

Walterboro City Council  
Regular Meeting  
November 27, 2007

### MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 27, 2007 at 6:15 P.M., with Mayor Pro-Tem Bill Young presiding.

**PRESENT WERE:** Mayor Pro-Tem Bill Young, Council Members: Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Mary Anne Cannady. City Manager Tuck McConnell, City Clerk Betty Hudson and City Attorney George Cone were also present. Mayor Charlie Sweat was absent.

There being a quorum present, Mayor Pro-Tem Young called the meeting to order and called on Council Member Smalls for the invocation and Council Member Peters to lead the Pledge of Allegiance to our flag.

Mayor Pro-Tem Young reported on a phone conversation he had with Mayor Charlie Sweat. He stated that the Mayor really sounded good and we look forward to having him home in a few weeks.

Mayor Pro-Tem Young then invited all Council Members and the public to attend the City's Annual Tree Lighting Ceremony on Sunday, December 2 at 5:00 P.M., after the parade. He encouraged everyone to bring an ornament to hang on the tree to honor someone living or in memory of someone. He also stated that ornaments will be hung on the tree by our Walterboro Firefighters, to honor the 9 Charleston Firefighters who were killed in the line of duty. Mr. Young thanked Ms. Donna Laird, Tourism Director, who secured the beautiful handmade ornaments for the city. The Mayor Pro-Tem also requested that each Council Member bring an ornament to the event on Sunday to lead off with the hanging of the ornaments.

There was no Minutes or Old Business before Council for consideration.

Under New Business, as an ad-on agenda item, a motion was made by Council Member Cannady, with a second by Council Member Smalls, authorizing the City to establish an endowment for the Great Swamp Sanctuary for fund-raising. The motion passed unanimously. Mayor Sweat was absent and did not vote.

As a second add-on agenda item, a motion was made by Council Member Lucas, seconded by Council Member Cannady, to appoint Mr. Moultrie Plowden as head of fund-raising activities for the Great Swamp Sanctuary and to work with the Friends of the Great Swamp Sanctuary on this project. The motion passed unanimously, except Mayor Sweat was absent and did not vote.

Under New Business, Ms. Donna Laird, Director, and Becky Evans Broderick, President of the 2008 Rice Festival Committee appeared before Council with requests for the 2008 Rice Festival to be held April 25-27, 2008. Ms. Laird briefly summarized the board's requests as follows:

1. The waiving of business license requirements for all festival sanctioned activities.

**MINUTES/Page 2**

2. Streets cleaned Monday evening for the Taste of Walterboro to be held at the Waterfall on Tuesday evening.
3. For the Taste of Walterboro on April 22:
  - a. Closing of E. Washington Street from Lucas Street to Walter Street.
  - b. Blocking of all parking spaces in front of the waterfall from 8:00 A.M. until 10:00 P.M.
  - c. Blocking of all parking spaces opposite the waterfall from 2:00 P.M. until 10:00 P.M.
4. For the Rice Festival beginning Thursday evening, April 24 until Sunday, April 27 at 9:30 A.M.
  - a. Closing of Hampton Street from Jefferies to Memorial Avenue intersection.
  - b. Closing of Walter and Lucas Streets from Lucas Alley to Hampton Street.
5. Closing of Washington Street from Jefferies Blvd. down Hargo Hill to Dowling Avenue on Friday morning, April 25 until Saturday afternoon, April 26.
6. That the Rice Festival is given exclusive rights to control events related to all Festival activities.
7. Closing of E. Washington Street from 7:45 - 8:00 A.M. on Saturday, April 26, from Memorial to Jefferies for the Rice Run.
8. Permission to use Council Chambers for a luncheon on Saturday, April 26.
9. That no dogs are allowed on the streets during the festival, with the exception of the dogs participating in the Dog Show at the Museum.

A brief discussion was held on the closing of Walter and Lucas Street from Lucas Alley. Ms. Broderick pointed that the closing would stop at Washington Street, but would not include Washington Street. Washington Street would remain open.

A motion to approve the 2008 Rice Festival request as submitted was made by Council Member Lucas, seconded by Council Member Parker. During a discussion of the motion, it was clarified that the festival would be moved from Washington Street to Hampton Street. Further discussion was also held on the closing of the parking spaces on Washington during the Taste of Walterboro event. Mayor Pro-Tem Young pointed out that the city would need to notify the businesses on Washington about the street closings according to our ordinance. This is for the Taste of Walterboro event on Tuesday evening from 5:00 P.M. to 10:00 P.M.

