

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, July 10, 2012 at 6:15 P.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. Approximately 16 persons were present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

Mr. Arden Lommen addressed Council regarding agenda item no. 1, under New Business, entitled Ordinance # 2012-10, An Ordinance to Schedule a Referendum, to Be Held at the November 6, 2012 General Election, to Authorize the South Carolina Department of Revenue to Sell Sunday Alcohol Sales Permits in the City of Walterboro. Firstly, Mr. Lommen spoke on his concern for bus service to Boeing in Charleston, providing donations for equipment in fighting forest fires, and lastly he stated that he opposed Sunday sales of alcohol.

APPROVAL OF THE MINUTES:

The Minutes of the June 26, 2012 Public Hearing and Regular Meeting were approved as submitted on the motion of Council Member Buckner, seconded by Council Member Lucas and passed unanimously.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2012-10, An Ordinance to Schedule a Referendum, to Be Held at the November 6, 2012 General Election, to Authorize the South Carolina Department of Revenue to Sell Sunday Alcohol Sales Permits in the City of Walterboro, First Reading.**

City Manager Lord reminded Council that at its last meeting, we discussed having two separate questions for the referendum, but the proper way to do it is to have one question with both items, as I have presented it. There also was a question about the time allowed to start selling alcohol. The time would be the same for beer and alcohol sales on-premise. They can't sell between 2:00 A.M. and 10:00 A.M. That would be the period they cannot sell.

A motion was then made by Council Member Lohr, seconded by Council Member Bonds, giving first reading approval to Ordinance # 2012-10. In discussing the motion, Council Member Buckner stated that this is a sensitive topic. He said that the issue right now is not whether or not citizens should have the right to be able to sell the alcohol. The issue right now is whether or not we should bring this before the people for a vote. The question in my mind is whether or not it's the right time to do this, and whether or not it's the right issue to bring before the people. I think it is the right issue to bring before the people, there are religious views on both sides of the spectrum on whether we should do this, the question is the timing. The argument for

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES/Page II

it is, the surrounding counties allow for Sunday alcohol sales and we don't. There is a tremendous amount of revenue we could possibly be losing on Sunday, by not having that opportunity for people to be able to buy alcohol. So, that's the argument for it. But against it, would be whether or not we have provided enough alternatives for our citizens outside of their religious beliefs to be able to make this decision, when we look at where we are economically, jobs and things like that. What other decisions do they have to make, but say "yes let's go ahead and do it." So, when you weigh those arguments on both sides, my position is going to be that I think we should allow it to come before the citizens, and that they should have the right to make that decision for themselves.

The motion to adopt Ordinance # 2012-10 on First Reading Approval then passed with all members voting in favor.

2. **Ordinance # 2012-11, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Noises, First Reading.**

City Manager Lord stated that the noise ordinance, as it exists, is very straightforward. If there is any noise that can be heard from 50 feet away, it is in violation of the ordinance. It does not allow any leeway for special events, held at someone's home or at a place where events are held. So, what this proposed change does, it allows for a person to apply for a variance. If the variance is issued, then they could be able to hold the event and possibly exceed the noise ordinance. That way, additionally if we receive complaints, we could tell people because we have the variance, we know what the event is and this is the time it is supposed to be over.

The language of this ordinance provides that applications are made to the City Manager or his designee for permission to hold an event that would otherwise violate the noise ordinance. If permission is granted, it shall be valid only at the specific location and during the dates and times (no later than 11:00 P. M., nor earlier than 7:00 A.M.), and upon conditions specified by the City Manager. The proposed ordinance also requires that notice of such application be visibly posted at the specific location for 10 days prior to issuance of the permit.

Council Member Siegel moved to give First Reading Approval to Ordinance # 2012-11. Council Member Lucas seconded the motion.

In discussing the motion, Council Member Buckner asked City Manager Lord why this ordinance was being proposed? Where is the background on why we are having this suggested change? City Manager Lord responded that the current ordinance does not allow any leeway, and we have had concerns about that. There was a private event in which officers got involved in, and there are places that have public events. Our ordinance now gives a blanket variance to anything that is a City associated festival, etc. What this does is it allows people who are not the City to have permission to have events that would possibly have music that would be heard at a distance greater than 50 feet away.

