

Walterboro City Council
Regular Meeting
March 27, 2007

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, March 27, 2007 at 6:15 P.M., with Mayor Charles H. Sweat, Jr. presiding.

PRESENT WERE: Mayor Charles H. Sweat, Jr., Council Members: Charles Lucas, Bill Young, Johnnie Thompson, Ted Parker, Franklin Smalls and Mary Anne Cannady. City Manager Tuck McConnell, City Clerk Betty Hudson and City Attorney George Cone were also present.

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

The Minutes of the February 13, 2007 Regular Meeting were approved as submitted on the motion of Council Member Cannady, seconded by Council Member Parker and passed with all members in favor.

First Item Under Old Business was Second and Final Reading of Ordinance # 2007-01, An Ordinance Authorizing the City of Walterboro to Convey its Reversionary Interests in Two (2) parcels of Land Located on Moore Street in the City of Walterboro to Susan Street. A motion to approve said ordinance was made by Council Member Parker and seconded by Council Member Young.

In discussing the motion, the following comments were made. Council Member Lucas questioned why the taxes on the property had not been paid in two years. He did not feel that adequate work had been performed on the property. Council Member Cannady agreed. City Manager McConnell pointed out that no one would finance the property with the reversionary clause intact. Council Member Lucas felt that the city should take back the property and resale it. Council Member Cannady asked if Ms. Street was a resident of Walterboro. Council Member Smalls then suggested that Council table the motion and ask Ms. Susan Street to appear at Council's next meeting. Council Member Parker then withdrew his motion with the approval of the second. **NO ACTION WAS TAKEN ON THIS AGENDA ITEM - MOTION WITHDRAWN.**

Next Ms. Carol Black appeared before Council to address two concerns as follows. She also provided handout materials to each Council Member.

- 1) Ms. Black expressed concern that she had not heard from the City Manager regarding the matter she brought before Council at the February 9 meeting regarding Ronnie Hickman, Building Inspector. She stated, "I am concerned as to whether or not this matter has been pursued. If it has not been pursued, I would like to again ask the members of City Council, as you are allowed to do under the South Carolina Code, to pursue it yourself in your own investigation." "I've been advised now from people in the county, who have been calling me, that there are now issues as to whether or not there are people who are doing work and whether or not they have licenses."

"I want everyone to understand that I'm very concerned about the work that's being done in the city and whether or not all the people doing work have licenses. And if necessary, I'm going to have to do this - I'm going to come to Walterboro on a weekly basis and ride around town and check all the building

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permits in the windows and I'm going to check and see whether or not the people who are actually doing the work have licenses."

Council Member Cannady stated she felt Ms. Black's concerns should be communicated to the City Attorney. I don't think this matter should come before us. Mayor Sweat reminded Ms. Black to again contact City Manager McConnell.

- 2) Ms. Black's second concern was that two buildings in the city did not obtain a Certificate of Appropriateness, specifically 1009 Wichman Street (David Smalls former house) and 200 Fishburne Street, which is the house that was renovated by Mr. Walton McLeod on the corner of Fishburne and Chaplin Street. She requested that the City direct Mr. McConnell to have the owners go back through the process that the law requires. Unfortunately, no Certificate of Appropriateness was obtained and that makes the building permits for this property invalid. She further stated that she believed the best and easiest way to handle this matter is for the city to ask that the owners go through the Certificate of Appropriateness requirement which has been on the books since August 31, 2000 at least.

Ms. Black then presented a copy of a Freedom of Information Request. She pointed out that she wanted to see a list of all the permits that were obtained for any building in the Historic Preservation District to see whether or not this type of procedure had been followed. These ordinances have been in effect for over 6 years. I don't understand why we are not enforcing them. "The issue now before you is that on these two houses, I believe the building permit is invalid and they should have to go through the process. I ask the city to ask Mr. McConnell to enforce those ordinances as they relate to these two houses," she said.