The motion then passed with all members voting in favor. Mayor Charlie Sweat was absent and did not vote.

Next, a motion was made by Council Member Parker, seconded by Council Member Cannady to approve the street closing request as submitted by Mr. Herman Bright, Parade Chairman, for the Martin Luther King Day Parade on Sunday, January 20, 2008 at 2:30 P.M. The motion passed unanimously. Mayor Sweat was absent and did not vote.

Next, Mayor Pro-Tem Young announced that agenda item No. 4 - Request by Melissa Carter Coursen to Paint the Fire Hydrant in Front of the Carter Building - had been resolved and thereby, removed from the agenda.

Next, Council heard an appeal from Mr. Mike Katchuk regarding a bill he received from the City for debris pick-up charges in the amount of about \$530.00. Mr. Katchuk pointed that he had been accused of illegally moving this debris with a piece of heavy equipment to a location for city pickup. He stated that the city had already picked 3/4 of this debris on one side of his property. However, when his man pushed the debris tight together on the other side of his property, it became an issue because of large pieces of trees, limbs and debris. He did not believe this should be an issue. He reported the city picked up this material without notice to him with a dump truck with 4-5 men for 5 hours and sent him the bill. He felt there were some irregularities in the city picking up debris where a contractor is used or not used, and the amount and the sizes of trees. He felt that he should not be singled out in this particular incident and have to pay \$530. He was never told he had a code violation, nor warned about possibly being billed for this service.

Public Works Director Charlie Chewning reported that the City had picked up some of the smaller debris. Mr. Chewning stated that he felt he had explained to Mr. Katchuk before he went to see Mayor Sweat that he was in violation of the code, and the city would not pick up the debris, but Mr. Katchuk chose to go to the Mayor. Because the debris had been there 3 or 4 weeks, Mayor Sweat told him that a solution would be to go ahead and pickup the debris because it was so close to the church and an eyesore, and then the city could just bill him for it. Mr. Chewning then quoted directed from the codes, explaining the violation that had occurred.

On the suggestion of Mayor Pro-Tem Young to resolve the matter, Mr. Chewning also reported that he had met with Mr. Katchuk to try and resolve the matter. At this meeting, he recommended cutting the charges down to \$300, but Mr. Katchuk refused. City Manager McConnell pointed out that Mr. Katchuk could have been given a \$500 ticket to go alone with it, but the city chose not to. This may have been an error on our part. We should have probably given him a \$500 ticket, and put the matter in the courts to resolve.

Further discussion was held, City Manager McConnell pointed out that under our form of government, no Mayor, or no member of Council can commit the City to anything along these lines. That's something that Council can do as a whole, but no person on Council can do it. It's a city policy not to pickup that kind of material and no one-member of Council can contravene an ordinance.

Concluding the discussion, Council Member Cannady made a motion to grant Mr. Katchuk the opportunity to pay the bill for \$300. Council Member Parker seconded the motion that passed unanimously. Mayor Sweat was absent and did not vote.

Next, a proclamation to support efforts to protect our trees and woodlands and designating December 7, 2007 as Arbor Day was before Council. Mayor Pro-Tem Young read the proclamation in its entirety into the records. A motion to adopt said proclamation was made by Council Member Cannady, seconded by Council Member Lucas and passed unanimously. Mayor Sweat was absent and did not vote. A copy of the proclamation is attached as part of these minutes.

Mr. Budd Price invited Council and the public to attend the Arbor Day event on December 7 at 4:30 p.m. at USC Salkekatchie. Three live oak trees will be planted on Hampton Street.

Next, Ms. Sharon Stevenson, along with 3 of her restaurant managers, appeared before Council expressing concern for the safety and security of her customers and employees at her business located at Exit 53 and the I-95 Exchange. Mr. Barnwell

**MINUTES/Page 4**

Fishburne was also present to express concern on the issue. Ms. Stevenson informed Council that recently she has had a number of robberies and break-ins at the Longhorn Restaurant. Since May when the restaurant opened, there have been 2 attempts of break-ins, 1 actual break-in and a robbery of an elderly couple at gun point in their parking lot. Questions were raised on what could be done by the city to make it safer for employees and customers and whether more patrols could be made by the Police Department. Further discussion was held. Mr. Barnwell Fishburne stated that this seems to be a problem nationwide, and the crime out there is going to get worse over the holidays. The obvious solution is more visibility of police patrols. Mr. Fishburne suggested that some of the tourism tax monies could possibly be spent for an additional car or patrolman or possibility somebody private. He suggested a meeting be set up with the city to figure out how to resolve the matter.

