First Reading** (Ordinance attached).
4. **Proclamation No. 2017-02**, A Proclamation Designating October 28 - November 5, 2017 as "Brag a Little About Walterboro Week" (Proclamation attached).
5. Request to Hang Banner Announcing Brag a Little About Walterboro Week to Display **October 28 - November 5, 2017**, Michelle Strickland, Tourism Director (Memorandum attached).
6. Consideration of Veterans Day Parade Permit Request, **November 12, 2017**, Colleton County Veterans Council (Letter and Permit Request attached).
7. Request for Street Closings for Annual Christmas Parade on **Dec. 3, 2017** by Michelle Strickland, Tourism Director (Letter and Parade Permit Request attached).

**VII. Committee Reports:**

1. City Appearance Board - Council Member James Broderick.

**VIII. City Manager's Report:**

**IX. Executive Session:**

1. Receipt of Legal Advice - Offences and Miscellaneous Provisions, Article XI.
2. Discussion of Matters Encouraging Location and Expansion of Businesses - Bailey Bill.
3. Contractual Matter - Public Defender.

**X. Open Session:**

1. Council May Take Action on Matters Discussed in Executive Session.

**XI. ADJOURNMENT.**

# AFFIDAVIT OF PUBLICATION IN

## The Press and Standard

PERSONALLY appeared before me, William B. Moore, who being duly sworn, says that he is the publisher of The Press and Standard, published on Thursday of each week in Walterboro, County of Colleton, State of South Carolina; that the notice, of which a printed copy is hereby attached, was published in The Press and Standard for **One (1)** issues, and publication commencing on September 14, 2017 and ending on September 14, 2017.

SWORN to before me


this 14 day of SEPT, 2017  
Barbara McCull (L.S.)

Notary Public for South Carolina

Commission Expires 6-4-22.



William B. Moore



### PUBLIC HEARING NOTICE

Walterboro City Council will hold a public hearing on Tuesday, October 3, 2017 at 6:15 P.M. in City Hall, 242 Hampton Street, to receive public comments on the following proposed ordinances:

**Ordinance # 2017-08, An Intergovernmental Agreement Between the City of Walterboro and Colleton County To Provide for the Sale and Transfer of Rights of Real Property Owned by Colleton County, South Carolina and the City of Walterboro; and Other Matters Relating Thereto.**

**Ordinance # 2017-09, An Ordinance Authorizing the City of Walterboro to Grant an Easement/ Right of Way to the South Carolina Department of Transportation over Property Adjacent to the Present Right-of-way of South Jefferies Boulevard (US Hwy 17A/SC Hwy 63).**

Copies of the proposed ordinances are available in the City Manager's Office at City Hall, 242 Hampton Street. Written comments may be mailed to the City Manager, P.O. Box 709, Walterboro, SC 29488 and must be received prior to the public hearing. Please call the City Manager's Office (843-782-1010) for additional information or for disabled persons needing auxiliary aids. Please give at least 24 hours notice if auxiliary aids are required.

## **DRAFT**

Walterboro City Council  
Regular Meeting  
June 6, 2017

### **MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, June 6, 2017 at 6:15 P.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Clerk Betty Hudson and City Attorney George Cone were also present. There were approximately 13 persons present in the audience.

There being a quorum present, the Mayor called the meeting to order and invited everyone to join in the invocation and the Pledge of Allegiance to our flag. Council Member Syfrett gave the invocation and Council Member Siegel led the Pledge of Allegiance to our flag.

#### **PUBLIC INPUT ON AGENDA ITEMS:**

No public comments or questions were raised on agenda items.

#### **PUBLIC HEARING:**

The Mayor then opened a public hearing, duly advertised, to receive public comments on the following proposed ordinances:

- 1) **ORDINANCE # 2017-04**, An Ordinance Adopting the City General Fund Budget for Fiscal Year 2017-2018 and Matters Relating Thereto.
2. **ORDINANCE # 2017-05**, An Ordinance Adopting the City Enterprise Budget for Fiscal Year 2017-2018 and Matters Relating Thereto.

No public comments or questions were received on Ordinances # 2017-04 or Ordinance #2017-05. The public hearing was closed.

#### **PRESENTATION:**

1. **Seeking Volunteers in Colleton County - Ms. Carly Fountain- American Red Cross, Lowcountry SC Chapter**

Ms. Carly Fountain, the Volunteer Services Manager for the Lowcountry Chapter of Red Cross, then addressed Council. She reminded Council that the Red Cross helps with blood selection efforts, military members and their families and also disaster response efforts. Ms. Fountain said that 90% of their workforce at American Red Cross is made up of volunteers. We also have, unfortunately, many disasters to respond to across South Carolina. As we need to respond to those home fires, we need volunteers to help with that. I am here to ask you to help us find volunteers in this area to help people that live in their community to recover from home fires or other major disasters like tornadoes or hurricanes.

Our disaster action team is our team of volunteers who respond to home fires. Also with smoke alarms, we have an effort to combat home fires. We need volunteers to help us with opening shelters, maintaining and running shelters that help us keep our residents out of harms way, and any special events that may come up. There is definitely a need here for us to have help and it is great for us to help local folks. So, if you are aware of any community events that we could help with, or if you have any ideas for a presentation, we are very open to suggestions on how we may achieve that.

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She then passed out materials explaining how to sign up to be a volunteer.

The Mayor stated, we appreciate all that you do. This is so important to us in times of need, and to those that need your help. Hopefully, we can help by your being here tonight, we can help get the word out and maybe we can get some help.

Council Member Bridge asked Ms. Fountain, where is your office located? Ms. Fountain responded, we actually have three offices within our nine counties. Our major office is in Charleston, and we also have an office in Bluffton.

This presentation was accepted by Council as information.

**APPROVAL OF MINUTES:**

Upon the motion of Council Member Broderick, seconded by Council Member Bridge, the following minutes were unanimously approved as submitted:

1. Minutes of the April 4, 2017 Work Session, 2017-2018 Budget.
2. Minutes of the April 4, 2017 Regular Meeting.
3. Minutes of the May 2, 2017 Public Hearing and Regular Meeting.
4. Minutes of the May 9, 2017 Special Called Meeting.

**OLD BUSINESS:**

1. **Ordinance # 2017-04**, An Ordinance Adopting the City General Fund Budget for Fiscal Year 2017-2018 and Matters Relating Thereto, **Second Reading and Adoption.**

A motion was made by Council Member Siegel giving Second Reading and Adoption to Ordinance # 2017-04 as submitted. Council Member Broderick seconded the motion that passed with all members voting in favor.

2. **Ordinance # 2017-05**, An Ordinance Adopting the City Enterprise Budget for Fiscal Year 2017-2018 and Matters Relating Thereto, **Second Reading and Adoption.**

A motion was made by Council Member Bonds giving Second Reading and Adoption to Ordinance # 2017-05 as submitted. Council Member Broderick seconded the motion that passed unanimously.

**NEW BUSINESS:**

1. **Consideration of Canceling the July 4, 2017 Regular City Council Meeting**

Since July 4, 2017 is a scheduled City holiday, a motion was made by Council Member Siegel, seconded by Council Member Lohr to cancel the July 4, 2017 Regular City Council Meeting. The motion passed unanimously.

The Mayor announced that we can always have a special called meeting if the need arises.

2. **Consideration of Contract with SAFEbuilt to Provide Building Inspection Services for the City of Walterboro**

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Regular Meeting  
June 6, 2017

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At this point, City Manager Molinari stated that Assistant City Manager Hank Amundson would brief Council on the proposed contract for inspection services for the City.

Assistant City Manager Hank Amundson told Council that staff submitted an RFQ for inspection services back in April, and in May considered two bids that were received. Since then, staff has been working through the contract process with SAFEbuilt. A copy of the "Professional Services Agreement Between the City of Walterboro, South Carolina and SAFEbuilt Carolinas, LLC" had been provided to Council.

Mr. Amundson told Council to feel free to ask any questions regarding the proposed contract. He then gave a brief summary of the proposed contract with SAFEbuilt:

1. First, we will do intensive catching up on unsafe structures - the in depth things that we have not been able to do recently, and do some code enforcement for the first couple of weeks before July 1.
2. Phase 2 will be happening concurrently, which is also more intensive than phase 3, which will be working through the processes with this company prior to July 1, so that we all know the expectations, processes, communication and how to uniformly and nicely answer questions of our citizens.
3. On July 1, we will start phase 3, which will be the actual implementation of the operation, which will be done on an ongoing basis. As you can see in the contract, we have good response times and it is done on a percent of permit fee basis going forward.

The Mayor then entertained a motion to approve the contract with SAFEbuilt for building inspection services. Council Member Broderick so moved and Council Member Syfrett seconded the motion.

In discussing the motion, Council Member Siegel asked the City Manager about the percentage of the fees. He asked, is this percentage that we will be paying consistent with others - those other persons or entities contracting with us? Mr. Amundson responded, yes, and in fact you can opt for a percent of each permit or some entities just pay straight hourly rates. We know that based on numbers, that this is a better deal for the City. Additionally, we know that a percent of permit is a protection, because never has our permit fee structure covered inspections, and through this contract, it is covered. And it is in line with others.

Council Member Bonds then raised the following questions. He brought attention to phase 1, which will be some intensive examining of unsafe structures. He asked, can you tell me more about what you mean by that? Mr. Amundson responded, I will tell you a couple of specific examples. We have had some homes burn recently, and we have to have a certified building official to begin the process of taking down unsafe burned buildings. We have had some houses that had the process started in the past, but have remained unsafe. There are certain things that a building official has to do that I can't do. So, those things have to be caught up, because we want to get into the fee for percentage of permit phase, that's based on more building permits. This phase is more intensive, because it has not been done.

Council Member Bonds then stated, the term of the contact is a year and 18 days, is that right? Mr. Amundson responded, right. Mr. Bonds then directed a question to City Manager Molinari. He said, Jeff didn't you say that this is an outfit that you and/or Hank have checked out as far as dealing with other municipalities? Mr.

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Molinari responded, that is correct. I have talked to other managers and administrators around the state who have used SAFEbuilt and they all have been very pleased with their work.

Council Member Syfrett then asked if this would change the way the City has been doing its code enforcement? Assistant City Manager Amundson responded, no. This is for building inspection services. Code Enforcement will still be the same.

Council Member Bonds then said, if you have for example a \$300,000 house and an \$800,000 house, are the inspection fees different based on the dollar value of the house? Mr. Amundson responded yes. Mr. Bonds then asked if it has always been that way? City Manager Molinari noted that the fee is based on the value of the house. Assistant City Manager Amundson added, it's all based on our codes.

Council Member Bonds said, and that's the way it was before. In other words, nothing has changed as it relates to what our citizens are going to be having to pay for these services? City Manager Molinari responded, that would have to be done by ordinance. Council Member Bonds responded, that's fine.

Mayor Young then asked, how do we make sure that you don't have repeat inspections unnecessarily?

Assistant City Manager Hank Amundson stated that in setting up the process, we made clear from the beginning what our goals were, and if we don't like them, there is severability, if there is something that's not working. Mayor Young then said, what prevents them if they go into a construction site from going back two or three times for something they can do in one trip? Mr. Amundson responded, because they don't get paid for the second and third visit. Mr. Amundson added, and that's why it is dangerous to do the hourly rate as opposed to the percent of permit fee.

Council Member Bridge asked if the percentage rate includes the travel cost? Mr. Amundson responded that the hourly services are only for this period where it is not covered by any permit revenue. That's for this ramping up period, so we can get everything going. We need to make sure that Bonnie, Bill, Gloria and myself, all speak the same language, have the same expectations and make clear to them our expectations of how we deal with the citizens.

Council Member Broderick asked if the SAFEbuilt inspector will report to the Assistant City Manager, and how often? Mr. Amundson responded that the inspector would be in a couple times a week at a minimum, but they have also committed to turnaround times on inspection requests. So, again the way they described their services is you can dial up and dial down, so if you have a more intensive project, like I just did the zoning, final check at the new Hampton Inn today. That requires more permits than housing starts. Because it is a percent of permit fee, they can be here more frequently because they are required to and it is worth their while.

Council Member Bridge then asked if Council could receive a report in 3 months as to the cost for this and how it is working, because it is new and different from what we have been doing?

Mr. Amundson responded that one of the things we have negotiated down was the term, because just on principle, we will do one year-terms with clear notice periods.

Council Member Bonds then said, as far as contractors and getting notice in, and having it by x time the day before, are we going to make sure they know about that? Assistant City Manager Amundson, responded yes, I agree. That's one of the things that helped their proposal rise above, is that they want to have outreach events even



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in the beginning to be clear, to meet the contractors and be involved. Our goal as a department is to help you build your house and help you build your building safely, not to penalize you and not to try and catch you doing it.

**The motion then passed with all members voting in favor.**

3. **Consideration of a Memorandum of Agreement Between the City of Walterboro and the Marine Corps Air Station (MCAS) Beaufort, SC for Mutual Aid Support**

City Manager Molinari then recognized Fire Chief Wayne Lake, who was present to brief Council on the proposed mutual aid agreement.

Fire Chief Wayne Lake then addressed Council. He said an important part of the Fire Department's planning process includes Mutual Aid Support Agreements with other fire departments for emergency situations, mainly structure fires. Some of the examples that we may need some help with are: the Colleton Center, Salkehatchie, several structures on East Washington Street and churches within our communities. He told Council that weather conditions also play a part in needing mutual aid support. For example, last August we had a structure fire at 474 Hampton Street and we called in mutual aid support for that.

