

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, December 5, 2017 at 6:15 P.M. with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari, City Clerk Betty Hudson and City Attorney George Cone were also present. Approximately 13 persons were present in the audience.

There being a quorum present, the Mayor called the meeting to order and invited everyone to join in for the invocation and the Pledge of Allegiance. Council Member Syfrett gave the invocation, and Council Member Lohr led the Pledge of Allegiance to our flag.

At this point, the Mayor announced that this would be the last Council Meeting for 2017, and that he would like to take a moment to thank Council Members Tom Lohr and Jimmy Syfrett for their service on City Council. They have been outstanding Council Members and have been dedicated to the citizens of Walterboro for a long time. So, we thank you for all that you have done.

The Mayor then said, If there are no objections from Council, we will **remove Item No. 4, under New Business, from the agenda, which is Ordinance # 2017-16**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 8, Section 8.6 Parking of Heavy Vehicles of the Unified Development Ordinance of the City of Walterboro, First Reading. No objections were made and this item was removed from the agenda for consideration at a later date. The Mayor said, it needs further tweaking before we can address it.

PUBLIC INPUT ON AGENDA ITEMS:

A correction was made on the agenda by Mr. Jimmy Trippe. Under New Business, item 10, Consideration of 2017 Rice Festival Requests, should be corrected to read "Consideration of **2018** Rice Festival Requests."

PRESENTATION:

1. 2016-2017 Comprehensive Annual Financial Report - The Baird Audit Group, LLC - Mr. Rep E. (Butch) Whiddon

Rep Whiddon of Baird & Company, CPAs, opened by thanking Council for selecting his firm to do the independent audit for the City. He said, I would like to thank Jeff Molinari and Amy Risher for their help in the audit. Anything we have asked for, they have just gone out of their way to get it for us. Good accurate information and they answered all of our questions.

Copies of the "City of Walterboro Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017" were distributed to Council at the beginning of the meeting. Mr. Whiddon then reviewed key portions of the audit report with Council.

He reported that his firm did not have any disagreements with management. Management was very helpful. He reported that the City again obtained a Certificate of Achievement for Excellence in Financial Reporting from GFOA. This is really good. You have had it for a number of years and it is quite an honor. You should be proud of management for having gotten that.

MINUTES/Page II

Mr. Whiddon further briefed Council on the CAFR Report for the City of Walterboro. He said that the City received an "unmodified opinion." That's the opinion that you want. It's a good, clean opinion.

He then reviewed the financial statements with Council and pointed out that under governmental activities, the City has about \$4 million in cash. Under business type activities you have \$900,000. Under Liabilities, you have \$10 million in the governmental activities in debt, and \$4 million in debt for the business type activities. On total net position for the governmental activities, you have almost \$7 million, and all of that is tied up in capital assets. In the business type activities, you have \$21 million in net assets, with only \$18 million tied up in capital assets. Once again these financial statements are on an accrual basis and they are entity-wide. Mr. Whiddon noted that a Tourism Commission and a Development Corporation have now been included in the City's financials.

Mr. Whiddon then brought attention to the balance sheet for the general fund. He stated that the City has \$4 million in cash and almost all of that is brought down to unassigned fund balance. That's an awfully strong financial position in your general funds. I would point out looking at the Statement of Net Assets, entity wide, you are in a strong financial position as well. I think that you have been good stewards to the citizens of Walterboro.

At this point, Mr. Whiddon said he would like to point out that Other Post Employment Benefits, which is going to be primarily your retiring health plans, is going to have a (monetary) hit next year. It is very similar to what your net pension did last year. We were told it could be a really big hit and we were told maybe it won't be. I would look for it next year, but it's going to come and it's going to hit you a little bit.

In the water and sewer fund, the City has almost \$1million in cash, \$24 million worth of fixed assets, and that's your water and sewer lines and your facilities. You also have \$4.5 million worth of long term debt and that's related primarily to your bond indebtedness. You have \$4 million in revenues and you ended up with an increase in net position of \$1,900,000. Once again, that's a good financial position.

Mr. Whiddon also reported that the City received \$1.4 million in federal grants. He said, we had to test three of those - Wastewater Treatment Plant, Hurricane Matthew and the Firefighters' grant.

In conclusion, Mr. Whiddon pointed out that in the independent auditor's report on internal control and compliance, if you'll look, there is a deficiency. We considered it minor, but we are required by auditing standards to report one little correction that we found and it was very minor. I would say it was a couple of hundreds of dollars. We found it and we had to bring it up. It has since been corrected. There were no instances of noncompliance. There were no internal control issues related to federal funds.