Further discussion was held, and it was noted by one of the restaurant managers that Ms. Stevenson has provided as much protection that can be done as far as cameras, panic buttons, knowing what to do in emergencies, working together as teams and extra lighting. It was also noted that the Police Department is responding when calls are made to the department.

When questioned by Mayor Pro-Tem Young, Mr. Fishburne responded that their specific request is to have a meeting together with the City Manager and the Chief of Police to come up with something that could be done to resolve their concerns. In his opinion, a bigger presence of the police in that area is a solution, but of course, that means more money would have to come from somewhere. He stated that somebody needs to be in that area of the interchange.

A motion was then made by Council Member Cannady that a meeting is set with the Chief of Police, City Manager and whoever else wants to attend, and the businesses at the interchange, to see if we can work out something between the owners. Council Member Peters seconded the motion. In discussing the motion, Chief Rhodes stated he disagreed with some of the issues that the area is not being patrolled. Back in July, he met with Mayor Sweat concerning Ms. Stevenson's concerns. At that time, it was a burglary. This man was subsequently arrested and charged. He has since been sent to prison. Chief Rhodes felt it was not the police department's responsibility to notify Ms. Stevenson that this person has been sent to prison. Chief Rhodes said that area is probably patrolled more than any other area in the City of Walterboro, since the middle of July. We actually get more calls on the Wal-Mart side of town than we do on that side of town. He pointed out that when a person is in the restaurant or hotel business, people coming off the interstate prey on innocent people. People come from out of state or out of town and they take opportunities. Chief Rhodes reported that his department has since zoned the area, and his new computer software is compatible with Ms. Stevenson's security system. Chief Rhodes also reported that the department has put a program together similarly to what other hotels use around the nation to protect themselves. He said, we will get together with you sometime to present this program to you to see if you want to use it. Chief Rhodes encouraged Ms. Stevenson and the business owners to get with him to try and make any improvements or address any concerns. He concluded by stating, we will do whatever we can.

**Further discussion was held, after which the motion passed unanimously,** except Mayor Sweat was absent and did not vote.

**MINUTES/Page 5**

Next, Council discussed the concept of changing the election method for the Mayor and City Council Members from Partisan to Non-Partisan.

Council Member Lucas stated he was in favor of changing the election method to Non-Partisan. He actually requested this item to be placed on the agenda. He said, I am in favor of looking at what we need to do to get this started. It would save money and would make the election simpler. There are only 6 or 7 other cities in this state that aren't nonpartisan at this point.

Council Member Smalls stated he had given this idea a lot of consideration, being a person who recently ran for office. He said a lot of his supporters asked the question why we did not have nonpartisan elections. He said, I just can't see where it would hurt if we had nonpartisan elections.

Council Member Randy Peters said, as a person who also recently ran for office that was a big question that came up among my supporters. They felt it would give more opportunity for people to participate as far as becoming candidates themselves. A lot of people don't want to declare whether they are Republicans, Democrats or Independents. In addition, my people were hoping that it would help participation in the elections, because of the fact that a person may not want to label themselves Democrats if they vote in the Democratic Primary or label themselves Republicans if you vote in the Republican Primary. It would certainly shorten the election process as we know it. We have the Primary in February and the General Election in May, and it's almost like starting all over again. It costs the same amount of money to run both times.

Council Member Cannady said she has had some questions of the municipalities and towns that have changed to nonpartisan. As far as the Municipal Association is concerned, they had no problems with the Justice Department. In fact, our number one concern is not to being nonpartisan - our concern is that we could end up having 3 or 4 people living in the same wards or districts being elected, instead of being elected at large. But, I am in favor of having nonpartisan elections.