Fire Chief Lake said he was recently approached by Fire Chief Darren Vaughn from the Marine Corps Air Station in Beaufort, and Chief Vaughn offered to enter into a Mutual Aid Support Agreement with the Walterboro Fire Department. We visited his fire station on Friday, June 2, and received a tour of the fire station, as well as the equipment, so we would know what's available to us, as well as personnel.

Concluding, Chief Lake said, I believe it would be in our best interest to enter into this agreement, so I would like Council to accept the agreement. He asked if Council had any questions. No questions were raised.

A motion was then made by Council Member Syfrett to approve the Mutual Aid Agreement with the City of Walterboro and the Marine Corps Air Station, Beaufort, SC as submitted. Council Member Lohr seconded the motion.

In discussing the motion, Council Member Bonds asked if this was substantially the same agreement we have with others, like St. Paul's, Edisto Beach or the County. Chief Lake responded, it's not the same. I like this agreement because it gives us a lot of freedom to not send in help if I don't have enough to send in. I can simply call them and tell them I can't send help because I don't have enough personnel to send to you. This agreement is a real easy read, it's really simple. Some of the things I like about this agreement is that they are not going to charge us anything for coming to assist us. Also, if anything happens to any of their people, they are responsible for it. The Mayor added, and if anything happens to our people, we are responsible.

**The motion then passed unanimously.**

4. **Consideration of Extending the City Manager's Contract through June 6, 2020**

The Mayor stated that all Council Members have received copies of this contract. He then entertained a motion to approve the City Manager's contract.

A motion was made by Council Member Bridge to approve extending the City Manager's contract until June 6, 2020. Council Member Siegel seconded the motion that passed unanimously.

City Attorney Cone pointed out that there are a number of blanks in the contract. He asked that Council fill in the blanks on the one that you have adopted.

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Mayor Young said, we will fill them in tonight. He stated that Jeff has them for us. The City Attorney then asked, what date will the contract run through? The Mayor responded 2020. This is a three-year contract. Attorney Cone asked if the contract date would start from tonight or from June 30. The Mayor stated it would start from June 6.

**COMMITTEE REPORTS:**

There were no Committee Reports given.

**CITY MANAGER'S REPORT:**

1. **Carolinas Cycling Association Regional Criterium Championship, June 17, 2017**

City Manager Molinari then introduced Assistant City Manager Amundson to introduce a planning report on the Regional Criterium Championship to be held here on Saturday, June 17.

Mr. Amundson then addressed Council and stated that Michelle Strickland, Tourism Director, has been working hard on this. She presented it the last time to Council when it was approved. She is grateful and we are all grateful for this to happen.

Mr. Amundson said, we immediately went downtown and starting planning with the businesses. There was a little resistance, so we started to adjust and change and talk to the race organizers. There is a new route that has been established. The race organizers liked the idea of seeing other parts of the City. It will still be based out of the parking lot. We will still have all the activities there. In fact, they are going to utilize local businesses even more than other events throughout the year. Downtown businesses are now happy with that, especially the restaurants. This has been marketed with the newspapers as we have gone through this process, and there have been releases sent out this week. This is a larger event criterium, which is a good selling point for the businesses, in that 300 to 400 people, families that have kids racing in the mornings and professionals racing in the evenings. We have also notified all the entities that will be affected, which includes, Police Department, Fire Department, Sheriff's Office, because the new route goes around the Colleton Center, encasing the Sheriff's Office. We have notified Fire Rescue, and they are also excited, because Hampton Street, the Baptist Church has no events that day. Additionally, I wrote a letter to each one of the residents who are affected by the route, to give them times of the events, so that they are not trapped in all day long. In the case of emergencies, they trump all of the events.

Concluding, Mr. Amundson said, so in the end, the update is the new route, everybody has been notified and the businesses will be involved.

2. **Award of Brownfield's Assessment Grant**

City Manager Molinari announced that the City was recently awarded a \$300,000 Brownfield Assessment Grant from EPA. If you will remember, this is the second time that the City has applied, and we were one of only three applicants in the State of South Carolina to be funded. These resources can be used towards conducting environmental assessments on properties that are currently underutilized because of potential contamination. This can be a tool and asset for us in trying to facilitate redevelopment of underutilized properties in the City. So, we will be having a conference call to EPA in a couple of weeks to begin the process. The funds won't be released until October 1, and we have three years to administer the grant. We are

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excited about it, and hopefully this will lead to some future redevelopment and future cleanup grants that we could get from EPA.

Mayor Young congratulated the City Manager for a good job on the grant.

Council Member Bridge then asked, do you get the money all at one time, or do you get the money as you send in a need for it?

City Manager Molinari said it was his understanding that the money would be funded all up front. The Mayor told Council that the other two recipients of this grant were Anderson College and Honea Path, SC.

Council Member Bonds then asked, do you know how many people in South Carolina applied? Did other people apply and not get this grant? City Manager Molinari explained that the southeast is Region 4 and I ran the numbers and I want to say that the approval rate was about 36%. This was a pretty competitive grant. Mayor Young said, this is the same grant we applied for last year, and we were close, but we didn't get it.

Council Member Broderick then asked if the City had a prioritized list of the properties that the City will be looking at? Mr. Molinari said, what we had to do for the grant application is we had to list, as examples, certain properties, but our application itself was pretty broad. One of the process that you have to go through is to form a Brownfield's committee, which is made up of different leaders in the community, and they ultimately will make recommendations on which properties they want to prioritize for environmental assessments, and obviously, you have to have the consent of the property owner.

**EXECUTIVE SESSION:**

The Mayor then entertained a motion to enter an Executive Session. Council Member Broderick SO MOVED and Council Member Lohr seconded the motion that passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for the following:

1. Receipt of Legal Advice:
  - a. Financial Policies.
  - b. Wastewater Treatment Plant Upgrades.
  - c. I-95 Business Loop Project, Phase 1C/1D.
2. Potential Purchase of Property.
3. Personnel Matters:
  - a. Appointment of City Judge.
  - b. Appointment of City Attorney.

The meeting then entered into an Executive Session.

At approximately 8:30 p.m., a motion was made by Council Member Lohr to exit Executive Session and return to Open Session. Council Member Siegel seconded the motion. All in favor. None opposed. Motion carried.

The meeting returned to Open Session and a motion was made by Council Member Syfrett to re-appoint Morrison Payne as Municipal Judge and Jay Lemacks as Bond Judge. Council Member Broderick seconded the motion that passed with a vote of 5/0 with Mayor Young, Council Members Syfrett, Lohr, Broderick and Bridge voting in favor. Council Members Siegel and Bonds recused themselves from voting since they will practice law before municipal court from time to time.

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There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bridge, seconded by Council Member Broderick and passed unanimously. The meeting adjourned at 8:31 P.M. Notice of this meeting was distributed to all local media and posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson  
City Clerk

## **DRAFT**

Walterboro City Council  
Regular Meeting  
August 1, 2017

### **MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, August 1, 2017 at 6:15 P.M. with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari, City Clerk Betty Hudson and City Attorney George Cone were also present. Approximately 45 persons were present in the audience, which included Pastor Leon Maxwell of St. Peter's AME Church, along with some of his church members.

There being a quorum present, the Mayor called the meeting to order. Council Member Syfrett gave the invocation, and Council Member Bridge led the Pledge of Allegiance to our flag.

The Mayor announced that a big event will be held at the library this weekend on Saturday called Giga Toshou-con, and I think that's why we have Batman and Super Girl with us here tonight.

### **PUBLIC INPUT ON AGENDA ITEMS:**

There were no comments or questions on agenda items.

### **PRESENTATION:**

#### **1. Proposal for a Walterboro Splash Pad and Skate Park, Mr. Eddie Rumpfelt**

Mr. Eddie Rumpfelt appeared before Council with a proposal to establish a Splash Pad and Skate Park in the City of Walterboro. He told Council that currently many families are traveling over 50 miles and spending in excess of \$200 to visit other water attractions in other cities. Many citizens have expressed that they would love to keep their "Bucks in the Boro", but have no choice but to plan family days out of town.

Mr. Rumpfelt said, for as long as I can remember, I have heard people wish we had a community pool, a place to cool off during the summer break from school or a place to take the kids on a Saturday afternoon - somewhere that don't break the bank or require an hour of driving. After much research and talking with some members of the City Council, I understand the maintenance cost and liabilities in terms of a pool, it's a cost that the City cannot take on. Splash pads are quickly replacing the community pool. Instead of repairing the old community pool, many cities are opting for investing in a Splash Pad, since there is no need for life guards and they require very little maintenance. They are a more cost effective community facility.

Mr. Rumpfelt further said, when I wasn't sweating at band camp with Mr. Young, I was looking for a place to skate board with my friends at the frequent parking lots or the movie theater, McDonald's, and even risked life and limb skating down Hargo Hill.

The local businesses did not take kindly to make shift skate parks in the parking lot. When we were asked to leave, we had to go and find a new place. After a while we ran out of acceptable places and eventually gave up skateboarding. Today, we are facing a time where our children are running out of safe environments to socialize outside of school. As you are all aware, our City is not the same as it was in the past. Walterboro has the potential to rebuilt the reputation we all know it deserves. Many small communities are funding and offering amenities like these to the citizens, they are able to lower the crime rates and raise a sense of community.

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Concluding, Mr. Rumfelt said, in my proposal, I have given to City Council all the information I was able to acquire about the construction cost and operation cost for this dual purpose facility. I have also included many suggestions on how to generate revenue to cover operating costs. Inside, you will also find a large section on skate parks built for under \$100,000, contractor report portfolios, design suggestions and property information on three different locations. I have also spoken with a few nonprofit organizations that are ready to help turn this idea into a reality. I understand that planning and building this type of facility takes some time and many more meetings to discuss budget, designs, funding and various other things that need to be addressed.

Mr. Rumfelt further stated, for today I am asking Council to take into consideration all of the supporters of this plan. I ask the City to be willing to work with myself and the citizens to bring something new and exciting to the Front Porch of the Lowcountry.

Mr. Rumfelt said that he has a petition going to support this facility. Right now, he has around 1,055 signatures, and that was just to try and get a general idea of who all were interested. He said he would be happy to answer any questions at this point. No questions were raised.

Mayor Young thanked Mr. Rumfelt for his presentation and the presentation was accepted as information.

**APPROVAL OF THE MINUTES:**

The Minutes of the May 16, 2017 Work Session on the Walterboro Wildlife Sanctuary Discovery Center were approved as submitted on the motion of Council Member Bridge, seconded by Council Member Broderick and passed unanimously.

**OLD BUSINESS:**

There was no Old Business before Council.

**NEW BUSINESS:**

1. **Ordinance # 2017-06, An Ordinance to Amend Ordinance # 2017-04, So As to Set the Local Option Sales Tax Credit Factor in the 2017-2018 Budget, First Reading.**

City Manager Molinari told Council, you have before you an ordinance to adopt the Local Option Sales Tax Credit Factor for the next tax year. The reason why we are doing this now is that we typically don't get the numbers from the County until mid-July. The Local Option Sales Tax Credit Factor is a simple formula, where you take the anticipated collections and divide it by the total appraised value of properties in the City. We ask for your favorable consideration of this request, as we need to get the sales tax credit factor to the County so they can send out the tax bills.

This ordinance sets the L.O.S.T Credit Factor at .001593. A motion was made by Council Member Siegel giving First Reading Approval to Ordinance # 2017-06 as submitted. Council Member Bonds seconded the motion that passed unanimously.

2. **Ordinance # 2017-07, An Ordinance to Amend Ordinance # 2017-04, So As to Roll Back the City of Walterboro Millage Rate for the Fiscal Year 2017-2018 General Fund Budget, First Reading.**

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City Manager Molinari told Council, as you are aware Counties are required to reassess property values every five (5) years. As a result of the reassessment, municipalities are required to roll back their millage rate, so as to receive the same amount of revenue from property taxes after reassessment as they did before. The budget that passed in June established a millage rate at 88 mills. In putting together the formula as dictated by State Law, this will roll back the millage rate to 86.4 mills. Again, this information will need to be sent along to the County for the tax bills to go out in the fall. Staff asks for Council's favorable consideration of this request.

A motion was made by Council Member Broderick giving First Reading Approval to Ordinance # 2017-07, An Ordinance to Amend Ordinance # 2017-04, So as to Roll Back the City of Walterboro Millage Rate for the Fiscal Year 2017-2018 General Fund Budget. Council Member Syfrett seconded the motion that passed unanimously.

At this point, Mayor Young said, I would like to back up to the previous Ordinance # 2017-06. I think most everybody knows this, but the Local Option Sales Tax Credit Factor goes to reduce property taxes, and that's what we were setting there is the factor by which we will determine how much property taxes will be reduce.

3. **Resolution # 2017-R-04, A Resolution Authorizing the Imposition of Financial Policies for the City of Walterboro, South Carolina, and Other Matters Relating Thereto.**

City Manager Molinari said, you have before you a proposed set of financial policies. This is something that we have been discussing for sometime during our budget process and what this essentially does is that it takes the practices that we have done and puts them down as policy, to be adopted by City Council, pertaining to fund balance, debt administration, enterprise fund transfers, federal grant awards, cash and investments. The City's bond counsel Lawrence Flynn prepared this document. The City's auditors have reviewed it and are in concurrence with it. Staff asks for Council's favorable adoption of this resolution.

