

Walterboro City Council
Public Hearing and Regular Meeting
June 2, 2009

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, June 2, 2009 at 6:15 P.M. with Mayor Charlie Sweat presiding.

PRESENT WERE: Mayor Charlie Sweat, Council Members: Randy Peters, Charles Lucas, Bill Young, Ted Parker, Franklin Smalls and Mary Anne Cannady. City Manager Jeff Lord and City Clerk Betty Hudson were also present. Attorney Ashley Amundson was present on behalf of the City Attorney, George Cone, who was absent.

There being a quorum present, Mayor Sweat called the meeting to order and called on Council Member Smalls to give the invocation and Council Member Parker to lead the Pledge of Allegiance to our flag.

PUBLIC HEARING:

The Mayor announced a public hearing to receive public comments on the following proposed ordinances:

1. Ordinance # 2009-03, to Adopt the City Enterprise Budget for Fiscal Year 2009-2010 and Matters Relating Thereto.
2. Ordinance # 2009-04, to Adopt the City Budget for Fiscal Year 2009-2010 and Matters Relating Thereto.
3. Ordinance # 2009-05, to Establish a Comprehensive Fee Schedule for Administration, Building and Codes Department, Finance Department, Public Safety Department, Sanitation Department and Utility Support Department.

On proposed ordinance # 2009-05, Marsha Johnson, a city resident, questioned whether the \$100 fee required to file a zoning appeal would be returned if the appeal involved an error by the Building Inspection Department. A brief discussion was held. City Manager Lord stated that the purpose of any fee is not a fine or punishment; it's just to help defray the cost of the process. He further stated that right now, the city is paying about \$50 per ad for advertisement of the zoning appeal. So, it's not a punishment, it's not a fine, it's just a fee to help offset some of the costs of the process.

Mr. Dwayne Buckner, a city resident and Councilman-elect, questioned the \$100 public safety department false alarm fee for \$100. He asked what constitutes a false alarm - how is the department defining what that is. City Manager responded that when the city receives an alarm for a fire and the alarm system triggers erroneously and the city keeps going back, we need something to tell them to fix their alarm system. Every time the alarm goes off, the city is running through the streets with our multi-ton vehicles and its adding dangers and cost. That's why there is a standard of three alarms in a week. On a question by Council Member Peters, City Manager Lord responded that the third alarm would result in a fine.

Council Member Young asked what would happen if a resident is out of town and their burglar alarm goes off several times. City Manager Lord stated, not that there is a discretion in there, but we will have to take that kind of thing into account.

Council Member Young then asked if the \$100.00 appeal fee is totally administrative cost. City Manager Lord responded that the fee includes staff's time in processing the appeal, but half of the cost is for advertisement.

Councilman Young questioned if the city could rewrite the ordinance so that if it's determined it's the city's fault, the person would be refunded their money. Council Member Peters agreed that this would make the matter clearer. Council Member Young then stated, if it's our fault and we caused them to have to do the appeal, then it really does not seem right to make them pay to correct our mistake.

No further comments were received. The Public Hearing was closed and the regular meeting began.

APPROVAL OF MINUTES:

The Minutes of the May 12, 2009 Regular Meeting were approved as corrected and submitted on the motion of Council Member Cannady, seconded by Council Member Smalls and passed unanimously.

There was no Old Business before Council.

NEW BUSINESS:

Ordinance # 2009-03, An Ordinance Adopting the City Enterprise Budget for Fiscal Year 2009-2010 and Matters Relating Thereto, was given Second Reading and Adoption on the motion of Council Member Lucas, seconded by Council Member Smalls and passed with all members voting in favor.

Ordinance # 2009-04, An Ordinance Adopting the City Budget for Fiscal Year 2009-2010 and Matters Relating Thereto, was given Second Reading and Adoption on the motion of Council Member Young, seconded by Council Member Lucas and passed unanimously.

Ordinance # 2009-05, An Ordinance of the City of Walterboro, South Carolina, Establishing a Comprehensive Fee Schedule for Administration; Building and Codes Department; Finance Department; Public Safety Department; Sanitation Department and Utility Support Department was before Council.

A motion was made by Council Member Young to adopt Ordinance # 2009-05 with an amendment to include that if it is determined that the appeal was made necessary because of a mistake by the city and the appeal is granted, that the fee would be refunded. Council Member Parker seconded the motion.

In discussing the motion, Council Member Lucas asked for clarification on how a person wins an appeal when it is not a mistake by the City. City Manager Lord pointed out that an appeal could be on any administrative decision. Council Member Lucas pointed out that there may be a fine line where it may be the city's problem or the city can say, we will allow you to do this.

City Manager Lord noted that an appeal can be taken in two different directions. One of them is how it has been done lately, and that is an appeal of a decision made involving a provision or allowing something to be done. The other thing could be if you appeal the decision of an officer who say's you can't do that. So, you have a before the fact and after the fact situation, and I don't know how you would divide those two.

Council Member Peters pointed out that a person can win an appeal, but we (the city) are not going to give their money back just because they won. We will give them the money back because it was our fault in causing them to make the appeal in the first place.

Council Member Young clarified, if the Board of Zoning Appeals grants the appeal and they say that the City was in error on this, then we should refund the money.

The motion then passed unanimously.

Consideration of Rescheduling or Canceling the June 9, 2009 Regular City Council Meeting

A motion was made by Council Member Peters, seconded by Council Member Smalls to cancel the June 9, 2009 City Council Meeting due to the Municipal Runoff Election to be held on that date. The motion passed with all members voting in favor.

Certification of the May 26, 2009 Municipal Election Results-Resolution # 2009-R-03

NOTE: RESOLUTION NO. 2009-R-03 WAS CORRECTED TO READ RESOLUTION # 2009-R-07 DUE TO AN ERROR IN THE NUMBERING OF THE RESOLUTION.

Resolution #2009-R-07 accepting, ratifying and confirming the results of the May 26, 2009 Municipal General Election was adopted unanimously on the motion of Council Member Peters, seconded by Council Member Parker with all members voting in favor. This resolution declares the Mayoral Race to be a run-off between Phillip M. Taylor and Bill Young to be held June 9, 2009, and declares Dwayne Buckner, Tom Lohr and Charles Lucas elected as members of City Council. A copy of said resolution is attached as part of these minutes.

Request to Hang Informational Banner for Salkehatchie Stew Story Telling Festival, Travis Godley

A motion was made by Council Member Peters to approve the request submitted by Mr. Godley to hang an informational banner across Jefferies Boulevard announcing the Salkehatchie Stew Story Telling Festival. Council Member Lucas seconded the motion that passed with all members voting in favor.

At this point, Mayor Sweat agreed that the methods in which people conducted themselves in the general election was proper. He said I would like to congratulate the winners and say I am very sorry to the losers. We have people interested in our government, and it was so nice to see people take the interest in our government. It is reassuring to know that everything that I have worked for 30 years is not going in vain. I know there is quite a bit on the plate in the future for all those that will still be here to handle. Problems just don't go away because you change administrations and things don't just quit because you have a retirement of an employee or a change in employees. This city is still the city, and it is the founding force which we all come to represent and sit up here for. I thank you very much for coming out and casting your ballots, and will appreciate it very much if you'd come out and cast your ballots again next Tuesday, so this will be over with and things will be back running smoothly again.

The Mayor then opened the floor to receive public comments. No public comments were made.

There being no further business to consider, a motion to adjourn was made by Council Member Peters, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at approximately 6:35 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: June 23, 2009