Mayor Young then thanked Mr. Whiddon for his detailed summary of the City's audit report.

At this point, the Mayor took the opportunity to thank everybody that was involved on Sunday with the Christmas Tree Lighting and the Christmas Parade. He stated that he felt it was a very festive atmosphere in town that day. A lot of people were out and about in the early hours before the events. It really was a good feeling and the tree lighting and the parade went well. He thanked Michelle Strickland, Betty Hudson, Charlie Sweat, City employees and anyone else who was involved in the celebration. He said, we really appreciate it.

MINUTES/Page III

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2017-13**, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 6, Buildings and Building Regulations, **First Reading**.

The City Manager said that he had an opportunity to go through Chapter 6 of the Code of Ordinances with the Assistant City Manager and the City Building Official, and found some items which needed to be modified to reflect some changes that have been made from an organizational standpoint and to take some things out which were in conflict with the building codes already adopted by City Council. I am just going to go over those proposed changes very quickly, which are:

1) Sec 6-2. - Same - Interpretation.

Delete the following sentence: "In case of conflict between any provision of the building codes adopted by Section 6.1 and any provision of this Code, the more restrictive provision shall apply."

2) Sec. 6-10. - Minimum time period for inspection required prior to beginning construction.

The first sentence should show **Utilities Department** instead of Building Department, and should say **Planning and Development** Department instead of Building Department.

3. Sec. 6-13. - Annual inspections of buildings.

The word "commercial" should be added to the following sentence: "Once in each calendar year the Building Official or his deputy shall make an inspection of all **commercial** buildings in the City corporate limits, and for such purpose he or his deputy may enter any building without molestation by anyone."

4. Section 6-19. - Titles

Delete Section 6-19. - Titles and

Delete the sentence which reads: The titles Building Inspector, Building Official and Code Enforcement Officer shall be interchangeable.

5. Sec. 6-42. - Procedures.

Correct the identified item numbers under this section as follow:

- (1) Whenever the Building Official ("Official") finds ~~is notified of or a petition is filed therewith by at least five residents of the City charging that~~ any building or structure or portion thereof is unfit or unsafe, he shall give the owner, agent or person in control of such building or structure written notice, stating the defects found to exist.
- (3) The Official shall cause to be posted ~~at each entrance to such building on the premises or defective equipment~~ a notice substantially as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF

MINUTES/Page IV

WALTERBORO." Such notice shall remain posted until the required repairs are made or demolition is completed.

Delete the word "effect," and replace it with "affect" to this sentence.

- (7) The Official is authorized hereby to exercise such powers as may be necessary or convenient to ~~effect~~ affect the purposes and provisions of this article, including, but not limited to, the following powers:

For clarification, add the word "Building" to this sentence.

- (8) If the unsafe conditions continue after the remedial measures of Subsections (1) through (7) of this section have been taken, the **Building** Official shall issue and cause to be served a complaint upon the owner, every mortgagee of record, and all parties in interest seeking injunctive relief, mandamus, condemnation, removal, demolition or other appropriate proceedings to prevent, correct or abate any violation or any threatened violation of this article.

Concluding, the City Manager said, these are the changes that we are proposing to be made to Chapter 6. The Mayor then entertained a motion to give First Reading Approval to Ordinance # 2017-13.

A motion was made by Council Member Broderick giving First Reading Approval to Ordinance # 2017-13 as recommended by staff to Amend the Code of Ordinances of the City of Walterboro to Provide for Changes to Chapter 6, Buildings and Building Regulations. Council Member Syfrett seconded the motion. All in favor. None Opposed. Motion carried.

2. **Ordinance # 2017-14**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 4, Section 4.7.3.1 General Provisions Item D.2, and Section 4.7.4 New Structures Items G.4, and I.3 of the Unified Development Ordinance of the City of Walterboro, **First Reading**.

Assistant City Manager Hank Amundson briefed Council on this agenda item. He stated that the Planning Commission met on November 21st. The Commission had been going through the Unified Development Ordinance as it is supposed to regularly, but during the last few months, we have been updating the elements of the Comprehensive Plan. We have found some inconsistencies in the language of the design guidelines of the Central Business District and the Historic Preservation Overlay Commercial Guidelines. In existing structures and new structures, we have a different language as to the preservation of storefront windows. Mr. Amundson noted and discussed the following proposed changes to Chapter 4 of the Unified Development Ordinance:

Chapter 4

Section 4.7.3.1 General provisions, Item D.2

Add the words "Clear storefront" and delete the word "display."

