

Mr. Danny Woodward, Mayor Pro Tem  
Ms. Sarai Melendez, Councilwoman  
Mr. Keith Pace, Councilman  
Mrs. Gwen Owens, Councilwoman

Mr. Danny Edwards, Mayor

Mr. Josh Roberts, Councilman  
Mr. David Underwood, Councilman  
Mr. Julian Stoudemire, City Attorney  
Mr. Timothy B. Burton, City Administrator

**AGENDA  
WALHALLA CITY COUNCIL  
July 20, 2021  
5:30 PM**

**206 N. Church Street, Walhalla, SC**

**CALL TO ORDER & WELCOME**

**Mayor Edwards**

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

**APPROVAL OF MINUTES**

**July 13, 2021**

**ADMINISTRATOR COMMENTS**

**Brandon Burton**

**READING OF ORDINANCES AND RESOLUTIONS**

**Second Reading and Public Review of Ordinances:**

**ORDINANCE 2021-14 AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH THE 10<sup>TH</sup>  
JUDICIAL CIRCUIT PUBLIC DEFENDERS' OFFICE—MR. PACE**

**First Reading of Ordinances:**

**ORDINANCE 2021-16 AN ORDINANCE TO RESCIND ORDINANCE 2019-1/2019-9/2021-13  
REGUALTIONS FOR MOBILE FOOD VEHICLES, ENTIRELY AND REPLACE WITH ORDINANCE  
2021-16 AN ORDINANCE TO ESTABLISH REGULATIONS FOR MOBILE FOOD VEHICLES. –  
MS. MELENDEZ**

**ORDINANCE 2021-17 AN ORDINANCE TO AMEND ORDINANCE 1994-8/2004-11/2017-  
11/2018-15/2021-5 TO ESTABLISH DEFINITIONS AND REQUIREMENTS IN ALL DISTRICTS-  
MS. MELENDEZ**

# ***CITY OF WALHALLA***

***"MAIN STREET to the MOUNTAINS"***

Mr. Danny Woodward, Mayor Pro Tem  
Ms. Sarai Melendez, Councilwoman  
Mr. Keith Pace, Councilman  
Mrs. Gwen Owens, Councilwoman

Mr. Danny Edwards, Mayor

Mr. Josh Roberts, Councilman  
Mr. David Underwood, Councilman  
Mr. Julian Stoudemire, City Attorney  
Mr. Timothy B. Burton, City Administrator

---

## **DISCUSSION AND/OR ACTION ITEMS**

**(None scheduled)**

### **Committee Reports**

Fire/Ms. Melendez  
General Gov't-Finance/Mr. Pace  
Public Works/Mr. Roberts  
Recreation/Mr. Woodward  
Police/ Mr. Underwood  
Utilities/Ms. Owens

### **MAYOR COMMENTS**

### **EXECUTIVE SESSION**

**(None scheduled)**

### **ADJOURN**



MINUTES OF THE REGULAR MEETING  
OF THE WALHALLA CITY COUNCIL

JUNE 15, 2021, 530 PM

Present- Mayor Danny Edwards, Councilwoman Sarai Melendez, Councilman David Underwood, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, Interim City Administrator.

Absent: None

**Guests:** Media and members of the public.

Mayor Edwards called the meeting to order at 5:30 PM.

Mr. Underwood led the Pledge of Allegiance.

Mayor Edwards called for Public Input; the diversity and inclusion committee gave a brief presentation on upcoming block parties.

Mr. Pace made motion to approve the minutes of the May 18, 2021 council meeting. Mr. Woodward second. All voted in favor of.

Mr. Pace gave second reading of ORDINANCE 2021-6 AN ORDINANCE TO RAISE REVENUE AND ADOPT FOR THE CITY OF WALHALLA, SOUTH CAROLINA A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022. Mr. Pace made this in form of a motion, Mr. Roberts seconded. All voted in favor.

Mrs. Owens gave second reading of ORDINANCE 2021-7 AN ORDINANCE TO AMEND ORDINANCE 2019-6, AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT, IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, THE USE AND OPERATION OF THE WATER WORKS SYSTEM MAINTAINED AND OWNED BY OR WHICH MAY BECOME THE PROPERTY OF THE CITY OF WALHALLA AND PROVIDING PENALTIES FOR VIOLATION THEREOF. There was discussion regarding the fees for no SSN and how that would work. The process was explained. Mr. Pace made the motion and Mr. Underwood seconded. All voted in favor of motion.

Mr. Pace gave second reading of ORDINANCE 2021-8 AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF WALHALLA, SOUTH CAROLINA, WATER AND SEWER DEPARTMENTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022. Mr. Pace made this in form of a motion. Mr. Roberts seconded. Discussion ensued from Mr. Underwood that he felt that the money that was given back to the city from the sewer authority was the people's money and we shouldn't raise the rates on that. Vote was held with 6 in favor and 1 opposed. Motion carried.