City Manager Lord then stated, as an example, let's say the new Farmer's Market wants to have an event, they have a band. The band could possibly be in violation of the noise ordinance. So, this gives them the ability to apply for a variance so they can have their event. It gives an ability for people to do things in exception to the ordinance, once they go through the process. In that way, we know that these things are happening, so if we do get calls, we can communicate it, because right now, if we get a call and we hear music, we have to send our officers out to try and find out where the music is coming from. This way when we get calls, we can tell somebody

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES/Page III

that "yes" the person has a variance and according to their variance, the music will be off by 11:00 P.M. That way, we know better what's going on, and we don't have to harass someone who is having an event.

Council Member Buckner then asked the City Manager if he would be the person to decide whether or not the variance is granted. City Manager Lord responded affirmatively. Council Member Buckner then said, well, I have some concerns with that, because I don't understand how you are going to determine who gets a variance and who doesn't get a variance.

City Manager Lord then said, the ordinance sets out that the time can't be held beyond 11:00 P.M. or before 7:00 A.M. Basically, it just allows us to gather the information and have it. Because it is a decision made by me, it could be appealed to City Council. However, the reason it was written this way was so that every time someone holds an event, it doesn't have to come before City Council.

Mayor Young then asked the City Manager if the event will be posted like another variance, so people who strongly object would have an opportunity to come to the City Manager ahead of time and say, we don't want this event or we object to having this noise and then you would take that into consideration before you granted the variance? Mr. Lord responded, absolutely, if there is a specific concern, if someone says I have a small child who lives and sleeps in a room on that side of the house, then I can communicate that to the people who are asking for the variance. I will say, here is the issue and maybe, we can write this variance in a way that allows you to hold your event and mitigate that problem. So, it allows us to work out the issues before there is a problem, and if there is a problem afterwards, it allows us to address it.

City Manager Peters then asked the City Manager. Let's say an event happens just outside the city limits in the county, but the music blurs into the city, what is the jurisdiction? Mr. Lord responded that the City has no jurisdiction outside the City. He further stated that we can't prevent sounds from coming outside the City limits.

Council Member Buckner then asked, what if a person has an event and does not have a variance, and the police is called out, can the police shut them down? Mr. Lord responded, yes, if they are violating the ordinance. Council Member Buckner then said, well, I have an issue with that, because I think folks should have the opportunity to have a little fun or play their music within a reasonable amount of noise and I don't really see why we need to make that change right now, unless there has been a tremendous amount of complaints.

City Manager Lord answered, right now, nobody can do it. What this does is it gives them the ability to do it.

Council Member Siegel then added, I think this is a healthy idea, and this is the first reading, and we really need to look at it really hard. Our current ordinance leaves too much responsibility on our law enforcement officers to exercise discretion. It was never really intended, I believe, by Council to interfere with noise. Ours is an extremely restrictive ordinance. Noise that can be heard from 50 feet could be somebody shouting to their child, "watch out, there is a car coming in the road," and technically violate the ordinance. This gives the citizens a full warning to let them know that if you are going to have an event, you have a responsibility and the City will hopefully, in its discretion, honor the request for a variance from this very restrictive ordinance. I think it is a really good start for us here.

No further discussion was held, and the motion giving First Reading Approval to Ordinance #2012-11 passed with a vote of 6/1 with Mayor

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES/Page IV

Young, Council Members Siegel, Lucas, Peters, Lohr and Bonds voting in favor, and Council Member Buckner voting against the motion for adoption.

3. Consideration of Funding Recommendations from the Accommodations Tax Advisory Board

Finance Director Dennis Averkin reported that at its regularly scheduled meeting on June 21, 2012, the Accommodations Tax Advisory Board approved the following funding requests for A-Tax monies from the 30% A-Tax Fund and the 65% Tourism Fund and recommended adoption by Council as follows:

30% A-Tax Fund

	<u>Requested</u>	<u>Approved</u>
1. Walterboro Tourism Commission	\$53,000	\$53,000
2. Walterboro Colleton Chamber of Commerce	\$53,000	\$ -0-
Total 30% A-Tax Fund		\$53,000

Mr. Averkin noted that there were two applicants for the 30% Tourism Fund which, in essence, is the designated marketing organization. There were two applications from the current Walterboro Tourism Commission and the Walterboro-Colleton Chamber of Commerce, and both requested DMO (designated marketing organization) status. He stated that the Advisory Committee voted unanimously to award that designation to the Walterboro Tourism Commission for a second year run.