A motion was made by Council Siegel to adopt Resolution # 2017-R-04, Authorizing the Imposition of Financial Policies for the City of Walterboro, South Carolina, and Other Matters Relating Thereto. Council Member Lohr seconded the motion that passed with all members voting in favor. A copy of said resolution is attached as part of these minutes.

4. **Resolution # 2017-R-05, A Resolution to Recognize the 150th Anniversary of St. Peter's African Methodist Episcopal Church.**

The Mayor then asked Pastor Leon Maxwell to stand, along with several of his church members present from St. Peter's AME Church. These persons were present on behalf of this resolution to recognize the 150<sup>th</sup> anniversary of St. Peter's AME Church.

The Mayor then read the resolution in its entirety into the records; after which the Mayor announced that the church will have a special service on August 20<sup>th</sup> at 4:00 P.M. and he will present this resolution on behalf of City Council.

A motion was made by Council Member Siegel to adopt Resolution # 2017-R-05, recognizing the 150<sup>th</sup> Anniversary of St. Peter's African Methodist Episcopal Church. Council Member Broderick seconded the motion. The motion passed unanimously. A copy of said resolution is attached as part of these minutes.

The Mayor congratulated the pastor and church members. He said, it is quite an accomplishment these days and time to reach 150 years. So, congratulations.

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**5. Consideration of Funding Recommendations from the Accommodations Tax Advisory Committee.**

Next, City Manager Molinari advised Council that the Accommodations Tax Advisory Committee met on June 15, 2017 and considered applications for A-tax funding. The committee made the following funding recommendations for City Council approval:

<u>Request for 30% Tourism Fund</u>	<u>Requested</u>	<u>Approved</u>
*Walterboro Tourism Commission	\$60,000	\$60,000

\*Should this recommendation be adopted by Council, the Walterboro Tourism Commission will remain the designated marketing organization for the City of Walterboro for fiscal year 2017-2018.

<u>Requests for 65% Tourism Fund</u>	<u>Requested</u>	<u>Approved</u>
Coll Cty Museum & Farmers Market- Festival of Trees	\$ 4,000	\$ 3,000
Coll Cty Hist & Pres Society - Holiday Tour of Homes	\$ 5,045	\$ 3,000
Coll Cty Hist & Pres Society - Front Porch Phantoms	\$ 6,380	\$ 3,000
SC Artisans Center - marketing & promotions	\$14,600	\$14,600
Walterboro Tourism Com - Walterboro Criterium 2018	\$21,000	\$16,500
Coll Cty Rice Festival w/Tour de Lowcountry & Dock Dogs	\$22,500	\$17,500
City of Walterboro - local billboard program	\$21,000	\$21,000
Walterboro Tourism Com - Walterboro Rocks & Digital Ads	<u>\$60,000</u>	<u>\$60,000</u>
Totals	\$154,525	\$138,600

Concluding, Mr. Molinari stated that should these requests be approved as submitted, the remaining balance for 2017-2018 will be approximately \$41,215. The A-Tax Advisory Committee respectfully requests City Council's approval of these recommendations.

A motion was made by Council Member Syfrett to approve the A-Tax Committee's recommendations as submitted. Council Member Broderick seconded the motion. The motion passed with all members voting in favor.

**6. Consideration of WWTP Upgrade Change Order**

The City Manager told Council, in front of you is a revised memorandum from myself with a memo from AECOM attached. As you are aware, the upgrades to the Wastewater Treatment are currently under construction. The City's contractor Wharton-Smith has removed a total of 200 tons of waste material in the amount of \$875.00 per dry metric ton. The contract that the City entered into with Wharton-Smith had provided \$175,000 in disposal. We have discovered in this process that there is a lot more material that is stored in the equalization basin. As a result at this point, we are approximately 30% complete. As a result, we have a proposed change order from our engineer AECOM in the amount of \$400,000 for Wharton-Smith to continue the disposal rate at \$875.00 per dry metric ton. We currently have a



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construction contingency with the loan from the Clean Water State Revolving Fund of \$358,400. The additional \$41,600 will be absorbed by the Water and Sewer Utility Funds. I have asked the City's Utilities Director Wayne Crosby to give City Council a brief technical overview of this proposed change order.

Utilities Director Wayne Crosby then addressed Council. He said, as Jeff as already commented, it was grossly underestimated the amount of material that was in that equalization basin. This go around, we asked Wharton-Smith and the subcontractor who is performing the clean out of the equalization basin to give us a better estimate. Even though AECOM was allowed to look over those figures, we are a lot more confident that the \$400,000 for 400+ metric units is probably closer to the actual amount. This portion of the contract is probably only a quarter of the overall bid, but there is a lot of stored material on this property at the Wastewater Plant. We probably have \$250,000 worth of stored material that can't be installed until the equalization basin has been cleaned out. So, it's forcing the project to hold up a lot on the construction.

The Mayor then asked Mr. Crosby to give the total project cost. Mr. Crosby responded, it's over \$3.6 million as is. With this \$400,000 change order, we will be at \$4 million.

A motion was made by Council Member Syfrett to approve the change order for the WWTP Upgrade in the amount of \$400,000. Council Member Siegel seconded the motion.

In discussing the motion, Council Member Bonds then said, what I am trying to understand is who underestimated what? I am not following this, or I am sorry I have forgotten what's been explained to me previously.

Mr. Crosby responded that our engineer was allowed to take a look at the equalization basin and come up with an estimate. He used textbook mathematics to come up with the volume, and it's not a regular equalization basin. It's not being used in a typical manner. They grossly underestimated what's there.

Council Member Bonds asked, so what did he estimate was there? Mr. Crosby responded, 200 dry metric tons. The original contract for 200 dry metric tons was at \$175,000.

On a question by Council Member Bonds, Mr. Crosby noted that we are looking at an additional 400 dry metric tons.

Mayor Young then said, that's a pretty big mistake, don't you think?

Council Member Bonds then raised a question concerning the engineer. He asked, did we hire that engineer to make an estimate that we then give to these contractors to remove the dry sludge? How did they make this kind of mistake? I am not following it, because I would assume that before they estimated it, that they would look into how it's being used and what's going on. I am not following a mistake of that magnitude. Mr. Crosby said, to be quite frank, we aren't either. We asked them in the beginning to double check the figures. We weren't confident with that figure. We gave them every opportunity to go back and redo that, until Wharton-Smith came on board and the subcontractor came on board, it was reflected that we did not have a good figure.

Council Member Bonds then said, so what you are asking us to do tonight is to go ahead and approve this. Well, let me ask you this, why are we using the same guy again? Why aren't we hiring another engineer? Mr. Crosby responded, this is the

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second mistake, but the same project. Council Member Bonds then asked, how much is it going to cost to get another engineer to look into this, because how do I know, this guy could have miscalculated again.

Mr. Crosby said, we entertained changing engineers mid-stream and most engineers did not want to entertain that. They wanted to start from the ground up, and not take the initial preliminary engineering report from this engineer. It would cost us an amazing amount to start from scratch with a new engineer.

Council Member Bonds then asked if this was the same engineer we had a problem with before? The response was yes. Mr. Bonds said, we will just tag this on to the list. Mr. Crosby responded, it is the same project.

Mayor Young then said, from what I understand we don't have much of a choice, but to move forward with it, because we can't complete the project without emptying the equalization basin. Of course, we have learned a lesson about the engineer on this project, and I think certainly that will be a topic for another discussion.

Council Member Bridge then asked if there were a time limit on the completion of construction related to grants? Mr. Crosby responded that the general contractor still estimates that they will be finished by December 2017 as scheduled, but this is going to be a delay. They estimate probably a four weeks delay. This will still put them in the time frame for the entire project, which is scheduled for completion in May 2018.

Ms. Bridge then asked if the City can absorb this overage in the Enterprise Fund? Mr. Crosby responded, this will be funded through the contingency fund, the SRF Loan and some of it through the Enterprise Fund.

Mayor Young then said to Mr. Crosby, you do think we need to go forward with this and get it out of the way, right? Mr. Crosby responded, yes. It's just going to hold up a big portion of the project if we don't complete it.

Council Member Siegel then asked when was the last time the basin was cleaned out? Has it even been cleaned out? Mr. Crosby responded, I have been here 18 years and it has never been touched. Now, that was the original question for the calculations that AECOM came up with. We attempted to clean it out ourselves several years ago and we met our financial funding obligation and we still had not touched what was in the equalization basin. We didn't do any calculations with AECOM when they determined 200 dry metric tons, but we weren't confident in their numbers. Again, we questioned them several times, but they felt that they were okay. To answer your question, it had not been cleaned out.

Mayor Young then said, we hire engineers and then rely on their expertise, because they are experts in handling this kind of thing. So, we assume that they are going to give us good numbers, and in this case it just didn't happen. I would think that engineers that deal with this kind of thing everyday would know how to get a good number.

Council Member Bonds then asked, AECOM is our engineer, correct. Mr. Crosby responded correct. Mr. Bonds then asked if Wharton-Smith, the contractor, is charging more to do the second batch. Mr. Crosby responded, it's a line item, that was in the contract for \$875 per ton. Whatever additional that they pull out of the basin is still at the set price of \$875 per ton.

**The motion to approve the upgrade change order for the WWTP then passed with all members voting in favor.**

**7. Consideration of Bids to Purchase New Grapple Truck for Public Works Department**

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City Manager Molinari briefed Council on this item. He noted that a memorandum and supporting documentation were contained in the agenda packet from the Public Works Director requesting to purchase a new grapple truck for yard debris removal. The Public Works Department received three bids and is recommending the purchase of a 2018 Freightliner M2-106 from Triple T Freightliner in Summerville, SC in the amount of \$144,951.82, which is less than the budgeted amount of \$148,300.00. The three bids received were as follows:

The Pete Store (Columbia, SC) - 2018 Peterbuilt 337	\$147,789.00
Amick Equipment (Lexington, SC) - 2018 Freightliner M2-106	\$148,975.00
Triple T Freightliner (Summerville, SC) - 2018 Freightliner M2-106	\$144,951.82

A motion was made by Council Member Bonds to approve the recommendation to purchase a new grapple truck from Triple T Freightliner from Summerville, SC for \$144,951.82. Council Member Broderick seconded the motion that passed unanimously.

**8. Consideration of Bids to Purchase Police Vehicles**

City Manager Molinari told Council that two memos with supporting documents were contained in the agenda packet from Police Chief Marvin to purchase a new patrol vehicle and a new admin vehicle.

For a new patrol vehicle, the Police Department received 3 bids and 1 no bid as follows:

State Contract	2017 Chev Caprice	Columbia, SC	\$46,264.13
Walterboro Ford	207 Ford Interceptor	Walterboro, SC	\$42,968.13
Butler Dodge	2017 Dodge Charger	Beaufort, SC	\$41,698.13
Riser Chevrolet	2017 Chevrolet Caprice	Walterboro, SC	No bid

After applying the local preference option, the local bidder did not qualify for the opportunity to match the low bidder. The low bidder is Butler Dodge for a 2017 Dodge Charger in the amount of \$41,698.13. The 2017-2018 Police Department budget allocated \$42,000.00 for the purchase of a new a patrol vehicle. Staff asks for Council's favorable consideration of this request.

A motion was made by Council Member Syfrett to approve the recommendation to accept the low bidder, Butler Dodge, in the amount of \$41,698.13 for a 2017 Dodge Charger. Council Member Siegel seconded the motion. In discussing the motion, Council Member Bonds asked if the City was purchasing two vehicles, and if the price was the same price for both vehicles. City Manager Molinari responded, no, it's two different vehicles. The next vehicle is an admin vehicle which has less equipment. These vehicles are much less than the patrol vehicle.

The City Manager then reviewed the bids received for the admin police vehicle. He reported that the Police Department also received three bids and 1 no bid as follows:

State Contract	2017 Chev Caprice	Columbia, SC	\$32,636.16
Walterboro Ford	207 Ford Interceptor	Walterboro, SC	\$29,474.16
Butler Dodge	2017 Dodge Charger	Beaufort, SC	\$28,180.16
Riser Chevrolet	2017 Chevrolet Caprice	Walterboro, SC	No bid

City Manager Molinari pointed out that the Police Department's 2017-2018 budget allocated \$32,000 for the purchase of one new admin vehicle with equipment.

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After applying the local preference option, the local bidder did not qualify for the opportunity to match the low bidder. Staff recommends purchasing one (1) 2017 Dodge Charger from Butler Dodge, Beaufort, South Carolina in the amount of \$28,180.16.

The Mayor then said, we have a motion and a second on the floor for that first vehicle. Council Member Syfrett then amended his motion (with the approval of the second) to approve the request to buy both these vehicles for the Police Department as recommended. Council Member Siegel seconded the motion that passed unanimously.

9. **Consideration of Bids to Purchase New Tractor Package for Parks Department**

Next, the City Manager reported that Parks Director Adam Davis received three bids to purchase a new tractor package as follows:

Blanchard Equipment Company, Inc. (St. George, SC)	\$33,642.00
Steen Enterprises (Charleston, SC)	\$33,804.00
Lowcountry Equipment (Walterboro, SC)	\$36,720.00

Mr. Molinari stated that the FY 2017-2018 budget allocated \$33,000 for the purchase of a new tractor package. After applying the local preference option, the local bidder did not qualify for the opportunity to match the low bidder. City staff recommends purchasing the tractor package from Blanchard Equipment Company out of St. George, SC in the amount of \$33,642, which is \$642 over budget. However, we have some unexpended personnel costs in the Parks Department budget to absorb the additional \$642.

A motion was made by Council Member Broderick to approve the purchase of a tractor package from Blanchard Equipment Company in the amount of \$33,642. Council Member Lohr seconded the motion that passed with all members voting in favor.

