

Walterboro City Council  
Regular Meeting  
January 2, 2018

## **MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, January 2, 2018 at 6:15 P.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Re-Elect Bill Young, Council Member-Elect Carl Brown, Council Member Judy Bridge, Council Member Paul Siegel, Council Member Bobby Bonds, Council Member Re-Elect James Broderick, and Council Member-Elect Greg Pryor. City Manager Jeff Molinari, City Clerk Betty Hudson, and City Attorney George Cone were also present. There were approximately 23 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and welcomed everybody to the meeting. He stated this is the first meeting of the new year 2018. This is a special meeting as we are swearing-in newly elected officials for a 4-year term. We are glad to have the families of those Council Members here with us tonight.

The Mayor then invited everyone to join in prayer, followed by the pledge of allegiance. Mayor Young gave the invocation and Council Member-Elect Greg Pryor led the pledge of allegiance to our flag.

### **SWEARING-IN OF NEWLY ELECTED COUNCIL MEMBERS:**

Next, Council Member Re-Elect James Broderick was officially sworn into office by the City Attorney George Cone. His wife, Becky Broderick, and two sons, Hudson Evans and Jack Broderick, stood by during the swearing-in.

Next, Council Member-Elect Carl Brown was officially sworn into office by the City Attorney George Cone. His wife, Grace Ann Brown, and two sons, Jim Brown and West Brown, stood by during the swearing-in.

Next, Council Member-Elect Greg Pryor was officially sworn into office by the City Attorney George Cone. His wife, Lesli Pryor and two sons, Campbell Pryor and Peyton Pryor, and grandson, Mitchell McRae, stood by during the swearing-in.

Mayor Re-Elect William T. Young, Jr. was officially sworn into office by City Attorney George Cone. His wife, Janice Young, stood by during the swearing-in.

Council Members Broderick, Brown, Pryor and Mayor Young were seated on Council.

City Attorney Cone asked all sworn-in officials to stop by and see the City Clerk to sign the Oath of Office, so that there would be a written memorandum that each elected official has taken the oath.

Mayor Young reminded the newly elected officials that the election process is stressful for the candidates and for their families. It is hard work, and we appreciate you having your families here tonight. You will need their support over the next four years.

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

No public comments on agenda items were given.

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**PUBLIC HEARING:**

1. **Ordinance # 2017-15**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 3, Section 3.2.1, Accessory Apartment of the Unified Development Ordinance of the City of Walterboro.

Assistant City Manager Hank Amundson briefed Council on this ordinance. He said, as discussed at its last meeting, the Planning Commission took on the task of clarifying accessory apartment uses in the Central Business District, and this ordinance is what came out of that meeting. This ordinance more clearly defines the accessory apartment use in the Central Business District, as it is different from Single Family and Residential Districts. The reason behind this is, as an accessory use, therefore, it is by definition subordinate to the primary use which is commercial.

Ms. Carol Black then raised a question on this agenda item. She said she was given copies of another ordinance, which talked about clear glass on the storefronts. Mr. Amundson replied, this is another separate ordinance. Ms. Black then said, I am wondering whether or not for either one of them, if Council would consider requiring shop owners when their properties are vacant to actually have some kind of shade or window covering rather than this brown paper covering on the windows. Some of the buildings on main street have had paper in the windows so long, it almost looks like the Great Depression on main street. I don't know whether this requirement would be more appropriate for this ordinance or in the other. Mr. Amundson replied, well, this ordinance is simply about accessory apartments and uses. Over the next year, the Planning Commission is going to undertake a clarification process of the whole UDO and that could be something that can be considered.

Ms. Black then said, for those of us who can't come to the Council Meeting, I understand that it takes a while to transcribe the minutes, but I see tonight, we are going to look at the minutes from four months ago, and when you live out of town or can't come to the meetings, is there any way to get draft minutes earlier, so you can see and then if you wanted to send in comments, is that a possibility?

Mayor Young responded, that would have been an appropriate question for the input time, since that was not part of the public hearing. But, to answer that, that might be difficult because certainly if there is something specific, we get it up on the website. As soon as we have it, we put it on the website.