Mr. Pace gave second reading of ORDINANCE 2021-9 AN ORDINANCE TO RAISE REVENUE AND ADOPT FOR THE CITY OF WALHALLA, SOUTH CAROLINA, A LOCAL 2% HOSPITALITY BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022. Mr. Pace made this in form of a motion and Mr. Woodward seconded. All voted in favor.

Ms. Melendez gave second reading of ORDINANCE 2021-10 AN ORDINANCE TO RESCIND ORDINANCE 2013-9 IN ITS ENTIRETY AND REPLACE WITH ORDINANCE 2021-10 AND ORDINANCE TO INCORPORATE FEE STRUCTURE INTO CURRENT FISCAL YEAR BUDGET DOCUMENT. Ms. Melendez made this in form of a motion. Mr. Pace seconded. Mr. Burton advised that this was to rescind all the fees associated with the old building and zoning fees and incorporate them into the current budget document. This would allow rate changes to take place annually when the annual budget is approved. All voted in favor.

Mr. Roberts gave second reading of ORDINANCE 2021-11 AN ORDINANCE TO AMEND ORDINANCE 2012-1 AN ORDINANCE GOVERNING GARBAGE, TRASH, AND REFUSE TO UPDATE FEE STRUCTURE. Mr. Roberts made this in form of a motion and Mr. Pace seconded. Mr. Burton again explained that all this did was to set the fees under this ordinance to the current budget document. All voted in favor of motion.

Mr. Pace gave second reading of ORDINANCE 2021-12 AN ORDINANCE TO ESTABLISH FRANCHISE FEE FOR DUKE ENERGY. Mr. Pace made this in form of a motion. Mr. Roberts seconded. Mr. Underwood recused himself since he is an employee of Duke Energy. The motion carried with a 6-0 vote.

Ms. Melendez gave second reading of ORDINANCE 2021-13 AN ORDINANCE TO RESCIND ORDINANCE 2019-01 REPLACE WITH AN ORDINANCE TO ESTABLISH REGULATIONS FOR MOBILE FOOD VEHICLES. Ms. Melendez made this in form of a motion. Mr. Pace seconded. Mr. Burton explained that all this did was to set the fees under this ordinance to the current budget document. This only addressed the fees where they are reflected in the appendix of the budget document. Mr. Underwood felt that the ordinance needed more work, and we should go ahead and address those items. Mr. Pace stated that he agreed, and this item would be addressed further at the next meeting. Mr. Underwood did not want to move on to something else and this ordinance not be amended. Mr. Pace assured that it would be worked on at the next meeting, we just needed to fix the fees. A vote was held and all were in favor.

Mr. Pace gave second reading of ORDINANCE 2021-14 AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH THE 10<sup>TH</sup> JUDICIAL CIRCUIT PUBLIC DEFENDERS' OFFICE. Mr. Pace stated that this needed more research and that he moved to table it. Mr. Roberts seconded. This was tabled to a future meeting.

Mr. Pace gave second reading of ORDINANCE 2021-15 AN ORDINANCE TO PROVIDE FOR A CITY ADMINISTRATOR FOR THE CITY OF WALHALLA, SOUTH CAROLINA TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH. Mr. Pace made this in form of a motion. Mr. Roberts seconded. All voted in favor.

There were no other action items.

Mayor Edwards called for committee reports.

MINUTES OF THE COMMITTEE MEETING  
OF THE WALHALLA CITY COUNCIL  
JUNE 1, 2021, 5:30 PM

Present: Mayor Danny Edwards, Councilwoman Sarai Melendez, Councilman David Underwood, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, Interim City Administrator.

Absent: None

Mayor Edwards Opened the committee meeting at 5:30PM

A moment of silence was observed

Committee Reports were given by respective department heads.

Parks and Recreation- Mr. Woodward, Chair

Director Galbreath reported:

Regular season games are over, all-star practice is beginning

There are 5 teams participating in All-Stars.

Fence is repaired at the creek

Public Works- Mr. Roberts, Chair

Director Price reported:

County has not reported the tonnage of collections

Delivered 27 roll carts

Picked up 7 roll carts

During the month of March our department continued picking up leaves, brush, cleaning storm drains, trimming trees and other routine maintenance tasks. Cleaned up bike trail. Pool and splash pad has been prepped for season. Set up for the outdoor event on Memorial Field

Police- Mr. Underwood, Chair

Chief Brinson reported:

1137 Calls for service

474 traffic stops

13 collisions

45 incident reports

503 citations issued

31 arrests

129 extra patrols

158 hours of training

Community Meeting was held to highlight internet security and scam awareness

2 officers at the academy

Provided security for Memorial Field

Utilities- Mr. Pace, Committee Member

Director Parris gave report:

11- new water taps

- 1- new sewer taps
- 54- new water contracts
- 5- emergency locates
- 26- sanitation delivery work orders
- 7- sanitation pickup work orders
- 2-meter box changes
- 31- meter change outs
- 2-new development service inquires.