10. **Request to Close Streets for Prayer Walk for Schools, August 12, 2017 at 9:00 A.M. by Colleton Baptist Association**

A motion was made by Council Member Bridge to approve the parade permit request for a prayer walk on August 12, 2017 by Colleton Baptist Association. Council Member Broderick seconded the motion that passed unanimously.

Mr. Zane Brown, present on behalf of the Colleton Baptist Association, invited everyone to join in the prayer walk. He said the walk will start at the Colleton Baptist Association and it's just a mile and ½ walk to the School District Building. We do have some golf carts for those who may not be able to make the entire trip. We have talked with Barry McRoy and the Police Department. So everything looks good. We should be done by 11:00 A.M.

11. **Consideration of Requests by Walterboro Rotary Club for 5th Annual Ireland Creek Bridge Run on September 28, 2017**

A motion was made by Council Member Siegel to approve this request as submitted by the Walterboro Rotary Club for the 5<sup>th</sup> Annual Ireland Creek Bridge Run on September 28, 2017. Council Member Syfrett seconded the motion that passed unanimously.

**COMMITTEE REPORTS:**

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There were no committee reports given.

**CITY MANAGER'S REPORT:**

1. **Grant Award Received for Walterboro Wildlife Sanctuary Discovery Center from SC Department of Parks, Recreation and Tourism**

City Manager Jeff Molinari recognized the City's Tourism Michelle Strickland for putting together and receiving a \$200,000 Undiscovered SC Grant from the South Carolina Department of Parks, Recreation and Tourism for construction of the Walterboro Wildlife Sanctuary Discovery Center. He said that this will certainly be a tremendous help as we begin construction on this project.

The Mayor congratulated Ms. Strickland and thanked her for the good job.

2. **Recognition of Certificate Awards Received by City of Walterboro Finance Department and Director Amy Risher**

Next, City Manager Molinari said, I just want to recognize the Finance Department, in particular Amy Risher, for the 5<sup>th</sup> consecutive year achieving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. This is a testament to the hard work and dedication of our finance staff.

Mayor Young asked if this was the CAFR award. Mr. Molinari responded, yes, I think there are three different certificates in there.

Mayor Young added, we do accounting that is above and beyond what is required. So, that's a testament to our staff here and we appreciate their hard work.

The Mayor also said, what I was going to say a minute ago, on Thursday at 10:00 A.M., Channel 4 will be broadcasting Lowcountry Live from the Downtown Plaza. I just wanted to invite everyone to come and see that broadcast go out. We will be glad to have you. If it rains, it is going to move to the Museum and Farmer's market.

**EXECUTIVE SESSION:**

A motion to enter an Executive Session was then made by Council Member Broderick, seconded by Council Member Lohr and passed unanimously. The Mayor then announced that the meeting would enter into an Executive Session for:

1. A Contractual Matter:
  - a. Dispatch Services.
  - b. I-95 Business Loop Project, Phase 1B.
2. Consideration of Purchase of Property.
3. Personnel Matter:
  - a. Appointment of City Attorney.

The meeting convened into an Executive Session.

A motion was made by Council Member Bridge to come out of executive session and return to Open Session. Council Member Lohr second the motion. All in favor. None Opposed. Motion carried.

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

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made by Council Member Bridge, seconded by Council Member Lohr. All in favor. None opposed. Motion carried. The Mayor adjourned the meeting at 8:40 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

**DRAFT**

Walterboro City Council  
Joint Luncheon Meeting with County Council  
August 30, 2017

**MINUTES**

A Joint Luncheon Meeting of Walterboro City Council and Colleton County Council was held at the Dogwood Hills Golf Course, 1 Dogwood Lane, in Walterboro on Wednesday, August 30, 2017 at 12:00 Noon. The purpose of the meeting was to hear a presentation on the Walterboro Wildlife Sanctuary Discovery Center, and to hold an executive session to discuss a proposed real estate transaction between the City of Walterboro and Colleton County.

Mayor Young and Colleton County Chairman Dr. Joseph Flowers jointly presided at this meeting.

**City Council Members present were:** Mayor Bill Young, City Council Members Judy Bridge, James Broderick, Jimmy Syfrett, Paul Siegel, Bobby Bonds and Tom Lohr.

**Colleton County Council Members present were:** Dr. Joseph F. Flowers, Gene Whetsell, and Steve Murdaugh. Phillip Taylor and Evon Robinson were absent.

Others present included: Ruth Mayer, Kevin Griffin, Meagan Utsey, Sean Thornton, Jeff Molinari, Hank Amundson, George Cone and press members. City Clerk Betty Hudson was absent.

The meeting was called to order by Dr. Flowers and Mayor Bill Young.

Council Member Syfrett gave the blessing of the food.

Mayor Young made a motion to add an Executive Session item to the agenda to discuss a contractual arrangement between the City and the County related to the dispatch center.

Dr. Flowers asked if this is a motion for the City? Mayor Young responded, yes.

The motion was seconded by City Council Member Lohr and passed unanimously.

Attorney Cone said, and after executive session, do you contemplate doing business? Mayor Young responded, I don't contemplate any, but I don't know what will happen.

Dr. Flowers said, we can do the same motion for County Council. Do I have a motion from County Council to that effect? A motion was made by Council Member Murdaugh, seconded by Council Member Whetsell and passed unanimously.

As lunch was served, City Manager Molinari gave a power point presentation of the City's Discovery Center and explained their plans for the center.

A motion to enter into an executive session was made by Council Member Murdaugh and seconded by Council Member Whetsell. The same motion was made by City Council Member Broderick and seconded by City Council Member Bridge.

Both motions carried unanimously.

**Executive Session**

- a) Discussion of Proposed Real Estate Transaction between City of Walterboro and Colleton County.
- b) Discuss a contractual arrangement between the City and the County related to the dispatch center.

Both items were discussed in executive session.

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Walterboro City Council  
Joint Luncheon Meeting with County Council  
August 30, 2017

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A motion to exit executive session was made by City Council Member Jimmy Syfrett, seconded by City Council Member James Broderick and passed unanimously.

**Open Session**

The meeting returned to Open Session.

A motion giving First Reading Approval to Ordinance 17-O-07, An Intergovernmental Agreement Between the City of Walterboro and Colleton County to Provide for the Sale and Transfer of Rights by in Real Property Owned by Colleton County, South Carolina and the City of Walterboro, and Other Matters Relating Thereto, was made by Council Member Murdaugh and seconded by Council Member Whetsell. The motion carried unanimously.

There being no further business to consider, a motion to adjourn was made by City Council Member Siegel, seconded by City Council Member Broderick and passed unanimously. The Mayor adjourned the meeting at 1:10 P.M. Notice of this meeting was distributed to all local media and posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson  
City Clerk



**ORDINANCE # 2017-08**

**AN ORDINANCE TO APPROVE AND CARRY INTO EFFECT AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WALTERBORO AND COLLETON COUNTY TO PROVIDE FOR THE SALE AND TRANSFER OF RIGHTS IN REAL PROPERTY OWNED BY COLLETON COUNTY, SOUTH CAROLINA AND OTHER PROPERTY OWNED BY THE CITY OF WALTERBORO AND MATTERS RELATED THERETO.**

**IT APPEARING TO WALTERBORO CITY COUNCIL** that the attached Intergovernmental Agreement between the City of Walterboro and the County of Colleton is for the reasons set out therein in the best interest of the Citizens of Walterboro, South carolina; and

**IT FURTHER APPEARING TO WALTERBORO CITY COUNCIL** that the acts of the City of Walterboro that are set out therein should be authorized and carried out,

**NOW, THEREFORE**

**IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED:**

**SECTION 1**

The attached Intergovernmental Agreement between the City of Walterboro and the County of Colleton is approved and the City of Walterboro is authorized to enter into said agreement.

**SECTION 2**

The acts and deeds set out in said Intergovernmental Agreement for the City of Walterboro to do and perform are authorized.

**SECTION 3**

The City Manager of the City of Walterboro is authorized and directed to sign all documents and perform all acts necessary, appropriate or convenient to carry into effect the terms of said Intergovernmental Agreement and the Clerk of the City of Walterboro is authorized and directed to attest the City Manager's execution of such documents.

**ADOPTED, THIS 3RD DAY OF OCTOBER, 2017.**

\_\_\_\_\_  
William T. Young, Jr., Mayor

Attest: \_\_\_\_\_  
Betty J. Hudson, City Clerk

First Reading: September 5, 2017  
Public Hearing: October 3, 2017  
Second Reading: \_\_\_\_\_

**AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WALTERBORO AND COLLETON COUNTY TO PROVIDE FOR THE SALE, AND TRANSFER OF RIGHTS OF REAL PROPERTY OWNED BY COLLETON COUNTY, SOUTH CAROLINA AND THE CITY OF WALTERBORO; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS:**

1. The City of Walterboro (the "City") wishes to acquire the County parking lot located at for the purpose of providing parking and access rights to the to the Wildlife Sanctuary Discovery Center it is developing on adjacent property. The City deems it necessary to have said parking to serve said Wildlife Sanctuary Discovery Center; and
2. The Seaboard Coastline Railroad Right-of-Way is currently jointly owned by Colleton County (the "County") and the City. The County wishes to have sole ownership of the portion of the Seaboard Coastline Railroad Right-of-Way at TMS # 236-00-00-139.000 as lies within the unincorporated area of the County in order to continue to develop related transportation projects to this right-of-way; and
3. The County and the City, as well as the businesses which are located in, or which will locate in the County and the City, will derive significant benefit from the construction and operation of the Wildlife Sanctuary Discovery Center and transportation projects related to Seaboard Coastline Railroad Right-of-Way; and
4. In exchange for the City conveying that portion of the Seaboard Coastline Right-of-Way as provided herein and the payment of the sum of \$100,000.00 to Colleton County Economic Development Corporation also known as CCEDC One, Inc , the County Council of Colleton County deems it to be in the best interest of the County to provide for the sale of approximately two acres of real property located at the southwest corner of East Washington Street and Jefferies Boulevard and further described in the legal description attached hereto as **Exhibit A**, on such terms and conditions as set forth herein; and
5. In exchange for the City's conveying its interest the property described in **Exhibit B** to the County so that the County may develop the Green Pond Trail and other related projects, the City Council of the City of Walterboro deems it to be in the best interest of the City to provide for the its ownership rights in the Seaboard Coastline Railroad Right-of-Way within the unincorporated County and further described in the legal description attached hereto as **Exhibit B**, on such terms and conditions as set forth herein.

**NOW, THEREFORE,**

**THE CITY OF WALTERBORO AND THE COUNTY OF COLLETON AGREE AS FOLLOWS:**

1. The County shall authorize the conveyance to the City the property (the "Property") more fully described in attached Exhibit A for a consideration of \$100,000.00 to be paid to Colleton County Economic Development Corporation also known as CCEDC One, Inc . and in addition all ownership currently held by the City in regards to the Seaboard Coastline Railroad Right-of-Way within the unincorporated County will be transferred to the County, and upon the other terms and conditions as set forth herein.
2. The City shall authorize the conveyance of all ownership rights, with the exception of a non-exclusive easement to be reserved by the City in its deed to the county and conveyed to the City by the County for water & sewer infrastructure and/or other utility projects, for the property more fully described in attached **Exhibit B** in regards to the Seaboard Coastline Railroad Right-of-Way that lies within the unincorporated County, which said property was conveyed to the City and the County by CSX Translocation, Inc, by deed dated August 5, 1991 and recorded October 16, 1991 in Deed Book 538 Page 55 in the Office of the Register of Deeds for Colleton County, and upon the other terms and conditions, as set forth herein.
3. The County shall authorizes the conveyance of all ownership rights, with the exception of a non-exclusive easement to be reserved by the County in its deed to the City and conveyed to the City by the County for water & sewer infrastructure and/or other utility projects, to the City for the Property more fully described in attached **Exhibit B** in regards to the Seaboard Coastline Railroad Right-of-Way within the incorporated City limits of the City of Walterboro, South Carolina, which said property was conveyed to the City and the County by CSX Transportation, Inc. dated August 5, 1991 and Recorded October 16, 1991 in Deed Book 538 Page 55 in the office fthe Register of Deeds for Colleton County and upon the other terms and conditions as set forth herein.
4. The County Council shall authorize the County Administrator and empowered and directed him on behalf of Colleton County to execute and deliver a deed for the Property to be conveyed to the City of Walterboro pursuant to this agreement, and such other documents as may be necessary or desirable in connection with the conveyance of the Property reference above to the City of Walterboro under the terms of this agreement.
5. The City Council shall authorize the City Manager and authorized, empowered, and directed him on behalf of the City of Walterboro to make payment according to this agreement and to execute and deliver a deed for the Property to be conveyed to Colleton County pursuant to this agreement, and to execute such other documents and perform such other acts as may be necessary or desirable in connection with the

conveyance of the Property referenced above to Colleton County under the terms of this agreement.

Approved by City of Walterboro Ordinance 2017-08.

Approved by Colleton County Ordinance \_\_\_\_\_

**EXHIBIT A**  
**PROPERTY TO BE CONVEY TO THE CITY OF WALTERBORO**

All that certain piece, parcel or tract of land, together with the improvements thereon, situate lying and being in the City of Walterboro, in Colleton County, South Carolina, currently being uses as a parking lot located at southwestern quadrant of the intersection of Washington Street and Jefferies Boulevard and bounded generally as follows: Northerly by the right of way of Washington Street; Easterly by the right of way of Jefferies Boulevard; Southerly by lands of the City of Walterboro; and Westerly by lands, now or formerly, of Gerald Anthony Maree and by the right of way of Klein Street.