Ms. Black continues, "Now, as far as the 1009 Wichman Street house, it was issued two building permits. One is for the actual house, and the other was for a sewer line that turned out to be replaced after the work was done. The sewer line protrudes from the ground. According to the way the ordinances were written, they should have had to go before the Historic Preservation Commission for that item too. So, that has to be reinspected and that has to go, prior to that, before the Historic Preservation Commission." She pointed out that the property owner was "Casper LLC." Ms. Black stated, "I have counted 970 individual misdemeanors since July 2004 by not taking 1009 Wichman Street before the Historic Preservation Commission for a Certificate of Appropriateness. As for the sewer line, they have committed 90 individual misdemeanors. I think the most reasonable resolution of this matter is to have them to go through the process. As far as Mr. McLeod's house that building permit was issued in February 2005 and by my calculations about 760 individual misdemeanors. There is a violation of Mr. McLeod's plastic lattice."

Ms. Black stated, "I don't understand why some people in this town have to comply with these ordinances and others do not." Ms. Black also expressed concern that Attorney George Cone, through no fault of his own, should not be representing the McLeods, owners of the property, because that would be representation of two parties in a conflicting situation.

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Through receipt of documents received via her previous Freedom of Information request, Ms. Black pointed out that she found that the lease between the City and the Colleton County Historical Preservation Society had expired. Who follows up on these, she asked, "because this lease has been expired since May 31, 2005." She then requested that this document be kept in legal limbo until the beginning of June. The reason being, the officers and director of our society (the Colleton County Historical Society) have not been legally elected, which puts them in a position of an inability to sign the lease for the city.

Councilman Smalls then asked Ms. Black, "Are you the legal advisor to the Historical Society?"

Ms. Black responded that this advisor would be Mr. George Cone, but again I've advised Mr. Cone because of this awkward situation that he is representing the Historical Society, the City, and the people who own your son's former house, that it is too many people and you can't represent all of them. "I have advised the members of the Historical Society that there are other lawyers in town who would be happy to donate a small amount of their time to look over their lease," she said.

Ms. Black thanked Council for allowing her to speak on the matter. **NO FORMAL ACTION WAS TAKEN BY COUNCIL ON THIS AGENDA ITEM.**

Next, Under New Business, Mr. John Rodgers, Chairman of the City Appearance Board, presented award plaques in recognition of the Yard of the Month and the Business of the Month as follows:
December 2006 Yard of the Month - Judith Utsey.
December 2006 Business of the Month - Hampton Inn.
January 2007 Yard of the Month - Greg and Leslie Pryor
January 2007 Business of the Month - Sleep Inn of Walterboro
February 2007 Yard of the Month - Harvey Nichols
February 2007 Business of the Month - I-95 & 64 Shell Station.
March 2007 Yard of the Month - Louise Newton
March 2007 Business of the Month - Hickory Valley Preschool

Next on the agenda was Consideration of Appointments to the City's Boards and Commissions. The Mayor noted that former Mayor Harry Cone had expressed an interest in serving on the Great Swamp Sanctuary Commission. A motion was made by Council Member Young, seconded by Council Member Parker to appoint Mr. Harry Cone to the Great Swamp Sanctuary Commission. **The motion passed unanimously.** A motion was made by Council Member Lucas, seconded by Council Member Cannady to appoint Ms. Patricia McIlwain to the Friends of the Great Swamp Sanctuary Committee. **The motion passed unanimously.**

Next, Council received a letter from Mr. Dave Alford, Director of Colleton County Elections and Voters Registration office, concerning the cost for the upcoming 2007 Municipal General Election to be held on May 22, 2007. A budget amount of \$2,500 up to \$3,000 was noted. Council Member Cannady moved to approve the budget amount as submitted. Council Member Smalls seconded the **motion that passed unanimously.**

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Next, Mr. Shawn Jadrnicek told Council that the Leadership Class of 2007 wanted to establish a park at the water tower site on the city's property. They would plant trees and shrubs, install a small post and rail fence and a picnic table and trash can. He presented a design plan to Council for review. Council Member Lucas asked about the legal access to this site. Council Member Parker questioned how irrigation would be handled. Mr. Jadrnicek responded that all that would be needed is a water spicket installed to be attached to an irrigation system. Leadership Colleton would take care of the cost of an irrigation system, if the city would install the water spicket. Mayor Sweat asked if all property owners had been contacted. Questions were raised as to the expense that the city would incur as a result of this request.