It was noted by memorandum submitted by the A-Tax Board that "Should this recommendation be adopted by Council, then the Walterboro Tourism Commission will remain the designated marketing organization for the City of Walterboro for year 2012-2013".

65% Tourism Fund

	<u>Requested</u>	<u>Approved</u>
1. Colleton Museum & Farmers Market	\$ 3,000	\$ 2,500
2. Wings & Wheels 2013 -Walterboro Tourism Com.	\$ 6,000	\$ 2,500
3. Walterboro Exit 53 Merchants Association	\$ 6,600	\$ 6,600
4. S.C. Artisans Center-Antiques, History & Arts Fest.	\$ 8,500	\$ 5,000
5. Colleton County Hist. & Preservation Society	\$ 8,620	\$ 2,500
6. Lowcountry Resort Island Tourism Commission	\$12,500	\$ 7,000
7. Colleton County Rice Festival	\$15,000	\$ 8,000
8. City of Walterboro Billboard Program	\$20,000	\$ 20,000
9. Downtown Walterboro Criterium 2013	\$21,000	\$ 15,000
10. Walterboro Rocks Advertising - Walt. Tourism Com.	\$49,000	\$ 38,000
11. S.C. Artisans Center - Promotional Campaign	\$12,000	\$ 12,000
12. Walterboro Colleton C.O.C. - Our Town Mobile App.	\$18,000	\$ -0-
Total 65% Tourism Fund		\$119,100

Mr. Averkin pointed out that the Committee had to trim the requests by approximately \$60,000. That is, in essence, the amount of money that we expect to receive this coming fiscal year. Mr. Averkin stated that the projected remaining balance available for 2012-2013 grants is \$100.00.

A motion was made by Council Member Lucas, seconded by Council Member Peters to approve the A-Tax funding recommendations as submitted.

In discussing the motion, Council Member Buckner questioned the funding request for the City of Walterboro's Billboard Program. He asked, what organization

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES/Page V

is that? Mr. Averkin explained that this is run through the Walterboro Tourism Commission in essence, but that is the City, and the director is Donna Laird.

Council Member Siegel then asked Mr. Averkin, what was our appropriation last year for the Downtown Walterboro Criterium? Mr. Averkin answered that he believed this to be the same amount approved this year. Ms. Alta Mae Marvin, Chairman of the A-Tax Advisory Board corrected that the amount approved last year for the Criterium was \$18,000.

Council Member Siegel then raised a concern on the Walterboro Rocks Campaign. He asked, is that appropriated specifically to that one campaign theme of "Walterboro Rocks," or is that a general appropriation to the Tourism Commission? Mr. Averkin answered that this is strictly designed to the "theme" advertising, which has proven fairly successful. I think that the statistics will show that people are attracted by the billboards, when they come to visit us. So, it appears to be an effective campaign.

Council Member Siegel further asked, so the Walterboro Tourism Commission is appropriated \$38,000 for that campaign and also \$53,000 under the 30% Tourism Fund. Mr. Averkin responded, that is correct. He explained that the 30% funding is more of a promotional campaign. It covers a lot of other items, such as advertising in the Southern Living Magazine.

At this point, Ms. Alta Mae Marvin, Chairman of the A-Tax Advisory Board, addressed Council. She stated that the Walterboro Tourism Commission does a great job in seeking some grant funding, and part of that money is match funding, in order to get the additional funds this year. So, they are advertising in different locations and different magazines. Mr. Siegel answered, that is wonderful. He then asked if there were an estimate of the amount of grant funding that the Commission has been able to accomplish? Ms. Donna Laird, Tourism Director, answered that \$29,500 is the amount of grant funds.

Council Member Peters then asked, so basically we are spending \$38,000 and \$53,000 for billboards? What are we doing with the money? Mr. Averkin explained there is internet, media, mailings and there is some radio advertising in there as well.