TMS # 163-11-00-226.000.

Said Parcel specifically includes, but is not limited to, the following tract of land:

All that certain piece, parcel or lot of land lying, being and situate on Klein Street, in the City of Walterboro, County of Colleton, State of South Carolina, containing sixty seven thousandths (0.067) acre, more or less, and measuring and bounded as follows : On the North by lands, now or formerly, of Ray Janice McCutcheon for a distance of ninety-seven and fifty-eight hundredths feet ( 97.58' ) ; on the East by lands of Colleton County for a distance of thirty (30) feet; on the South by landsnow or formerly, of the Robert Carter Estate for a distance of ninety-seven and fifty-eight hundredths feet (97.58') and on the West by the right-of-way of Klein Street for a distance of thirty (30) feet, be all distances more or less. For a more particular metes and bounds description, reference may be had to the plat of survey of property of Colleton County located on Klein Street prepared by James W. Keiatler, Jr., RLS 13760, dated January 17, 1995.

This being a the same lands conveyed to Colleton County, a body politic and corporate by Ray Janice McCutcheon by deed dated February 3, 1995 and recorded February 17, 1995 in Deed Book 655 at Page 243 in the RMC Office for Colleton County, South Carolina.

**EXHIBIT B**  
**PROPERTY TO BE CONVEYED TO COLLETON COUNTY**

A strip of land varying in width, being a portion of what was commonly known as CSX's Walterboro branch, situated in Colleton County, South Carolina, lying on either side of the following described centerline:

**Parcel 1**

Beginning at grantor's valuation station 13+66 at the connection of the former Walterboro Branch to the northeast line of CSX's main line (Charleston to Savannah) right of way at or near Green Pond, Being 100 ft. North of the Centerline of CSX's main line track, such beginning point also being the Southerly line of lands acquired from Thomas P. Smith by deed dated October 6, 1887, recorded in deed book 6, page 73; such beginning point being indicated on a Fragment print of CSX's valuation map V. 7 c, sheet 1, marked Exhibit B-1, attached hereto; and thence extending generally in a northerly direction along CSX's former centerline of track a distance of 11.62 miles, more or less, to the ending point at CSX's valuation station 627+07, being 573 feet, more or less, north of the intersection of the centerline of CSX's former track with the southern City limit line of Walterboro, such ending point being indicated on a fragment print of CSX's valuation map V. 7 c, sheet 3, mark as exhibit B-2 attached hereto.

**Parcel 2**

The former east wye track area as described by deed from Thomas P. Smith, dated March 31, 1898, recorded in deed book 18, page 221; containing 88.10 acres, more or less, as shown in detail on CSX's Valuation maps V. 7 c, sheets 1 thru 3, inclusive, incorporated herein by reference.

These two tracts were conveyed to the City of Walterboro and the County of Colleton by deed of CSX Transportation, Inc. by deed dated August 5, 1991 and recorded October 16, 1991 in Deed Book 538 at page 55 in the office of the ROD for Colleton County South Carolina.

**See Exhibits B-1 and B-2 on the following pages.**

EXHIBIT B-1

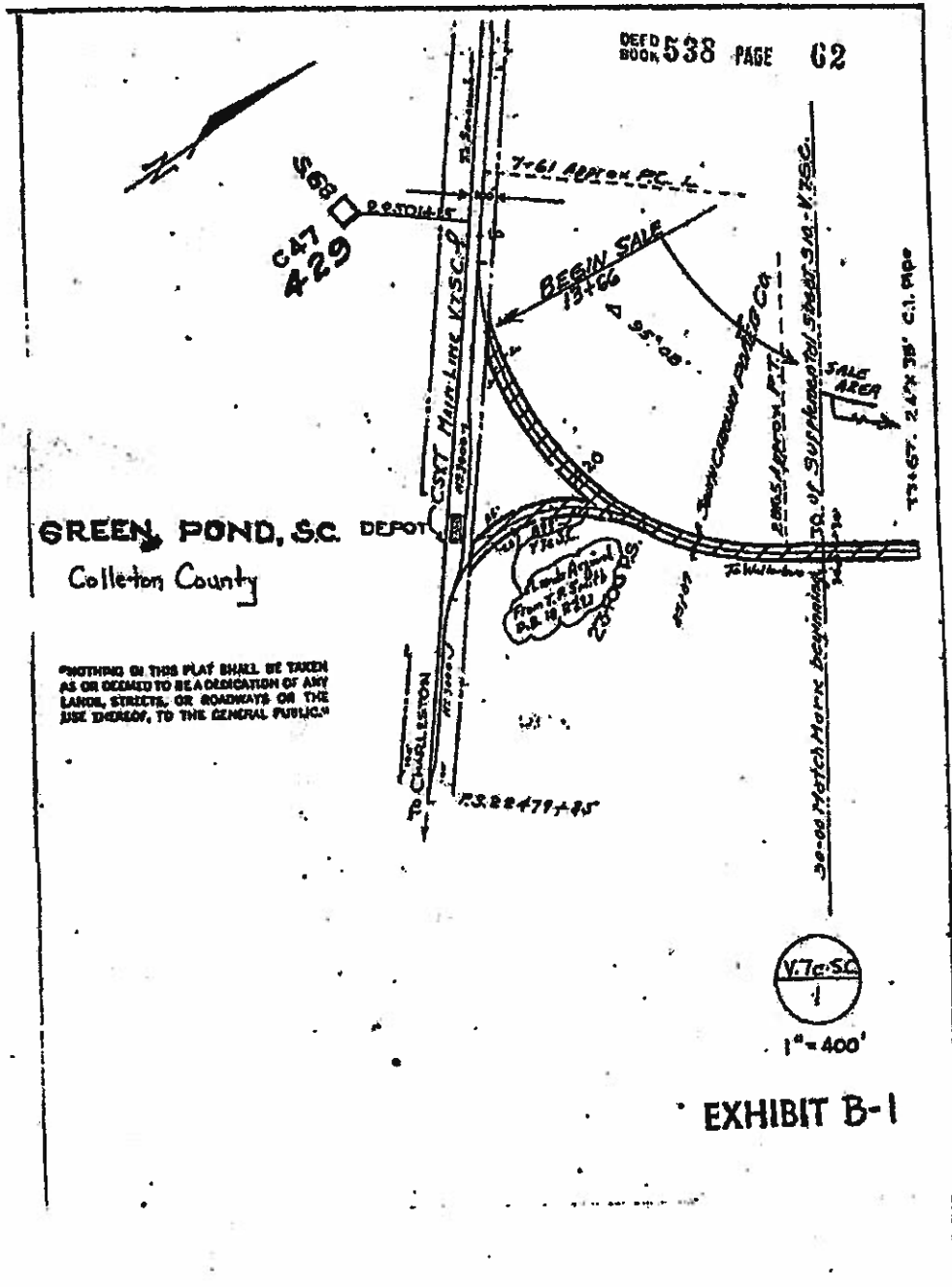
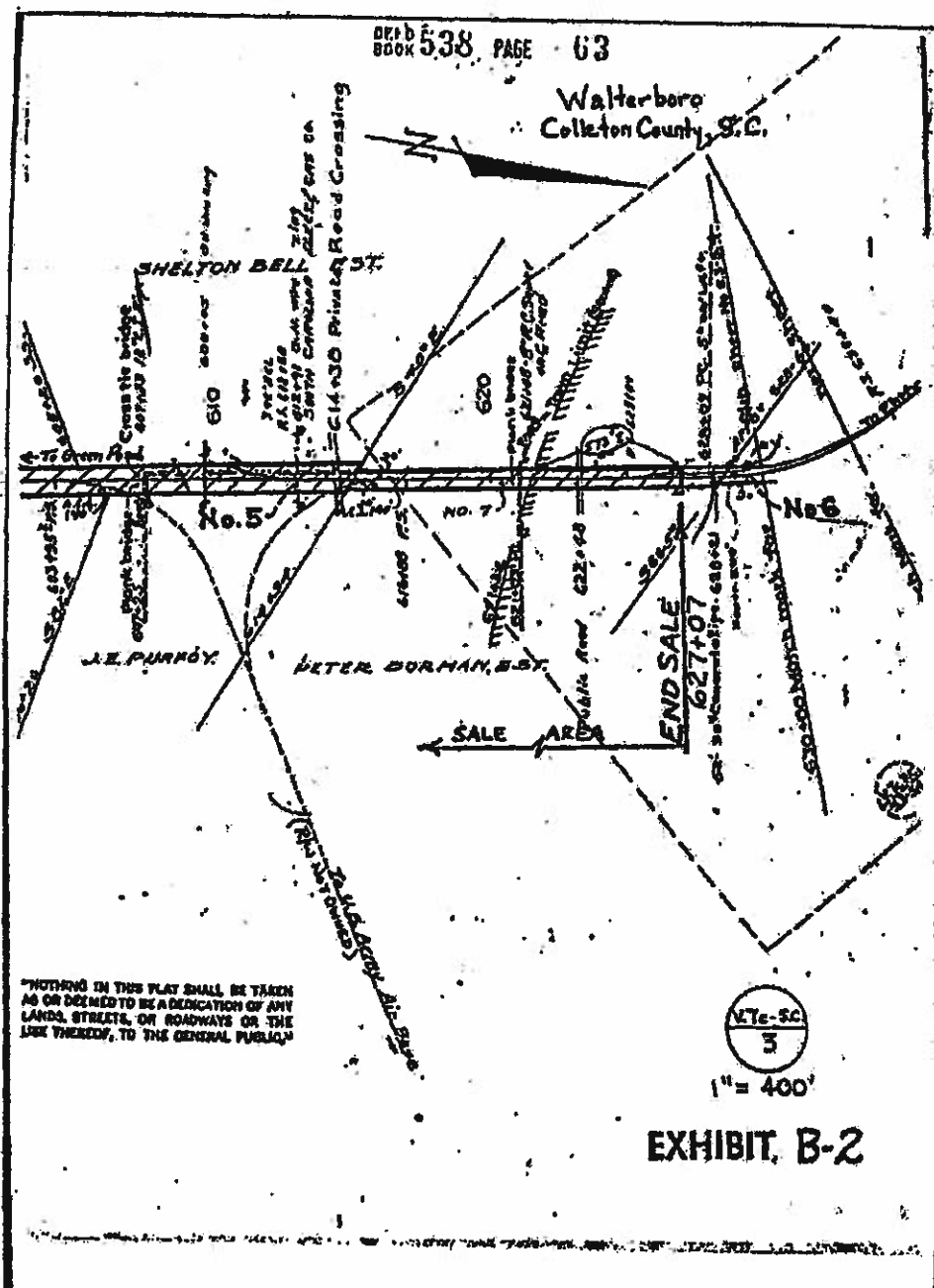




EXHIBIT B-2



**ORDINANCE # 2017-09**

**AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO GRANT AN EASEMENT/RIGHT OF WAY TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION OVER PROPERTY ADJACENT TO THE PRESENT RIGHT-OF-WAY OF SOUTH JEFFERIES BOULEVARD (US HWY 17A/SC HWY 63)**

**WHEREAS,** the South Carolina Department of Transportation has requested The City of Walterboro to grant it an easement/right-of-way to place arm on a property currently owned by the City of Walterboro (the site of the proposed Walterboro Discovery Center) where Hampton Street (SC Hwy 63) intersects with South Jefferies Boulevard (US Hwy 17A/SC Hwy 63); and

**WHEREAS,** the City of Walterboro has agreed to grant this easement/right-of-way to the South Carolina Department of Transportation as the grant of this easement will be beneficial to the Citizens of the City of Walterboro in that it will aid the control of vehicular and pedestrian traffic at said intersection; and

**WHEREAS,** the City of Walterboro has been fully informed of its right to just compensation for said easement/right-of-way pursuant to the United States Constitution, the Constitution of the State of South Carolina and § 28-2-370 of South Carolina Code of Laws, 1976, as amended.

**WHEREAS,** the City of Walterboro has agreed to willingly and voluntarily waive its right to receive just compensation for the property and has chosen to donate the easement/right-of-way to the South Carolina Department of Transportation for the consideration of One and 00/100 Dollar (\$1.00) and the benefits that will inure to the Citizens of the City of Walterboro from the placement of said mast arm and the traffic control devises to be placed thereon,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED, AS FOLLOWS:**

That the City of Walterboro grant and convey to the South Carolina Department of Transportation for the above referenced consideration, the following:

An easement and right-of-way over, across and under lands of the City of Walterboro hereinafter described, to install, construct, operate, maintain and repair a mast arm and appliances necessary in conjunction therewith; said easement and right-of-way to be over and across the following described real estate:

All that certain piece, parcel, or tract of land, situate, lying and being in the City of Walterboro, Colleton County, South Carolina, bounded as follows: Northerly by lands of the City of Walterboro and measuring thereon Seven and five-tenths feet (7.5'), more or less; Easterly by present right-of-way of South Jefferies Boulevard and measuring thereon ten feet (10'), more or less; Southerly by by lands of the City of Walterboro and measuring thereon Seven and five-tenths feet (7.5), more or less; and Westerly by lands of the City of Walterboro and measuring thereon ten feet (10'), more or less; all of which will more fully appear by reference to the sketch of said easement/right-of-way area attached hereto as Exhibit "A" which is incorporated here as part of this description by reference.