Mayor Sweat suggested that until the figures are in on the cost to the city, that the matter be deferred until a later date. Council Member Young felt that Council should support the efforts for the park. For little of nothing, all the city has to do is provide a little maintenance. This would certainly improve the site. Council Member Cannady pointed out that the key is "how much." Mr. Jadrnicek pointed out that the city would have to put in some grading and a water spicket. Mayor Sweat then asked the City Manager to have **staff to provide figures on the cost to the city for the proposed project.**

Next, Council considered a summary of bids received to purchase three new police vehicles for the Police Department. Police Chief Otis Rhodes pointed out the proposed purchase amount was well within the budget. We are actually below budget on this item. He asked permission to purchase 2 new police vehicles and 1 Ford Explorer for the investigation unit. Chief Rhodes recommended acceptance of the low bid from Walterboro Motor Sales in the amount of \$74,116.35. **A motion to accept the low bid as recommended was made by Council Member Cannady, seconded by Council Member Smalls and passed unanimously.**

Next, a request by Denise Pinckney, Victims Advocate for the Walterboro Police Department, to hang a banner across Jefferies Boulevard on April 13-20 announcing the National Crime Victims' Rights Week, was approved upon **motion** of Council Member Lucas, seconded by Council Member Young and **passed with all members in favor.**

A request for street closings for the Annual Downtown Walterboro Criterium Cycling Race was before Council. Mr. Reaves McLeod, appearing on behalf of the organization, told Council the requested street closings were for one day, May 2, 2007. The streets would be closed to parking at 2:00 p.m. and closed to traffic at 3:00 p.m. The race would begin at 4:00 p.m. and run through roughly 9:00 p.m. The Mayor announced that this year, there would be more than one race. There will be a national males race, a race of a group of international women bikers, and three amateur races prior to that, which necessitates closing the streets a little earlier. Mr. Gary Davis, a downtown merchant, agreed that the event was a great idea. It is a one afternoon event. Anytime we can bring outside people into town, it's a wonderful thing. On a question by Council Member Parker, Mr. Davis stated that he could not speak for the other downtown merchants, but this is the way he feels about the event.

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Council Member Cannady asked Mr. Davis what was the difference in closing the downtown street for a half-day and closing it for a weekend for the Rice Festival? Mr. Davis responded, "Well, you get a different kind of people who come downtown. We don't have the children and all that come through and have the vandalism." Mr. Davis clarified his statement by adding; "when you close it down and close the streets off for x-amount of time, and you have thousands of people in there at one time, it does disrupt the businesses. When you have something like this bicycle race for only an afternoon, then you have a flow of people coming through. The sidewalks are left open, and the streets are left open, except for the bike race. So, you have a flow of people, and you don't have a congregation of thousands of people at one spot."

A motion was then made by Council Member Young, seconded by Council Member Lucas, to grant the street closing request as submitted. Council Member Young stated that some folks in Beaufort have tried a long time to get a race like this in Beaufort, and they were thrilled to get what we have already had. I think that's very good that we are leading the way on this. **The motion then passed with a vote of 6/0 with Mayor Sweat abstaining due to a conflict of interest.**

Next, Ms. Lou Ann Adams, on behalf of Habitat for Humanity, appeared before Council. She thanked Council for allowing her to speak at the meeting. Ms. Adams provided a handout to Council which describes Habitat for Humanity and what they do in Colleton County. She stated that Habitat for Humanity welcomes all people to join local affiliates to help build simple, decent and affordable housing in partnership with those in need of adequate shelter. Ms. Adams briefly outlined how the homeowners are chosen for the program to build a home. All monies that come in from the homes that are built will go back to build other homes.

Ms. Adams told Council that the purpose of coming before you tonight is to request that you donate a lot to us, most likely on North Lemacks Street, or somewhere within the city, so that we can build a house. "We have already built one house at 174 or 184 Bailey Street and are in the process of getting ready to build our 5th house. We would like to have it within the proximity of the city so that it would be an advertisement for Habitat for Humanity, and it will also help to rebuild some of the neighborhoods showing some deterioration," she said.

Mayor Sweat stated he felt it would be appropriate to turn over this request to staff to come up with some recommendations for Council and then go from there. After staff makes it recommendations, then we can move forward on it. Council Member Young asked that staff show all of the properties owned by the city.