Item D.2 will now read:

D.2. Clear first floor storefront windows

Section 4.7.4 New Structure, Item G.4

Add the words "Clear first floor."

Item G.4 will now read:

G.4. Clear first floor storefront windows

MINUTES/Page V

Mr. Amundson stated that it is important to preserve clear first floor storefront windows. As a principle in the Business District and the stores downtown, it is important to preserve the visual connection. The Planning Commission felt it was important to preserve those initial large, not compromised storefront windows.

Section 4.7.3.9 Additions to Existing Structures - Item I.3

Delete the words "or lightly tinted."

Item I.3 will now read:

I.3 Clear glass.

Mr. Amundson stated that the Planning Commission chose to specify "clear glass" as opposed to "lightly tinted", due to the measurement of tint levels.

The Mayor then entertained a motion to approve Ordinance # 2017-14.

A motion was made by Council Member Bonds giving First Reading Approval to Ordinance # 2017-14, being: An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 4, Section 4.7.3.1 General Provisions Item D.2, and Section 4.7.4 New Structures Items G.4, and I.3 of the Unified Development Ordinance of the City of Walterboro. Council Member Broderick seconded the motion.

In discussing the motion Council Member Bonds asked about storefront windows? He asked if this applied to Washington Street (main street)? Mr. Amundson replied, yes, it is in the Central Business District and the Historic Preservation Design Guidelines, by which you have to get a Certificate of Appropriateness when renovating a building downtown.

Councilman Bonds then asked if a person had to get a variance if they wanted to get rid of those windows? For example, the new property on the corner. There are no longer storefront windows there. Do they get a variance for that?

Mr. Amundson responded, that would be an "existing" condition - anything that is in place at the time of passage. He further explained that clear glass is only talking about preserving the large windows on the front and keeping them clear. The sign ordinance covers how much of the window you can cover with a sign. To alter every window, you would need to get a Certificate of Appropriateness from the Historic Preservation Commission.

Council Bonds then said, let's say if somebody wanted to live in one of those buildings with the huge storefront windows and wanted to turn that building into an apartment or condo. Will they have to keep those big glass windows there? Mr. Amundson responded that "a single family residence" and a "condo" are not a permissible use in the Central Business District as a primary use. Mr. Bonds then said, but we have people living there right? Mr. Amundson then said, residency is permitted in the Central Business District, and the next ordinance addresses this and better defines that. Residence is currently in our Unified Development Ordinance, under Chapter 2 Uses. Residency is permitted in the Central Business District as a multi-family (that's a primary use) or an accessory to a primary use that has to be commercial.

Council Member Bonds then said, I guess what I am asking is, are we changing anything as it relates to the ability for someone to change and get rid of those large storefront glass windows? I mean, if somebody wanted to remove those windows, are we doing something to hamper that by passing this ordinance? Mr. Amundson

MINUTES/Page VI

responded, no, not by passing this ordinance. Mr. Bonds then asked, by passing the next ordinance? Mr. Amundson again responded, no.

Mayor Young then asked, does this ordinance mainly deal with whether or not the glass is tinted or clear? Mr. Amundson replied yes, because the alteration of that window is covered elsewhere in the UDO. The alteration of the size of a window is covered else in the UDO.

No further discussion was held, and the motion giving First Reading Approval to Ordinance # 2017-14 passed unanimously.

3. **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, **First Reading**.

Assistant City Manager Amundson stated that the Central Business District encourages residential uses as an accessory to the commercial use, plus to preserve the commercial nature of a Central Business District. He said, that's the opening definition of the Central Business District.

Mr. Amundson stated that in the past, accessory apartments have been dealt with in the exact same way as they have been dealt in the Single Family Residential District for example. The change proposed in this ordinance will allow more space than is currently allowable to be used as a residence in downtown. It simply preserves the storefront, street level front of a commercial building to be maintained as commercial.

Mr. Amundson then proposed the following changes to **Chapter 3, Section 3.2.1:**

Item A -Delete "CBD."

This section lists six zoning districts where accessory apartments are allowed. This change would remove the Central Business District (CBD) from that definition, so that it will have it own stand alone.

Item D - Add the following phrase to the beginning of this item, "Except for in the CBD zoning district."