The easement/right of way area is located on a portion of the property conveyed to the City of Walterboro by Bank of Walterboro by deed dated September 26, 2013 and recorded September 30, 2013 in RER Book 2159 at

page 10 in the Office of the ROD for Colleton County, South Carolina.

This easement/right-of-way is located on a portion of TMS # 163-11-00-223

That the City of Walterboro waive its right to just compensation for said easement/right-of-way after being fully informed of its right to just compensation for said easement/right-of-way pursuant to the United States Constitution, the Constitution of the State of South Carolina and § 28-2-370 of South Carolina Code of Laws, 1976, as amended.

That the Mayor and City Clerk of the City of Walterboro be, and they are, hereby authorized, empowered and directed on behalf of the City of Walterboro to execute and deliver said easement/right-of-way, and to execute such other documents may be necessary or desirable in connection with the granting of said easement/right-of-way, including but not limited to the waiver authorized hereinabove.

**ADOPTED**, THIS 3<sup>RD</sup> DAY OF OCTOBER, 2017.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: September 5, 2017  
Public Hearing: October 3, 2017  
Second Reading: \_\_\_\_\_

**ORDINANCE # 2017-10**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF WALTERBORO, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO CHAPTER 6, SECTION 6.5, FLOOD DAMAGE CONTROL, OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF WALTERBORO.**

**WHEREAS**, the Special Flood Hazard Areas of the City of Walterboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

**WHEREAS**, it is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; and

**WHEREAS**, the objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area; and

**WHEREAS**, the provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions; and

**WHEREAS**, floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality; and

**WHEREAS**, at the September 20, 2017, Planning Commission Meeting, the Planning Commission discussed text amendments to Chapter 6, Section 6.5, Flood Damage Control of the Unified Development Ordinance: and

**WHEREAS**, the Planning Commission unanimously recommends that Chapter 6, Section 6.5 of the Unified Development Ordinance be removed and replaced; and

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Walterboro, South Carolina, that Chapter 6, Section 6.5 of the Unified Development Ordinance of the City of Walterboro, South Carolina is hereby amended to by removing Section 6.5 in its entirety and replacing it with Chapter 6, Section 6.5 with the following language:

## **Section 6.5 Flood Damage Control**

### **6.5.1 Statutory Authorization**

The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

### **6.5.2 Findings of Fact**

The Special Flood Hazard Areas of the City of Walterboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

### **6.5.3 Statement of Purpose**

It is the purpose of this Section to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this Section are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

#### **6.5.4 Applicability of Section**

This Section shall apply to all areas of special flood hazard within the jurisdiction of \_\_\_\_\_ the City of Waltherboro as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated December 21, 2017 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of \_\_\_\_\_ County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

#### **6.5.5 Establishment of Development Permit**

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

#### **6.5.6 Compliance**

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

#### **6.5.7 Interpretation**

In the interpretation and application of this Section all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

#### **6.5.8 Partial Invalidity and Severability**

If any part of this Section is declared invalid, the remainder of the Section shall not be affected and shall remain in force.

#### **6.5.9 Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of \_\_\_\_\_ (local unit) or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### **6.5.10 Penalties for Violation**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for

not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Waltherboro from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **6.5.11 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

**Accessory Structure (Appurtenant Structure)** - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition (to an existing building)**- an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

**Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are *not* exempt from the provisions of this ordinance.

**Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.

**Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

**Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** - means any enclosed area of a building that is below grade on all sides.

**Building** - see structure.

**Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

**Critical Development** – development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.



**Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

**Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

**Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before June 7, 1974.

**Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before \_\_\_\_\_. (initial ordinance date)

**Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

**Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal

Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Functionally dependent use**- a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic Structure** - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories *MAY NOT* be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the *potential* for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has *individually determined* that the structure or district meets DOI historic structure criteria.

**Increased Cost of Compliance (ICC)** – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

**Limited storage** - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV.F of this ordinance.

**Lowest Adjacent Grade (LAG)** - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

**Lowest Floor** -the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

**National Geodetic Vertical Datum (NGVD)of 1929** - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

**North American Vertical Datum (NAVD) of 1988** – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

**New construction** - structure for which the start of construction commenced on or after \_\_\_\_\_ (initial ordinance date). The term also includes any subsequent improvements to such structure.

**New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after \_\_\_\_\_ . (initial ordinance date)

**Primary Frontal Dune** - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Repetitive Loss** – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

**Section 1316 of the National Flood insurance Act of 1968** - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

**Stable Natural Vegetation** - the first place on the oceanfront where plants such as sea oats hold sand in

place.

**Start of construction** - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Structure** - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

**Substantial damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

**Substantial improvement** - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

**Substantially improved existing manufactured home park or subdivision** - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

**Variance** - is a grant of relief from a term or terms of this ordinance.

**Violation** - the failure of a structure or other development to be fully compliant with these regulations.

### 6.5.12 Administration

A. The Assistant City Manager is hereby appointed to administer and implement the provisions of this ordinance.

B. All LOMRs that are issued in the areas identified in Article I Section D of this ordinance are hereby adopted.

### 6.5.13 Development Permit and Certification Requirements

**A. Development Permit:** - Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Article III.D.11 or the Standards for Subdivision Proposals of Article IV.B and the Standards for streams without Estimated Base Flood Elevations and Floodways of Article IV.C. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Article III.D.11 or the standards for subdivision proposals of Article IV.B.12 and the standards for streams without estimated base flood elevations and floodways of Article IV.C.

2. Where base flood elevation data is provided as set forth in Article I.D or the duties and responsibilities of the local floodplain administrator of Article III.D.11 the application for a development permit within the flood hazard area shall show:

(a) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

(b) if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV.B.2 the elevation (in relation to mean sea level) to which the structure will be floodproofed.

(c) Where base flood elevation data is not provided as set forth in Article I.D or the duties and responsibilities of the local floodplain administrator of Article III.D.11, then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV.C must be met.

(d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation

#### **B. Certifications**

1. Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets

the floodproofing criteria in the non-residential construction requirements of Article IV.B.2 and Article IV.E.2(b).

2. Certification During Construction – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

3. V-Zone Certification - When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.F.5.

4. As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III.C.2a, 2b, and 2c that the development is built in accordance with the submitted plans and previous pre-development certifications.

#### **6.5.14 Duties and Responsibilities of the Local Floodplain Manager**

**A. Permit Review** - Review all development permits to assure that the requirements of this ordinance have been satisfied.

**B. Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

#### **C. Watercourse alterations –**

1. Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. In addition to the notifications required watercourse alterations per Article III.D.3a, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.

3. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.

4. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

**D. Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV.B.5 are met.

**E. Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

**F. Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.

**G. Certification requirements** –

1. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III.C.2.b or the coastal high hazard area requirements outlined in Article IV.F.5.

2. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.C.2.a.

3. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.B.2.

4. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV.F.4, Article IV.F.6, and Article IV.F.8 of this ordinance.

**H. Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

**I. Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.B.7.b.

**J. Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Article I.D, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant

to the standards for subdivision proposals outlined in Article IV.B.12, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

**K. Special Flood hazard Area/topographic Boundaries Conflict** - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

**L. On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.E.1

**M. Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.E.

**N. Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

**O. Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.

**P. Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.

**Q. Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

**R. Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

*The market values shall be determined by one of the following methods:*

1. The current assessed building value as determined by the county’s assessor’s office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

2. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in



its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*

3. Real Estate purchase contract within 6 months prior to the date of the application for a permit.

#### **6.5.14 Administrative Procedures**

**A. Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

**B. Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

**C. Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

**D. Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

**E. Violations to be Corrected** - When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

**F. Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

1. The building or property is in violation of the Flood Damage Prevention Ordinance,
2. A hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
3. Following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

**G. Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage

Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

**H. Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**I. Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

**J. Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

**K.** The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at [www.fema.gov](http://www.fema.gov):

1. FEMA 55 Coastal Construction Manual
2. All FEMA Technical Bulletins
3. All FEMA Floodplain Management Bulletins
4. FEMA 348 Protecting Building Utilities from Flood Damage
5. FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

#### **6.5.15 Provisions for Flood Hazard Reduction**

##### **A. General Standards**

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

1. **Reasonably Safe from Flooding** - Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
2. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.

**3. Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.

**4. Minimize Flood Damage** - All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,

**5. Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,

**6. Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus \_\_\_\_\_ feet (freeboard).

**7. Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,

**8. Sanitary Sewage Systems** - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,

**9. Gas Or Liquid Storage Tanks** - All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.

**10. Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.

**11. Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,

**12. American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

## **B. Specific Standards**

In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the local floodplain administrator Article III.D., the following provisions are required:

1. **Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than \_\_\_\_\_ feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV B.4.

### **2. Non-Residential Construction**

a. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than \_\_\_\_\_ feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV B.4. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

b. Registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III.C.2.a. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V.E of this ordinance. Agricultural structures not meeting the criteria of Article V.E must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

### **3. Manufactured Homes**

a. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than \_\_\_\_\_ feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV.B.1 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than \_\_\_\_\_ feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

c. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral

movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

**4. Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:

- i. Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- ii. The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- iii. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- v. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

b. Hazardous Velocities - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

c. Enclosures Below Lowest Floor

- i. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- ii. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.

- iii. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.B.1, 2 and 3.
- iv. All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV.B 1, 2, 3 and 4 should be of flood resistant materials.

**5. Floodways** - Located within areas of special flood hazard established in Article I.D, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:

- i. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
- ii. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.

b. If Article IV.B.5a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV B.3 and the encroachment standards of Article IV.B.5(a) are met.

d. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

**6. Recreational Vehicles**

a. A recreational vehicle is ready for highway use if it is:

- i. on wheels or jacking system
- ii. attached to the site only by quick-disconnect type utilities and security devices; and
- iii. has no permanently attached additions

b. Recreational vehicles placed on sites shall either be:

- i. on site for fewer than 180 consecutive days; or

- ii. be fully licensed and ready for highway use, or *meet* the development permit and certification requirements of Article III.D, general standards outlined in Article IV.A, and manufactured homes standards in Article IV.B.3 and B.4.

**7. Map Maintenance Activities** – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I.D accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

**a. Requirement to Submit New Technical Data**

- i. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
  - 1) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - 2) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - 3) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
  - 4) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.C.1.
- ii. It is the responsibility of the applicant to have technical data, required in accordance with Article IV.B.7, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- iii. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - 1) Proposed floodway encroachments that increase the base flood elevation; and
  - 2) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- iv. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV B.7.

**b. Right to Submit New Technical Data** - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

## **8. Accessory Structures**

a. A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2)*.

b. If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:

- 1) Accessory structures shall not be used for any uses other than the parking of vehicles and storage,
- 2) Accessory structures shall be designed to have low flood damage potential,
- 3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- 4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
- 5) Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.A.5,
- 6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.B.4a, and
- 7) Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**9. Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- a. Meet the requirements for accessory structures in Article IV.B.8
- b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

## **10. Elevators**

- a. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.
- b. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 *Elevator Installation for Buildings Located in Special Flood Hazard Areas*.



**11. Fill** - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Article IV B(1) or B (2), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a. Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.B.5a.
- b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g. Fill may not be used for structural support in the coastal high hazard areas.
- h. Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

**12. Standards for Subdivision Proposals and other development**

- a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d. The applicant shall meet the requirement to submit technical data to FEMA in Article IV B.7 when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

**13. Standards for Streams without Established Base Flood Elevations and Floodways** - Located within the areas of special flood hazard (Zones A and V) established in Article I.D, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- a. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations

for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

- b. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- c. If Article IV.C.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.E.11.
- d. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- e. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
  - i. Contour Interpolation
    - 1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
    - 2) Add one-half of the contour interval of the topographic map that is used to the BFE.

**Data Extrapolation** - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

**Hydrologic and Hydraulic Calculations**- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

**13. Standards for Streams with Established Base Flood Elevations but without Floodways** - Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

a. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**14. Standards for Areas of Shallow Flooding (AO Zones)** - Located within the areas of special flood hazard established in Article 1.D, are areas designated as shallow flooding. The following provisions shall apply within such areas:

a. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

b. All new construction and substantial improvements of non-residential structures shall:

- i. Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
- ii. Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III.D.

c. All structures on slopes must have drainage paths around them to guide water away from the structures.

#### **6.5.16 Variance Procedures, Requirements and Appeals**

A. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.

B. The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this Section.

C. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the court of common pleas.

D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section.

E. In passing upon such applications, the Board of Zoning Appeals shall consider the following:

1. All technical evaluations;
2. All relevant factors;
3. All standards specified in other sections of the Section;
4. The danger that materials may be swept onto other lands to the injury of others;
5. The danger to life and property due to flooding or erosion damage;
6. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
7. The importance of the services provided by the proposed facility to the community;

8. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The compatibility of the proposed use with existing and anticipated development;
11. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
12. The safety of access to the property in times of flood for ordinary and emergency vehicles;
13. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
14. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems and streets and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; providing subsections 1 through 14 of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors listed subsection (e) of this section, and the purposes of this Section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result therefrom.

H. Conditions for variances:

1. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall be issued only upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that the failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lower floor elevation than the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

**ATTEST:**

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_

**ORDINANCE # 2017-11**

**AN ORDINANCE TO UPDATE THE ELEMENTS OF THE CITY OF WALTERBORO COMPREHENSIVE PLAN.**

**WHEREAS**, the Local Government Comprehensive Planning Enabling Act of 1994 requires municipalities to adopt a Comprehensive Plan; and

**WHEREAS**, the City of Walterboro Comprehensive Plan was adopted in 1997; and

**WHEREAS**, the Planning Commission is required to update the nine (9) elements of the Comprehensive Plan every five (5) years; and

**WHEREAS**, the nine (9) elements of the Comprehensive Plan are population, economic development, natural resources, cultural resources, community facilities, housing, land use, transportation and priority investment; and

**WHEREAS**, the Planning Commission met on September 20, 2017, to review updates to the nine (9) elements of the Comprehensive Plan; and

**WHEREAS**, the Planning Commission unanimously adopted a resolution recommending the following updates to the Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and City Council of the City of Walterboro, South Carolina, that the nine (9) elements of the comprehensive be updated pursuant to the recommendations from the Planning Commission.