City Manager Molinari pointed out that completing the minutes is very time-consuming, and Betty was the primary staff person that made this recent election happen, and was very involved in that. So, the turnaround time on the most recent minutes has not been as quick as it has been in the past, but there is a reason for that. She had been involved in other things, most notably the election. Mayor Young added, our minutes are usually not this far back.

Ms. Black then said, it is just difficult for those who can't come. If we are going to have a First Reading at one meeting and then the Second Reading and passage at the next meeting, then there is no time, for someone who can't come to the meetings to actually know what has happened, so you can try to make a comment.

City Attorney Cone then asked Ms. Carol Black to identify herself by name for the record, and anyone else who wishes to speak in the public hearing, please identify yourself by name for the record. Ms. Black then said, my name is Carol Black. I am from Walterboro, but I actually reside in Los Angeles.

There were no further comments or questions and the Public Hearing was closed.

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**PRESENTATION:**

1. Code Enforcement/Building Inspection Concerns - Ms. Carol Black

Ms. Carol Black appeared before Council with concerns on Code Enforcement/Building Inspection. She said, my name is Carol Black. I am from Walterboro and I am an attorney actually in Los Angeles. I own property in Walterboro. I would like to thank you for allowing me to speak to you tonight, and thank you to the member of Council who intervened on my behalf to allow me to be placed on the agenda. I was told today that there is a 5-minute limit. I have checked the City Code that says that the presiding officer actually has the right to determine the length of time, but it actually says that relates to residents. So, I would consider if the presiding officer wants to limit the time for "nonresidents," then maybe your Code might ought to be changed to "individuals," rather than to say "residents."

Mayor Young then said, let's try to keep it to five minutes.

Ms. Black then said, as I come to you tonight, I want to make sure that I make it clear, before I get started, I am not here to complain about any City employee. Mr. Amundson, the Assistant City Manager has been very helpful. I have filed a number of code complaints about the appearance of property that hasn't been maintained or in violation with some other ordinances. He has always been very helpful to get back with me and to follow up. The same with Bonnie Ross. So, I have not come to complain about them.

What I found over time is that there are "inconsistencies" among the Municipal Code, the Unified Development Ordinance and my new favorite law, which is the International Property Maintenance Code. I have found that almost every problem that I have brought to the Code Enforcement Department's attention, really could be handled under that Code. Since that Code "pronounces" the local code, the local codes can be more stringent, but it can't be more lenient.

So, it has come to my attention when I have complained about certain things, that there may be a section now when talking to the newest Code Enforcement Officer that sometimes may conflict between "motor vehicles," versus "vehicles" - whether or not you can have an abandoned one. Which code applies?

Also, when I have complained about some things, I've gotten an answer, "well this hasn't risen to a level of a "health and safety problem." Well, the International Property Maintenance Code doesn't require that. We have an unusual situation with "fences" here in town. If you have a fence that abuts a street or an alley, you have to maintain that under the City Code, but the International Property Maintenance Code does not limit fences that are on the streets or alleys, or anything. So, I would hope that especially when it gets to the situation of the Historic Districts, it is a lot of confusion there, because you have a Certificate of Appropriateness that is required whether or not you actually have to get a building permit. If you are making any exterior changes or repairs, you have to get a Certificate of Appropriateness. So, I am wondering if Council would consider perhaps starting to try to get the realtors in town educated, so when they are showing property in these districts, that the realtors could explain to their buyers when they are getting ready to buy a property in this area, what you are going to have, with the added burden of this, since you know this ahead of time.

I am particularly concerned with "spotted or uneven" enforcement. Mr. Peden McLeod wrote a letter last year after the hurricane, when his house got condemned and he was upset about the short period of time. But Mr. McLeod complied. He got his property repaired. He went through the Certificate of Appropriateness procedures, and

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he had it done within the guidelines of the Historic Preservation Ordinances. Unfortunately, there is a house on Carn Street where nothing has been done. The house is condemned, and it's sitting there. It's a blight on the neighbors who are trying to maintain their properties. So, it's good for the City to also consider starting to try to beef up enforcement. Now, I talked to Ms. Bonnie Ross and she said that the Historic Preservation Commission had been talking about this and is concerned about what rights they have to try to enforce it. They have gone through the Code and actually the Administrator under 10.8 of the Unified Development Ordinance already has all of the rights that he needs to actually enforce it. He can order the removal of illegal buildings and structures, illegal additions, alterations, structural changes and under our City Code 1-7, he can fine or bring to City Court the person, who can be fined \$500 or 30 days or more on each day. I actually saw a file where the homeowner had actually been brought to court. Whether or not they have collected, that's a whole other story, but they have actually been fined or required to do certain things. So, I would add that I believe that our ordinances already have the remedies there, they just need to be enforced. And, of course, enforced evenly across the board.