Ms. Adams then recognized, Ms. Carol Black, a previous chairperson who worked with Habitat for Humanity diligently before she moved from Walterboro. Ms. Black then stated that I cannot tell you how dedicated Ms. Adams and Mr. Hamilton are in their support of this group. What they have done through long periods of time with this chapter is amazing. She stated if any of you would

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ride out and look at the house on Bailey Street, you would be very impressed. She added that it would be incredibly helpful if they (Habitat for Humanity) could get property that would perk. She stated, "If the property were located in town on city water and sewer, it would be a huge help, and I think it would really help add to the flavor of the neighborhood and the stability of the neighborhood. In any area, it would only improve the other surrounding areas of the neighborhood."

Ms. Adams pointed out that they had a house they were working on, but they ran into some problems with the draining. "It would cost us more to get the drainage settled than it would probably be to continue building the house. We want to build somewhere in or near the city limits, so that it would already have water and sewer lines on it, and it would be less expensive."

Mayor Sweat then stated that the **matter will be turned over to staff** and we'll get back with you.

Next on the agenda, Mr. Raleigh Williams appeared before Council to request use of the City Parking Lot and to make suggestions to change the composition of the Airport Commission.

Mr. Raleigh Williams asked for permission to use the City Parking Lot for a mobile unit to be able to come into the parking lot, so people can come by during the day to sign up for help with their medications. A lot of the time, the medicine is free - it's based on income - and everyone will have an adequate chance on being insured for medication. Mr. Williams noted that a specific date would be set after obtaining approval from Council. The mobile pharmacy unit would be parked there one or two days. Council Member Young moved to grant Mr. William's request contingent on the fact that the date chosen does not conflict with something else already scheduled in the parking lot, like the Farmer's Market, the bicycle race, or the Rice Festival. Council Member Thompson seconded the motion that passed unanimously.

Next, Mr. Williams stated that the NAACP would like to have the privilege of nominating one person suitable to the City and one person suitable to the County to serve on the Airport Commission, and that the Commission be expanded from 5 members to 9 members, in order that there may be minority representation on the board.

Mayor Sweat thanked Mr. Williams for bringing the request to Council, but that he is sure that Council would have to take this request under review because the request would have to come under the current laws with the legislature or the approval of the Attorney General's Office.

Council Member Thompson stated he would like to see this Council agree to support whatever ramifications this request has to go through. He then moved that Mr. Williams' suggestions to change the makeup of the Airport Commission from a membership of 5 to 9 is approved. Council Member Smalls seconded the motion and suggested an amendment to the motion, "and further that the NAACP be given an opportunity to make two recommendations, one to the city and one to the county." Mr. Raleigh Williams then added, "that would be acceptable to both sides." Mr. Williams also stated that the City

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would appoint two new members and the County would appoint two new members, for a total of 4 new members.

In discussing the motion, Council Member Thompson stated that he has served on this Council for 28 years, and with all the initiatives, he has taken on projects and everything. He stated there was an orchestrated effort to remove him from this Council, and it was because of the Airport Commission, and we all know that.

All of you who were in this room the night when we counted those votes, a telephone call was made to someone to tell them, "they don't have to worry about the Airport Commission anymore, Johnnie Thompson is off Council." That's the reason why I am supporting this. The Airport Commission belongs to everybody in Colleton County, and everybody should have an opportunity to serve on that Council.

Council Member Cannady stated she still does not have a problem other than - I still think that the city and the county, as joint owners of the airport property, need to discuss exactly what each body will approve, because if we make a motion and the county does not approve it, where are we? Council Member Cannady further stated, "I fell we are putting the cart before the horse. I just think we need to have a meeting with the county. I'm in favor, I have no problem with it, but I think we need to talk with the county and we need to do it together."

Council Member Young then stated that nothing would prohibit the NAACP or any other groups from making a recommendation to us for anything or for anybody that we appoint. I don't know that I would be in favor of turning over the job of making nominations or recommendations to any one group in the city or the county, because everybody can make recommendations, including the NAACP, which certainly would carry a lot of weight. But I don't know that I would agree to just relinquish some of the duties that we were elected to perform. I'm not opposed to minority representation on the Airport Commission, that's not what I am saying at all.

Attorney Cone stated that any change under Home Rule of the Airport Commission's composition would have to be done by ordinance which would require two readings by the city and because the city and the county jointly own the airport, it would require 3 readings by the county. The ordinance will need to be drafted and formed so that it's acceptable to both bodies. The most you could do, would be a First Reading by Title to try to change the composition, but once you have done that, I think some negotiations and discussions with County Council or their representative as to the final wording of the ordinance so that the two ordinances are worded identically would be appropriate.