**DONE**, this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

# City of Walterboro

## 2010 Comprehensive Plan

### Element Update

Comments will be done by Element/Chapter and reference page and paragraph to be amended.

#### **Element/Chapter 1 - Natural Resources**

There have been no developments or events since the 2010 plan that warrant updates.

#### **Element/Chapter 2 – Historic Resources**

This element/chapter has minor changes, but no material changes as the background, goals, and processes remain the same.

##### **Page 2** - Section 2.2

Historic Albert House Hotel – Is now partially vacant, but repaired and on market.

The Old Jail - Change last sentence to ... currently houses Colleton County's Probate Judge, Council Chambers, Finance Department, and Administration Department.

##### **Page 20**

Second Bullet Point - Final sentence should read, "Since the initial plan, the Historic Preservation Overlay has been expanded and the Ordinance was updated and expanded, as part of the Uniform Development Ordinance, to include guidelines."

#### **Element/Chapter 3 - Housing**

No major developments have occurred since the Plan was approved. Only possible update would be addition to the tables. However, nothing has happened that would affect the plan. We will change all of this in 2020.

## **Element/Chapter 4 – Economy**

There have been some developments in this section.

### **Figures to be updated:**

- Update Figure 4.1 on p.34
- Delete 4.2 on p.34

### **Page 41**

Bullet 2 - Delete “Economy hotels”, replace with “mid-scale hotels and B&B options”

Bullet 3 - Change “fast food restaurants” to, “varied hotel and restaurant options.”

Bullet 4 – Detail added. Note that first spec building is sold and operational and second is up and being marketed. Additionally, a pad has been prepared for a third building and recent road improvements/additions make the sites even more attractive and accessible.

Paragraph 3 under bullets – Now begins with The Colleton County Commerce Center is operational and with its FTZ benefits and prominent location along I-95, more development is expected. Previously read “in final development stage”.

NOTE: This is not a history, it is a plan. Do we need to include this if plan is not affected?

## **Element/Chapter 5 – Land Use**

No changes in this element/chapter but we should consider updating maps.

## **Element/Chapter 6 – Community Facilities**

No major changes in this element/chapter. Minor change options include:

### **Page 65**

- Bullet 1
  - o Update the name of the Great Swamp Sanctuary to the Walterboro Wildlife Sanctuary.
- Bullet 6
  - o Change “privately owned” to “County owned”.

### **Page 67**

- Bullet 6 under section 6.6
  - o Add that Forest Circle Middle is not operating as a school currently.



### **Element/Chapter 7 – Population**

Population has seen no movement up or down. This section should probably be left for revisiting in the 2020 Comprehensive Plan process.

### **Element/Chapter 8 – Transportation**

Transportations issues and needs remain constant. No changes recommended.

### **Element/Chapter 9 – Priority Investment**

There were no changes to this section, but for dollar amounts in Table 9.1 on page 91.

**ORDINANCE # 2017-12**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF WALTERBORO, SOUTH CAROLINA, TO PROVIDE FOR CHANGES IN THE ZONING DISTRICTS OF THE CITY OF WALTERBORO BY CHANGING THE ZONING CLASSIFICATION OF TWO PARCELS OF LAND ON WICHMAN STREET DESIGNATED AS TMS #'S 163-11-00-135 AND 163-11-00-136 FROM GENERAL COMMERCIAL DISTRICT (GCD) TO CENTRAL BUSINESS DISTRICT (CBD).**

**WHEREAS**, the Planning Commission of the City of Walterboro met on September 20, 2017 to consider a change in zoning classification from General Commercial District (GCD) to Central Business District (CBD) for the above mentioned properties; and

**WHEREAS**, pursuant to said meeting, the Planning Commission has recommended that the zoning classification of the property aforesaid be changed to the Central Business District (CBD) zoning classification.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and Coty Council of the City of Walterboro, South Carolina, that the Zoning Map of the City of Walterboro, South Carolina is hereby amended by changing the Zoning District classification of the property located on Wichman Street, designated as tax map numbers 163-11-00-135 & 163-11-00-136 from General Commercial District (GCD) to Central Business District (CBD) as shown on the attached map.

**DONE**, this \_\_\_\_\_ day of November, 2017

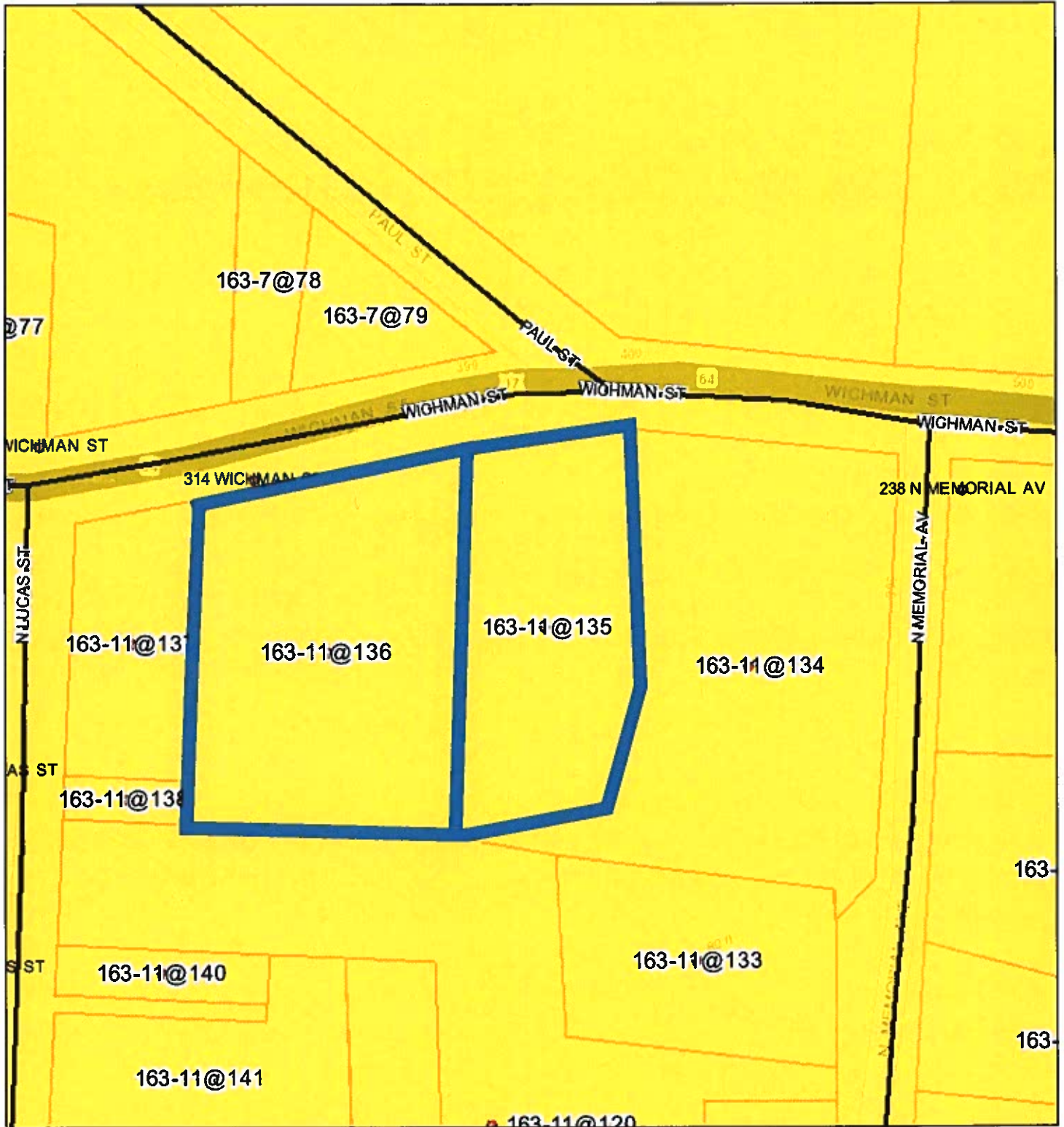
\_\_\_\_\_  
William T. Young, Jr  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

# Artisan Center Lots 163-11@135&136



September 29, 2017

## Lines

 Override 1

 2016 Parcel Records (12/31/2016)

 Address Points

## Road Centerlines

 Paved

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community  
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

***PROCLAMATION No. 2017-02***

**By the City of Walterboro, South Carolina**

**Brag A Little About Walterboro Week**

**WHEREAS**, the City of Walterboro is a vibrant and forward thinking community full of southern hospitality and great economic potential, and

**WHEREAS**, a vital component to our continued evolution and growth is drawing new visitors and residents to Walterboro, an effort that starts by creating a positive environment that will foster prosperity and advancement, and

**WHEREAS**, the City of Walterboro is committed to engaging its residents with initiatives that promote pride and civic involvement, which is proven to contribute to a robust and socially, environmentally and financially sustainable community, and

**WHEREAS**, the people of Walterboro and Colleton County are a great resource, we are asking that citizens support a city-wide campaign during which signs will be displayed outside homes and businesses, reinforcing what makes them proud to live in Walterboro,

**NOW, THEREFORE, BE IT PROCLAIMED** by the Mayor and City Council of the City of Walterboro, South Carolina, in Council Assembled, that October 28 – November 5, 2017 shall be designated as

**“BRAG A LITTLE ABOUT WALTERBORO WEEK”**

in the City of Walterboro and encourages its citizens to participate in this campaign, making a visible statement that we are committed to improving the quality of life for all citizens in the City of Walterboro and Colleton County, and are proud of the achievements of our town.

**IN WITNESS WHEREOF**, I hereunto set my hand and caused the official seal of the City of Walterboro, South Carolina, to be affixed in this 3<sup>rd</sup> day of October, 2017.

**William T. Young, Jr., Mayor**

**ATTEST:**

**Betty J. Hudson, City Clerk**



September 26, 2017

Walterboro City Council  
242 Hampton Street  
Walterboro, SC 29488

**Re: 3<sup>rd</sup> Annual Brag About Walterboro Campaign**

Dear Mayor and City Council,

The Walterboro Tourism Commission is excited to launch its 3<sup>rd</sup> Annual Brag About Walterboro Campaign this month. We look forward to another successful year.

To increase the visibility of the campaign, the Walterboro Tourism Commission requests approval of the following:

- A banner announcing Brag About Walterboro Month to be displayed October 28<sup>th</sup>- November 5<sup>th</sup>, 2017 (mock-up below)

**BRAG A LITTLE ABOUT WALTERBORO**

Thank you for your support and encouragement.

Sincerely,

A handwritten signature in black ink that reads "Michelle Strickland".

Michelle Strickland, Tourism Director  
843-538-4353  
mstrickland@walterborosc.org

# *Colleton County Veterans Council*

PO BOX 256  
WALTERBORO, SC 29488  
843-549-1412

JOHNNY HOLMES, CHAIRMAN  
WILLIAM PROCTOR, CO-CHAIRMAN

JANET SMITH, COUNTY VA OFFICER  
KIMBERLY BROWN, SECRETARY  
BOB TIEGS, TREASURER

DATE: September 6, 2017

TO: Mayor Young and City Council Members

FROM: Colleton County Veterans Council

The Colleton County Veterans Council is requesting to be placed on the agenda for the October meeting regarding the Veterans Day Parade. The parade is scheduled for Sunday, November 12, 2017, 2:00pm.

Attached is a copy of the Permit Application, map and flyer. Our Grand Marshal for this year's parade is our First Responders. The route is Downtown Walterboro and lineup is at 1:00 pm.

If you have any questions, please contact Bob Tiegs at (843) 908-9732.