Now, I will speak on my concerns with the building inspections. Ms. Black then said, I hope that you will all consider hiring a full time building inspector. This department has had issues. I took one building inspector, I think it was two times to LLR and had to have his license suspended for problems with him. Mr. Pacillio came and we had no more problems in terms of someone knowledgeable. I have had problems with this company. I have had a failure of an inspection. Mr. Amundson stepped in, to his credit, and forced the Building Inspector to come back to my house to look at it again the same day, and it passed, because the person had missed it. I think that this is a situation that requires someone to be here and available more than twice a week. So, I think this is a dangerous situation.

I am hiring reputable people. Mr. Brown, I am sure, doesn't need building inspectors because he is fulfilling his obligations based on his liability and professionalism. But the people in town who need to be protected are the people who are hiring the builders who may be the ones who are not following all the rules. We all know that we have had a bad situation in this town before when things were missed - lawsuits, hard feelings, money. A lot of bad things have happened when things were handled by building inspectors whose license I had suspended. So, I would just like you to seriously consider how much trouble - say it's someone doing an electrical inspection and they miss something. What could happen to a family who lives there if their place caught on fire. It wouldn't happen to people I am hiring, but it might happen to someone who maybe couldn't afford someone who is as professional as my contractors have been.

Again, thank you for the time, and again I want to confirm that I do not have a problem with Mr. Amundson or Ms. Ross. I think they are trying to do their jobs and have been very good about getting back in touch with me. But I think this is a problem that warrants more attention, and if it is a cause for money, I think you should be thinking about that money being well spent.

**APPROVAL OF THE MINUTES:**

The Minutes of the September 5, 2017 Regular Meeting and the Minutes of the October 3, 2017 Regular Meeting were approved as written on the motion of Council Member Bridge, seconded by Council Member Broderick, and passed with all members voting in favor.

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**OLD BUSINESS:**

1. **Ordinance # 2017-15**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 3, Section 3.2.1, Accessory Apartment of the Unified Development Ordinance of the City of Walterboro, Second Reading and Adoption.

A motion was made by Council Member Siegel giving Second Reading and Adoption to Ordinance # 2017-15, to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 3, Section 3.2.1, Accessory Apartment of the Unified Development Ordinance. Council Member Broderick seconded the motion.

In discussing the motion, Council Member Bonds said to Assistant City Manager Amundson that in a single story building, an accessory apartment would have 50% use in the back on the first floor, and then in a two-story building, an accessory apartment would have zero (0) space to use on the first floor, but would be allowed use of whatever space it wanted on the top floor. He asked, is that right? Mr. Amundson replied "yes." Mr. Bonds said, so that's what this ordinance is doing.

Council Member Bonds then said, what if somebody is in a wheel chair. Are we going to make them put in a \$100,000 elevator to get up stairs? Or I guess my question is, I don't see the relationship. I understand wanting to have 50% of the bottom floor and then putting the other 50% accessory apartment in the back. I am with you on that. I see that. You want to preserve businesses downtown in this Commercial Business District and have these as accessory type apartments. What I don't understand is saying that if you have a second floor, then you cannot have any portion downstairs. I don't see any rationale between that, other than to me, it is kind of arbitrary.

Mr. Amundson responded, I think what it is saying is that there is 50% to be maintained for commercial, and the accessory apartment must be the furthest from the storefront. That was the discussion. This is not me saying this, but this is what the Planning Commission is saying. That the accessory apartment is 50% farthest from the storefront, and that would be ground floor commercial. Again, this is what came out of the discussion. I am sure that if there were a handicap situation, they would apply for a variance.