City Manager Jeff Lord explained that this is advertising and promotion to get people to come to Walterboro. We can't spend this in this market, but we have to spend it out the market, to get people to come here. At the request of Mayor Young, Ms. Donna Laird gave more details on how the money is being spent by the Tourism Commission. She noted that the commission also applied for grants. She said, we wrote two pages of successes of what we have been able to accomplish this past year. She further noted that for the Walterboro Rocks Program, we asked for less than what we asked for last year, and we have had great success, tracking at the Welcome Center with advertising in the Southern Living Magazine, sending out postcards, etc. Mayor Young then added, this summer, I understand that we are way up in terms of visitors. Ms. Laird pointed out that in the spring, the Welcome Center averaged an increase of 96% over last year in visitors. We are seeing the numbers come up.

Council Member Peters then said, obviously they are not staying here and eating here, because we only have \$100 left. We spent the money. Seriously, we were working with a budget of \$119,000, and the last six months it was down, but prior to that what was it? Mr. Averkin responded that's about what we have taken in. That's what we received from the state.

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES/Page VI

Council Member Buckner then asked if there is a hospitality tax? Mr. Buckner stated that he is trying to see whether or not we have had an increase or decrease in the amount of hospitality tax revenue from last year verses this year or the last couple of years. He said, can you tell me whether we are up or down, so that we can gauge whether this marketing campaign is working? Mr. Averkin answered that he is still waiting on the June returns for the local hospitality. I don't have anything yet, but it looks like it's about even with prior years, perhaps even a slight increase, maybe a 1% or 2% increase.

Mayor Young then stated that the Hospitality Tax would not reflect everything that a tourist would spend in our community. If they go downtown and buy an antique, they are not going to pay a hospitality tax on it.

Further discussion was held, after which Council Member Lohr commended Ms. Donna Laird for the work she is doing. He said, I think maybe the best thing to do is to go out and visit the welcome center where tourists stop. You will be very pleased. As far as the printed materials, what they have out there is outstanding, and they have enough for people coming in.

Mayor Young then said, I want to say the same thing. I get to work with Donna and Hank some, and I think they are doing a great job promoting Walterboro. This goes even for things, I assume, like promoting the airport, some of the other things we do, and information on facilities that they might not be aware of. When I travel around the state, a lot of people will say things to me about the "Red Rocker Program" or the "Front Porch of the Lowcountry." I think that some of our consultants who came in, when we were looking at the Arborscape and the Loop Project, made the comment that we hit a home run with the Red Rocker Program. Keep up the good work.

Council Member Buckner then stated, I want to commend the programs in terms of diversity in our marketing programs. I think there is a billboard that is on I-95. I think the former mayor is featured in it and it has children of different races in it, and I want to encourage the marketing programs, the Red Rocker and the Walterboro Rocks, to continue to make sure that we have diversity in our marketing materials that all segments of our community are being represented, via television, brochures, whatever we are doing. We want to make sure that we are promoting all of Walterboro, all its citizenship. I want to commend whoever designed that billboard that it was very nice, very effective.

The motion to approve the recommendations of the Accommodations Tax Advisory Board then passed all members voting in favor.

4. Acceptance of Resignation of Thomas Angell from the Municipal Planning Commission

A motion was made by Council Member Bonds to accept the resignation of Mr. Thomas Angell from the Municipal Planning Commission with regret. Council Member Lucas seconded the motion that passed unanimously.

COMMITTEE REPORTS:

There were not committee reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Lucas, seconded by Council Member Bonds and passed unanimously. The Mayor then announced that the meeting would enter into an Executive Session for a discussion of negotiations incident to proposed contractual arrangements. The meeting then convened into an Executive Session.

(CORRECTED)

Walterboro City Council
Regular Meeting
July 10, 2012

MINUTES/Page VII

The meeting returned to Open Session with no action being taken as a result of the Executive Session. There being no further business, a motion to adjourn was made by Council Member Peters, seconded by Council Member Bonds and passed unanimously. The Mayor adjourned the meeting at 7:40 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

APPROVED: July 24, 2012