Council Member Thompson stated that he felt that Council needs to go on record as endorsing that a change needs to be done on the Airport Commission. Attorney Cone stated there is no problem passing a resolution endorsing the NAACP's request, but to actually make the change, it would take an ordinance. Council Member Thompson then agreed that he would change his motion to a resolution supporting the NAACP request. Council Member Cannady stated she would second the resolution.

Council Member Young stated he did not mind supporting the concept, but I don't know that I am ready to turn over our

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responsibilities to somebody else. Council Member Smalls clarified that it was his understanding that the NAACP would not be assigning a person, but would just be recommending a person to serve.

The Mayor then announced that he had a motion on the floor by Council Member Parker to Table the Resolution. Mayor Sweat noted that the "Motion to Table" takes precedence. Council Member Young then seconded the motion. Mayor Sweat then said, the "Motion is to Table Mr. Thompson's Resolution supporting the NAACP request."

In discussing the "Motion to Table," Mr. Raleigh Williams pointed out, "we cannot make recommendations now because all the seats on the Commission are designated seats."

Council Member Young then stated, if we get it changed to add new members, then you could certainly make a recommendation. Mr. Williams then said, "but we can't get it changed, unless you come up with a resolution for the change, and that's all we are asking tonight that you adopt a resolution for the change and the peculiars can be worked out down the road."

Mr. Williams stated, he believed that what Mr. Thompson alluded to is "that tonight we just approve the concept, and down the road whatever mechanism is needed in order to put it in place would be done down the road."

Further discussion was held, after which Attorney Cone then asked, would it help to have a resolution, "that the City of Walterboro City Council will enter into discussions with County Council as to reformulating the composition of the Airport Commission? Would you support that, he asked? Various Council Members agreed.

At this point, Council Member Thompson agreed to withdraw his original motion with the approval of the second AND Council Member Parker agreed to withdraw his MOTION TO TABLE with the approval of the second, in favor of a resolution as suggested by Attorney Cone.

City Attorney Cone then stated the wording of the resolution as follows:

"A RESOLUTION THAT THE CITY OF WALTERBORO CITY COUNCIL ENTER INTO DISCUSSIONS WITH COLLETON COUNTY COUNCIL TO PROPOSE AN ORDINANCE TO REFORMULATE THE COMPOSITION OF THE AIRPORT COMMISSION." Attorney Cone further stated, you could add, "BY INCREASING ITS MEMBERSHIP."

Council Member Smalls stated that the word "increase" needs to be included.

The Mayor then asked for a discussion of the proposed resolution.

Council Member Thompson asked if the wording would encompass "minority representation." Councilman Smalls agreed that the words "minority and increase" need to be included.

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Council Member Thompson then MOVED TO ADOPT A RESOLUTION, which was read into the records by the City Manager, as follows. Council Member Smalls seconded the motion.

"THAT THE CITY OF WALTERBORO ENTER INTO DISCUSSIONS WITH COLLETON COUNTY TO REFORMULATE THE MEMBERSHIP OF THE AIRPORT COMMISSION TO INCREASE ITS MEMBERSHIP, SO AS TO PROVIDE FOR MINORITY REPRESENTATION."

The motion passed with all Council Members voting in favor.

A motion was then made by Council Member Young, seconded by Council Member Parker, to enter into an Executive Session for a discussion of a property and contractual matter. The motion passed unanimously.

The meeting returned to Open Session, and the Mayor announced that a request had been received from the Finance Department to award a contract in the amount of \$10,413.84 to Multimedia Services, an intercom company, for the installation of the new sound system in Council Chambers, and to waive the normal bid process because of the requirements needed for such a program. A **motion to approve the request** was made by Council Member Cannady, seconded by Council Member Lucas, and **passed with all members voting in favor.**

A motion was then made by Council Member Cannady, seconded by Council Member Smalls, to accept the low bidder, Thomas and Hutton Engineering, in the amount of \$25,600 for a Water Rate Study for the City of Walterboro. **The motion passed** on a vote of 6/0 with Council Member Young opposing the motion.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Smalls, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at approximately 8:06 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