Council Member Bonds, then said, that's my next question. So, when you say closest to, you are talking about going to the back and then going upstairs. It just seems to me, I don't see the rationale for making somebody not have anything on the bottom floor, simply because there happens to be a second story. There are very few second story buildings up there, but still, if you are one of the persons who have a second story building, you are looking at a lot more expense for having to remodel a second story as opposed to the first. That's just a concern I have. What do we do about a variance? Who does the variance process as it relates to this? Mr. Amundson responded that the variance is handled through the Board of Zoning Appeals. Mayor Young also asked, how does this compare to what we have now?

Mr. Amundson responded, it more clearly defines - if you strictly enforce what we have now, you can't even just use only the upstairs. This is more consistent. We didn't just make up an example for the City from the Planning Commission. We put it out on the Listserv to all the State of South Carolina City Managers as to what they do, and then brought those examples to the Planning Commission.

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Council Member Broderick then asked, in the current ordinance, can you get a variance to do an upstairs apartment? Mr. Amundson responded, yes.

Attorney Cone then said, I want to verify something that Mr. Bonds said about having an apartment in the back. This ordinance doesn't say it's 50% of the ground floor when it's only one floor. Does it say front, back or side? Mr. Bonds confirmed that the ordinance does say it has to be 50% in the back, because you have to keep the front part commercial.

Council Member Bridge then said, if a person wanted to build a two-story building and they had a residence in the back part of it to 50%, could they then rent the whole upstairs? Does it have to be the business owner or can the top floor be renovated to accommodate a renter? Mr. Amundson responded, that is one of the changes - again separately defining accessory apartments from a residential area to a commercial area. If you look at the first part, by saying removing CBD, and then saying "Except for in the CBD," the second point. That is saying that you can't rent out both. Mr. Amundson further said, the residential accessory apartment says that either the homeowner or the business owner has to be an owner. The Planning Commission discussed that in the Central Business District and that's why that is separately defined because that's saying like a mother-in-law apartment in a residential area they wouldn't rent out the house and the apartment, because then you would be getting into a multi-family situation. But with a business, you can have an accessory-use apartment, that's why the CBD is defined separately.

Council Member Bonds then stated that he would be voting against the adoption of this ordinance. He said, the reason I am voting against this is simply because of the issue concerning if you have a two-story, then you have to go upstairs and then basically you can't have anything downstairs. I just don't see a rational or cause or relation to the purpose of it. I just wanted to state that's why I want to vote against it.

Council Member Bridge then said, I just want to clarify the fact for the scenario that I was describing. The business owner could live in the back part on the first floor, and then rent out the whole upstairs as residential. Mr. Amundson responded, no, because that would make it two residential units.

Council Member Brown then asked, so right now there are spaces available on main street that have that scenario -the two story building where somebody is living in the top story. Mr. Amundson said, currently right. Mr. Brown then asked, what would change? Wouldn't they have to have an elevator or handicap accessibility anyway, right now, in the current ordinance? Mr. Amundson responded, not if they are living there, but if they wanted to. Council Member Brown then said, in said situation if they wanted to rent out the second floor and there was a handicap person there, they would have to provide an elevator or whatever, right. Mr. Amundson responded yes.

The motion to adopt Ordinance # 2017-15 then passed with a vote of 6/1 with Mayor Young and Council Members Brown, Bridge, Siegel, Broderick and Pryor voting in favor. Council Member Bonds voted against the motion for adoption.

**NEW BUSINESS:**

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1. Nomination of Mayor Pro-Tem

Council Member Bonds nominated Council Member Paul Siegel to serve as Mayor Pro-Tem. Council Member Broderick seconded the motion. No further nominations were made, and Council Member Siegel was approved unanimously to serve as Mayor Pro-Tem.

2. Council Internal/External Committee Appointments by the Mayor

Before beginning, the Mayor said that he would not make any appointments to the Economic Development Commission. He said, I believe this committee will be a topic for discussion at our upcoming retreat. With no objections, we will put that committee off until the retreat. No objections were made.