This item currently says:

The maximum size of an accessory apartment whether attached or detached, cannot exceed 35 percent of the gross floor area of the principal dwelling.

The proposed change to this item will read:

Except for in the CBD zoning district, the maximum size of an accessory apartment, whether attached or detached, cannot exceed 35 percent of the gross floor area of the principal dwelling.

Add new Item (E) to this section to read:

- E. In the CBD zoning district, if a building is just one-story tall, a maximum of 50% of the gross floor area may be used for an accessory apartment and must be situated at the rear of the building, thus preserving the commercial storefront and a minimum of 50% of the gross floor area for commercial use.

MINUTES/Page VII

In a two-story building only the top floor may be used for an accessory apartment, preserving the ground floor for commercial use.

Items E through M will be re-numbered F through N, due to new Item E insertion above.

A motion was made by Council Member Bridge giving First Reading Approval to Ordinance # 2017-15, being: 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. Council Member Siegel seconded the motion.

In discussing the motion, Council Member Bonds asked if an accessory apartment is different from an apartment? He asked, is there a definition for an accessory apartment as opposed to an apartment?

Mr. Amundson responded that an accessory apartment is an accessory to the primary use of a commercial building. He then read the definition of Central Business District. He pointed out that residential uses in the Central Business District are only allowed as accessory apartments or as a specific designation as a multi-family development. So, you could potentially have an apartment, multiple apartments, but not the taking of a commercial building and making it strictly a residential building.

Council Member Bonds pointed out that there is a one-story building right next to Mr. David Evans place, where they are doing wine and painting. He asked if it were possible to purchase that building and then remodel it to live there? Mr. Amundson responded no.

Mr. Bonds then asked, if I wanted to run my law office out of the front of that building of some square footage, then could I have "x" part of it to live in the back? Isn't that what this ordinance is saying? Mr. Amundson replied yes.

Council Member Bonds then asked how is that different from what we have right now? Mr. Amundson answered, currently, you can only use 35% of the area, which would then not even allow people to have above. In a two-story building you couldn't even use the whole entire upstairs of their building as a residence.

Mr. Bonds then asked, so now are we giving them 50%? Mr. Amundson responded, right.

Assistant City Manager Amundson explained that the proposed 50% change in the ordinance was arrived at by asking questions on the Manager's Listserve throughout the state. We asked them what are your ordinances for preservation in the historic Central Business District? Council Member Siegel asked if the 50% also applied to the second floor? Assistant City Manager Amundson responded that this was the recommendation of the Planning Commission.

Council Member Siegel then asked, let's say if you had a two-story building and you had a business in the front of the first story, would you be allowed up to 50% of that building to have an accessory apartment on the first floor? Mr. Amundson responded, you can have 50% of your first floor area, but it has to be on the top floor only. Mr. Siegel then asked, is this only on the top floor? Mr. Amundson responded yes. Council Member Siegel then said, so in a one floor building, it's going up to 50% from 35% for an accessory apartment? So, practically speaking, there would be some room to actually have an accessory apartment on the first floor. Mr. Amundson responded, that's right and the reason why we did that is a lot of the areas in South Carolina simply said, "upstairs only," but the nature of our downtown is that a lot of our buildings are only one floor.

MINUTES/Page VIII

Council Member Broderick then asked, is there a minimum square footage required? Mr. Amundson responded, no. Mr. Broderick then said, so, if you have an 800 square foot shop, they could have a 400 square foot apartment in the back, and a 400 square foot business in the front.

No further questions were raised. The motion to give First Reading Approval to Ordinance # 2017-15 passed with all members voting in favor.

4. **Ordinance # 2017-16**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 8, Section 8.6 Parking of Heavy Vehicles of the Unified Development Ordinance of the City of Walterboro, **First Reading**.

NOTE: This ordinance was removed from the agenda at the start of the meeting by consensus of Council.

5. Resolution # 2017-R-07, Certification of the November 7, 2017 Municipal General Election Results

Resolution # 2017-R-07 accepting, ratifying and confirming the results of the November, 2017 Municipal General Election was adopted unanimously on the motion of Council Member Bonds, seconded by Council Member Siegel with all members voting in favor.

This resolution declared Bill Young reelected as Mayor of the City of Walterboro for another 4-year term, James Broderick reelected, and Carl Brown and Greg T. Pryor newly elected as members of City Council for a 4-year term. A copy of said resolution is attached as part of these minutes.