**CITY OF WALTERBORO**  
**PARADE/PROCESSION PERMIT REQUEST**

(PLEASE PRINT INFORMATION REQUESTED)

Application Date: Sept. 6, 2017

1. Person submitting application: Janet D. Smith  
Address: 219 S Lemacks St. Walterboro  
Telephone: 843 549-1412
  
2. Name of Organization: Colleton County Veterans Council  
Chairperson/President: Johnny Holmes  
Address: 824 Wesley Grove Road, Cottageville  
Telephone: 843 908-2123
  
3. Parade Chairman: Bob Tiers  
Address: 120 Azalea Drive, Walterboro  
Telephone: 843 908-9732
  
4. Date/Time of Parade: 11-12-17 - 2:00 pm
  
5. Parade Route requested (Attach Sketch) Main Street - See attached
  
6. Number of Vehicles/Floats: Appx 30 Number of Animals: 0
  
7. Portion (width) of street parade will occupy: Whole Street
  
8. Additional Information (Upon Request): Request street closure 1:00 pm

Bob Tiers  
Signature/Parade Chairman

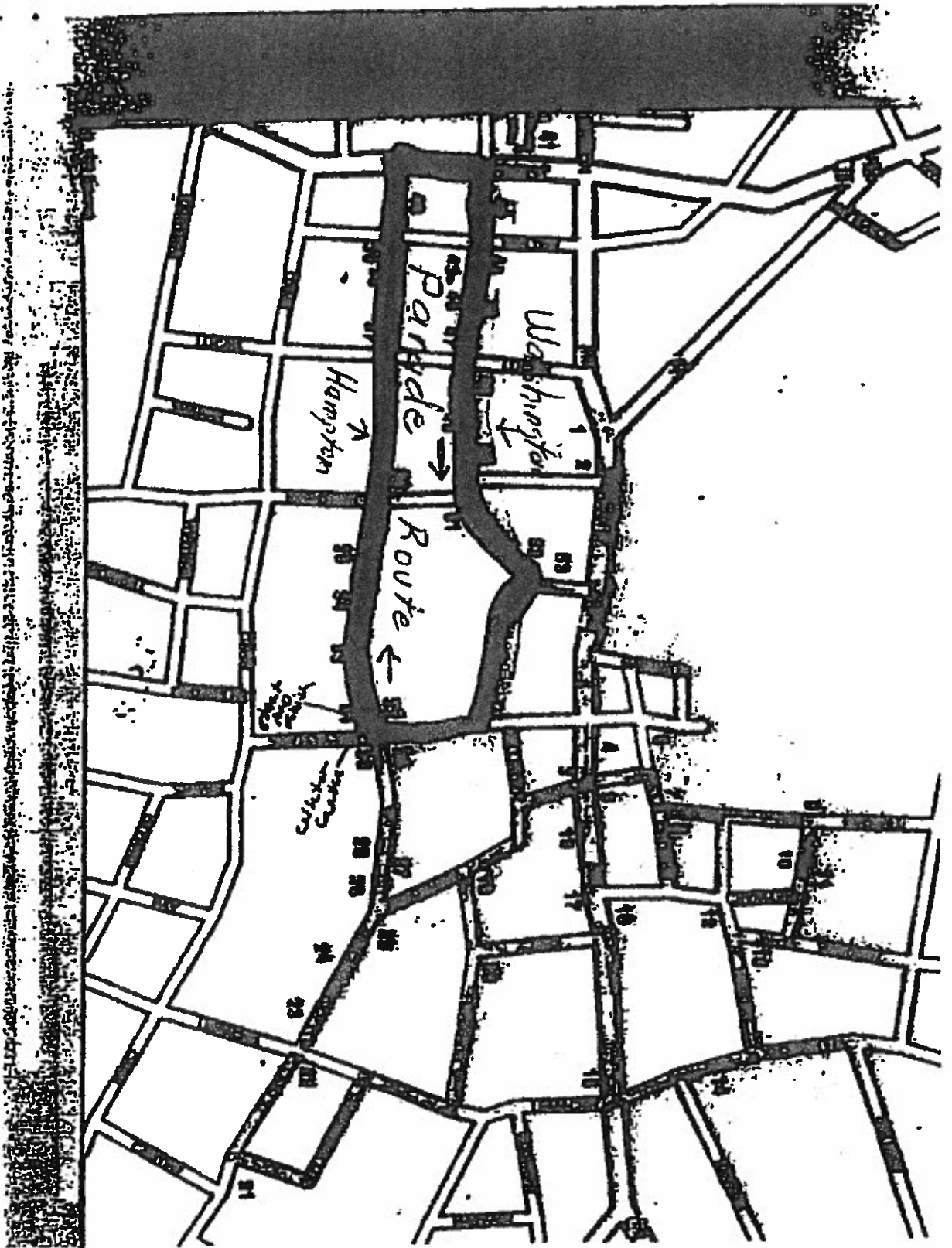
Johnny Holmes  
Signature/Organization Chairperson

\_\_\_\_\_ Approval                      \_\_\_\_\_ Disapproval

\_\_\_\_\_  
Police Chief

\_\_\_\_\_  
City Manager

**NOTE: >>> Call Police Chief (782-1032) to confirm Parade/Procession Route three days prior to parade.**





# Colleton County Veterans Day Parade



HONORING ALL VETERANS WHO SERVED

**DUTY ★ HONOR ★ SACRIFICE**

GRAND MARSHALS

CELEBRATING OUR FIRST RESPONDERS

**Never Forget Their Service**



**Sunday, November 12, 2017**

**2:00 pm (Lineup - 1:00pm)**

**Parade Route - Downtown Walterboro**

**For more information contact:**

**Bob Tiegs, Parade Chairman (843) 908-9732**

**Janet D. Smith, VA Officer (843) 549-1412**



# Colleton County Veterans Council

PO BOX 256  
WALTERBORO, SC 29488  
TELEPHONE: 843-549-1412

~ CELEBRATING OUR FIRST RESPONDERS ~  
SUNDAY, NOVEMBER 12, 2017, 2:00 pm

## PARADE ENTRY FORM

**\*COMPLETE ALL HIGHLIGHTED AREAS\***

Name of Organization: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime/Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Type of Participation (Please Select):

- Float                       Walking                       Marching  
 Car                               Motorcycles                       Horses  
 Grand Marshal Float (Honoring all Veterans - Celebrating Our First Responders)

Veteran's Name: \_\_\_\_\_

Other: \_\_\_\_\_

**PLEASE NO CANDY THROWING**

**DEADLINE FOR ENTRY: October 30, 2017**

**Submit form in person to Veterans Affairs Office  
219 S. Lemacks Street Ste. #124**

**Mail to: P.O. Box 637  
Walterboro, SC 29488**

**Print, Scan and Email to: cvao@colletoncounty.org**

**or Fax to: (843) 549-0132**

### **PARADE ROUTE**

Lineup is at 1:00 pm at  
494 Hampton Street Auditorium.

Turn right onto Jefferies Blvd.

Turn onto East Washington Street to  
Memorial Avenue and  
end on Hampton Street



---

September 25, 2017

Walterboro City Council  
242 Hampton Street  
Walterboro, SC 29488

**Re: Street Closing for Christmas Parade**  
Sunday, December 3, 2017

Dear City Officials:

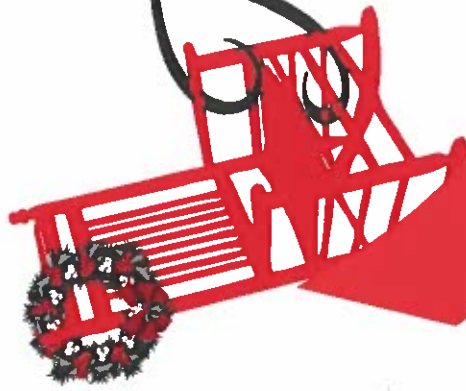
The Walterboro Christmas Parade Committee wishes to request that the city close certain streets for the 2017 Christmas Parade.

The parade is being held Sunday, December 3rd at 6:00 P.M. We ask that the streets be closed at 4 P.M. The parade route will be starting on Hampton Street at Colleton Center proceed east turn right on Jefferies Hwy, tum right Washington Street, turn right on Neyle Street, turn right on North Miller Street ending back at the Colleton Center Hampton Street. (map attached) The parade route is one mile long. In addition, we are requesting two parking spaces blocked off in front of waterfall on Washington Street for announcing and judging the parade.

Thank you very much for your favorable consideration of this request.

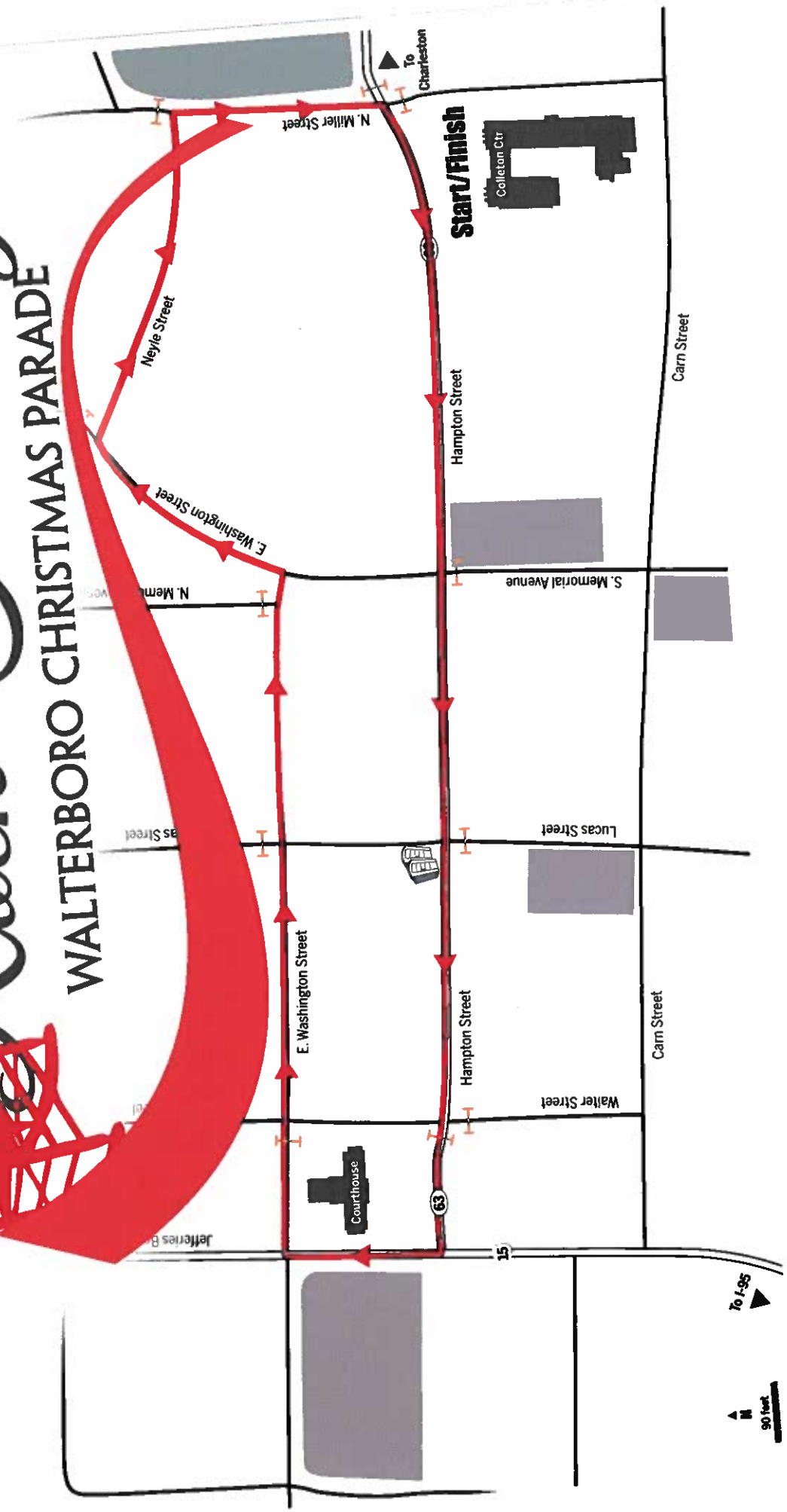
Sincerely,

Michelle Strickland  
Tourism Director



# THE *Rock IN Holidays*

## WALTERBORO CHRISTMAS PARADE



**CITY OF WALTERBORO**  
**PARADE/PROCESSION PERMIT REQUEST**

**(PLEASE PRINT INFORMATION REQUESTED)**

**Application Date:** 9-25-17

1. **Person submitting application:** Michelle Strickland

**Address:** 1273 Sniders Highway

**Telephone:** 843-538-4353

2. **Name of Organization:** Walterboro Christmas Parade

**Chairperson/President:** Michelle Strickland

**Address:** 1273 Sniders Highway, Walterboro, SC 29488

**Telephone:** 843-538-4353

3. **Parade Chairman:** Charlie Sweat

**Address:** 213 Lemacks Street Walterboro, SC 29488

**Telephone:** 843-635-5200

4. **Date/Time of Parade:** December 3, 2017 6 pm

5. **Parade Route requested (Attach Sketch)** attached

6. **Number of Vehicles/Floats:**approx. 80 **Number of Animals:** approx. 10

7. **Portion (width) of street parade will occupy:** Entire Street

8. **Additional Information (Upon Request):** Street to be closed at 4 pm

Charlie Sweat  
Signature/Parade Chairman

  
Signature/Organization Chairperson

\_\_\_\_\_ Approval

\_\_\_\_\_ Disapproval

\_\_\_\_\_  
Police Chief

\_\_\_\_\_  
City Manager

**NOTE:** >>> Call Police Chief (782-1032) to confirm Parade/Procession Route three days prior to parade.

# PalmettoPride

PO Box 50217  
Columbia, SC 29250  
1.877.PAL.PRDE (Toll Free)  
1.803.758.6034  
Fax 1.803.758.6032  
www.palmettopride.org

September 7, 2017

Summer L. Nay  
City of Walterboro  
242 Hampton Street  
Walterboro, SC 29488

Dear Mrs. Nay:

Thank you for submitting a Trash Can Mini-Grant proposal to PalmettoPride. We are happy to inform you that City of Walterboro has been selected to receive trash cans. PalmettoPride will purchase the following items for delivery:

QUANTITY	MODEL NUMBER	TOTAL
6	H-3022	\$4920.00

Once we have confirmation of order and delivery, we will let you know to expect a call from Uline to confirm a delivery time. We will also send you plaques to be attached to the trash cans.

Again, congratulations on your award. Your beautification efforts make a difference in your community and benefit all of South Carolina. We applaud your organization and look forward to working with you through this grant.

Sincerely,



Sherryl Jenkins  
Grants Coordinator

**Litter  
Trashes  
Everyone.**  
*Don't Do It.*