Mayor Pro-Tem Young then stated, if Council wanted to do this, what's the first and what's the next step. Attorney George Cone responded that an ordinance would need to be drafted and the Council would discuss it. Then it would have to pass two readings. We would need to have a public hearing on it, for public input and then it would be submitted to the Justice Department for approval. It would then go through their process, and they would have 60 days to respond to it, and they would basically give you a letter of approval if they do not have any problems with it. Attorney Cone informed Council, if we are going to adopt an ordinance on this, we need to do it by at least by March, so will have plenty of time before the next election cycle. You'll have to determine the amount of petition signatures to be required, which means maybe you need to look at some different ordinances to come up with what you think the right balance is for our City.

Further discussion was held on how the ordinance would be drafted. City Manager McConnell stated there was a lot of pressure in the legislative with the support of the Municipal Association to have all of our elections at one time in the fall. You may or may not like that, but it has some good points and bad.

**MINUTES/Page 6**

It was the consensus of Council that staff would secure copies of ordinances from other municipalities that changed their election method from partisan to nonpartisan, and then get with the City Attorney for Council to review.

Next, a motion was made by Council Member Parker, seconded by Council Member Smalls to cancel the December 25, 2008 City Council Meeting. The motion passed unanimously.

Lastly, under New Business, Council Member Cannady gave a brief report on the NLC Meeting attended by some members of Council in New Orleans, LA on December 13-17, 2007. The primary focus of the meeting was leadership and innovation, emergency preparedness, and "going green." She stated, we had a first look at Ward 9 to see the devastation. She stated that there were about 40,000 Louisiana residents who fled to Houston and there are still about 25,000 remaining there. The downtown area is about 85% back to normal, and it's just the residential areas that are so bad.

Council Member Cannady also reported that over 1,000 officials participated in 20 different leadership training courses, and that she received the Diamond Level Award, which is one of 24 awarded in the nation. This is the first year for this award. Council Member Cannady also gave a brief synopsis of the speakers heard during the conference, and the results of the NLC Board election.

Concluding the report, Council Member Smalls, Attorney George Cone and Finance Director Jeff Lord also gave brief highlights on the NLC meeting.

City Manager McConnell congratulated Council Member Cannady on her receipt of the Diamond Award which represents a lot of hard work and dedication. Mayor Pro-Tem Young also thanked the Department Heads and a special thanks to City Clerk Betty Hudson for all the hard work and dedication to the citizens and the city.

A motion to enter an executive session to hear a legal matter to discuss infrastructure and a contractual matter to discuss fund-raising for the Great Swamp Sanctuary was made by Council Member Cannady, seconded by Council Member Smalls and passed unanimously. The meeting then convened into an Executive Session.

The meeting returned to Open Session and Council agreed to discuss a matter on signage.

City Manager McConnell then recommended that Council amend the Zoning Ordinance from allowing one week a year for firecracker businesses to use nonstandard signs to allowing three weeks a year for use of nonstandard signs, providing they immediately remove their freestanding signs. Mayor Pro-Tem Young then asked if staff could find out if those businesses would be willing to do this first, because a public hearing would need to be held, as well as first and second reading of an ordinance.

Council Member Peters asked if Council does this, would we be singling out only the fireworks businesses, or would this be for everyone who wanted to participate in this type of signage. City Manager McConnell responded that the ordinance as written now would be amended from one week to three weeks. We do not have any other businesses who have freestanding signs that I can think of now. If the businesses do not already have the free-

Walterboro City Council  
Regular Meeting  
November 27, 2007

**MINUTES/Page 7**

standings signs, then they can't put them up. I think it's pretty well restricted, but we will check this out. After further discussion, it was the consensus of Council that the ordinance would only apply to the "Interstate Interchange Commercial Zone."

City Manager McConnell then announced that the City would receive a 2007 SC Wildlife Federation Organizational Award on January 12, 2008 at a banquet beginning at 6:30 P.M. at Furman University in Greenville, SC. He also announced that Colleton County Council will hold a meeting on December 14, 2007 at 11:00 A.M. at the Old Hampton St. School to discuss the Highway 17A corridor running from Colleton County into Dorchester County. All Council Members were invited to attend. Council then discussed briefly the pros and cons of widening Highway 64 and Highway 17A.

There being no further business to consider a motion to adjourn was made by Council Member Parker, seconded by Council Member Cannady and passed unanimously. The Mayor Pro-Tem adjourned the meeting at 9:25 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