6. Consideration of the State of South Carolina Statewide Mutual Aid Agreement with the City of Walterboro, South Carolina for Emergency and Disaster Response/Recovery

City Manager Molinari told Council that the City currently does not have a mutual aid agreement with the State of South Carolina. Essentially, what this does is, in the event of a catastrophic disaster, it would ensure that the City and our citizens are eligible for all federal disaster programs available in the event of a Presidential disaster declaration.

City Attorney Cone informed Council that before approval, Exhibit A would need to be filled in first, or authorize the Mayor or the City Manager to fill it in. He was concerned that Exhibit A in the agenda packet was blank and not filled out. Mayor Young felt that Exhibit A had already been taken care of. City Manager Molinari added that Exhibit A had already been filed out, showing the Mayor as the authorized representative.

Council Member Broderick then made a motion to approve the SC Statewide Mutual Aid Agreement, authorizing the Mayor as the representative to sign the agreement. Council Member Syfrett seconded the motion.

In discussing the motion, Council Member Bonds wanted to know if this agreement was like any other mutual aid agreement as it relates to obligation. Mr. Molinari responded that the odds that the City would provide resources to the State are probably remote. It would more than likely benefit us.

The motion to approve the SC Statewide Mutual Aid Agreement then passed unanimously.

MINUTES/Page IX

7. Acceptance of Resignation of Carl Brown from the Building Board and Greg T. Pryor from the Planning Commission

A motion was made by Council Member Bridge, seconded by Council Member Lohr, to accept the resignation of Carl Brown from the Building Board and Greg T. Pryor from the Planning Commission. All in favor. None opposed. Motion carried.

8. Consideration of 2018-2019 Budget Calendar

Next, City Manager Molinari told Council that this was an identical calendar we used for the last budget. As you recall last year, we moved things up roughly a month so we can get started on the budget process earlier. This will begin the budget process just after the first of the year and take us through second and final reading of the budget in June.

A motion was made by Council Member Siegel, seconded by Council Member Broderick to approve the 2018-2019 budget calendar as submitted. The motion passed with all members in favor.

9. Request to Close Streets for the 1st Annual Resolution Run on January 6, 2018 from 8:30 A.M. to 10:30 A.M. by Colleton County Arts Council

A motion was made by Council Member Broderick to approve this street closing request as submitted for the 1st Annual Resolution Run on January 6, 2018. Council Member Siegel seconded the motion that passed unanimously.

10. Consideration of 2018 Rice Festival Requests for April 27-28, 2018 by Susan Nettles, Chairman Colleton County Rice Festival, including Street Closing Requests and Parade Permit Request, etc.

A motion granting the 2018 Rice Festival requests for April 27-28, 2018 and approval of the parade permit as submitted was made by Council Member Bridge, seconded by Council Member Broderick and passed unanimously. The Mayor thanked Ms. Susan Nettles, present on behalf of the Rice Festival Committee, for their service. He said the festival just keeps getting better every year.

11. Notice of 2018 City Council Retreat, Location and Time

Next, the City Manager announced for information only that the Annual City Council Retreat will be held beginning Friday, January 19, 2018 and running through Saturday, January 20, 2018 at the Wampee Conference Center in Pinopolis, SC. No formal action will be taken at the retreat. Any action items will be brought back to a regular City Council meeting for Council's consideration.

COMMITTEE REPORTS:

There were no Committee Reports given.

CITY MANAGER'S REPORT

No City Manager's Report was given.

EXECUTIVE SESSION:

MINUTES/Page X

The Mayor then entertained a motion to enter into an Executive Session. Council Member Broderick so moved and Council Member Bridge seconded the motion. The Mayor then announced that the meeting will enter into an Executive Session for

1. Receipt of Legal Advice - I-95 Business Loop Project, Phase 1C/1D.
2. Contractual Matter - I-95 Business Loop Project, Phase 1B.
3. Personnel Matter - Municipal Court.

The meeting convened into an Executive Session.

A motion was made by Council Member Siegel to exit the executive session and return to Open Session. Council Member Broderick seconded the motion. All in favor. None Opposed. Motion carried.

A motion was made by Council Member Syfrett to accept the resignation of Jay Lemacks as Associate Municipal Judge. Council Member Bridge seconded the motion that passed unanimously.

There being no further business, a motion to adjourn was made by Council Member Bonds, seconded by Council Member Siegel. All in favor. None opposed. Motion carried. The Mayor adjourned the meeting at 7:37 P.M. Notice of this meeting was distributed to all local media and 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