Mayor Young then made the following Council Internal/External Committee appointments for 2 year terms:

Budget Committee - Judy Bridge (Chairman)  
James Broderick  
Greg Pryor

Fire Insurance Fund Board of Trustees - Bobby Bonds

City Appearance Board - Carl Brown

North Lemacks Street Revitalization Committee - Paul Siegel

Airport & Finance - James Broderick

Airport - Minority Appointee - Franklin Smalls

Lowcountry Council of Governments - Bobby Bonds

3. Consideration of Rescheduling the February 6, 2018 Regular City Council Meeting to February 13, 2018

The Mayor announced that the February 6 meeting falls during the Hometown Legislative Action Day Meeting in Columbia that we will be attending, and meeting with our legislators. So, that's what necessitates the change. We are also working with the Town of Edisto Beach to meet together with our legislative delegation.

A motion was then made by Council Member Broderick to reschedule the February 6 regular meeting to February 13. Council Member Bridge seconded the motion that passed unanimously.

**COMMITTEE REPORTS:**

1. City Appearance Board - Council Member Broderick

Council Member Broderick then congratulated Council Member Brown on his appointment to the City Appearance Board. He said, you are coming into a really good group of people. They are hardworking.

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Mr. Broderick then said, I am pleased to announce, with much effort, the City Appearance Board has been awarded another grant from Palmetto Pride in the amount of \$3,000 to purchase another ten (10) decorative trash cans for the City to be placed around the City. They have also donated 50 grabbers to give out to the neighborhoods that have programs where they are picking up trash in the neighborhoods. They have been working hard and doing a good job. We have a good group of people working for the City.

Council Member Bridge then asked, where are some of the trash cans out? Mr. Molinari said, these are the same style of decorative trash cans that you see in our downtown area. I will have to coordinate with our Public Works Director. The last round of those cans was delivered a couple of months ago. We will just place those in areas that need them around the City.

Council Member Siegel then told Council Member Broderick, there is a whole lot of litter in the town, and we are all aware of that. I ride up and down Sweat Street all the time, and that place is just completely full of litter. Do we still have a contract with the Board of Disabilities who is supposed to be picking that litter up? City Manager Molinari responded, we do. Off the top of my head, I am not sure that area is covered by the contract, but that certainly is something that we could look at and potentially visit as part of the budget process, including that area.

Council Member Pryor added, there are several places that are bad, including Hiers Corner Road, as well as the parks in the City. It's quite a black eye on the City in some of these places. Mayor Young then said, you know we can probably give that a few minutes at the retreat and maybe talk about how we can address that a little better.

Council Member Broderick then said to Council Member Siegel, if you know anybody that lives in those neighborhoods, there is an adopt-a-neighborhood program where people can get local people involved and they can agree to clean it up once a month. We just need to engage citizens to do it.

**CITY MANAGER'S REPORT:**

1. South Carolina Rural Water Association Award

City Manager Molinari said that he would like to recognize the City's Utilities Director Wayne Crosby and his staff. At the December Annual Meeting of the South Carolina Rural Water Association, the City was presented an award for the "Wastewater Treatment System of the Year," which is a testament to the work that Mr. Crosby and his staff do at the Wastewater Treatment Plant.

The Mayor and Council congratulated Mr. Crosby and his staff.

**EXECUTIVE SESSION:**

The Mayor then entertained a motion to enter an Executive Session. Council Member Broderick made a motion to enter an Executive Session. Council Member Siegel seconded the motion that passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for:

1. Receipt of Legal Advice - I-95 Business Loop Project Phase 1C and 1D.

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2. Personnel Matter - Consideration of Appointment to the Planning Commission and a Resignation from the Election Commission.

The Mayor announced that Council may take action on matters discussed in the Executive Session after the Executive Session.

The meeting then entered into an Executive Session.

A motion was made by Council Member Bridge to exit Executive Session and return to Open Session. Council Member Pryor seconded the motion. All in favor. None opposed. Motion carried.

The meeting returned to Open Session and a motion was made by Council Member Siegel to appoint Jimmy Syfrett to the Planning Commission. Council Member Pryor seconded the motion. All in favor. None opposed. Motion carried.

A second motion was made by Council Member Siegel to accept James Rabb's resignation from the Election Commission with much appreciation for his service. Council Member Broderick seconded the motion that passed unanimously.

There being no further business to consider a motion to adjourn was made by Council Member Bridge, seconded by Council Member Bonds and passed unanimously. The Mayor adjourned the meeting at 7:29 P.M. Notice of this meeting was distributed to all local media, 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

**APPROVED: February 13, 2018**