Cane Creek sewer work has completed pipe lining and now working on manholes.  
Lisa Hendricks, billing supervisor, has left the city. In process of backfilling and training current staff.

#### Main Street (General Gov't)- Mr. Pace-Chair

Director Imbody gave report of upcoming events and noted the Main Street Board had a 5-year workplan. Mrs. Imbody discussed the possibility of a Carnival in conjunction with Independence Eve.

#### Fire and Codes- Ms. Melendez-Chair

Chief Burton gave June report:

- 117 calls for service
- 57 Fire, 60 medical/rescue
- 15 mutual aid
- 59 inside city, 74 outside
- 237 hours spent on incidents
- 557 hours of training completed
- 14 inspections completed
- 10 code enforcement issues addressed
- 8 verifications/permits issued

Held listening session for moratorium working with planner to address comments  
Provided fire and ems service for the event on Memorial Field  
Ordering fireworks for July 3

#### General Government- Mr. Pace, Chair

Chief Burton gave the administrators report

Moratorium listening session completed  
Greenway project is underway  
Walhalla-Westminster Waterline Interconnect project is closed out  
Old fire station sale contract is complete  
New additions to QS-1  
Stumphouse vehicle and collections are back to last year's high levels.

This concluded committee reports.

The mayor had no comments.

Mr. Roberts made a motion to enter executive session, Mr. Woodward seconded. Council went into executive session.

Council reconvened into regular session with no action taken.

Mayor Edwards adjourned the meeting.

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

**ORDINANCE 2021-14**

CITY OF WALHALLA )

**AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH THE 10<sup>TH</sup> JUDICIAL CIRCUIT PUBLIC DEFENDERS' OFFICE**

**WHEREAS**, the law requires that counsel be appointed in cases where a defendant is not able to afford an attorney and charged with a criminal offense and can be incarcerated for said offense and;

**WHEREAS**, the 2021-2022 Appropriation Act adopted by the South Carolina Legislature includes the following provision:

61.12. (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts;

**WHEREAS**, The City of Walhalla desires to enter into an agreement with 10<sup>th</sup> Judicial Circuit Public Defender in order to comply with the budgetary proviso and in order to provide for the usual and customary legal services for indigent defendants within its court and;

**WHEREAS**, the City of Walhalla authorizes the Interim City Administrator to sign agreement and;

**WHEREAS**, the agreement is made part hereof as fully as if incorporated herein and a copy thereof is hereto attached

**NOW THEREFORE BE IT RESOLVED**, by City Council of City of Walhalla, this ordinance is

**DONE AND RATIFIED** in Council Duly Assembled this \_\_\_\_\_ Day of \_\_\_\_\_ 2021



\_\_\_\_\_  
Danny Edwards, Mayor

**ATTEST:**

\_\_\_\_\_  
Timothy B. Burton, Interim City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Public Hearing,  
Second Reading  
And Adoption: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
CITY OF WALHALLA )

**ORDINANCE 2021-16**

**AN ORDINANCE RESCIND ORDINANCE 2019-1/2019-9/2021-13, REGULATIONS FOR MOBILE FOOD VEHICLES, ENTIRELY AND REPLACE WITH ORDINANCE 2021-16**

**WHEREAS**, the City of Walhalla desires to regulate mobile food vehicles.

**WHEREAS**, the City of Walhalla desires to provide a clear process for the permitting of mobile food vehicles.

**Then, Let It Therefore Be Resolved**, by the City Council of the City of Walhalla, South Carolina rescind ordinance 2019-01/2019-9/2021-13 and replace in its entirety with ordinance 2021-16, Regulations for Mobile Food Vehicles, to read as follows;

**SECTION 1- Title and Purpose**

The provisions embraced within the following sections shall constitute and be known and may be cited as "The Mobile Food Vending Ordinance". The purpose of this ordinance is to promote health, safety, convenience, prosperity and general welfare of the citizens of Walhalla by establishing reasonable guidelines and regulations for mobile food vehicles.

**SECTION 2- Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Catering Truck" is defined as a truck, van or similar vehicle from which the vendor offers for sale foods and beverages that are prepackaged to a private audience.

"Food trailer" is defined as an enclosed attached or detached trailer equipped with facilities for preparing, cooking and selling various types of food products.

"Food truck" is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking selling various types of food products.

“Ice cream truck” is defined as a motor vehicle containing a commercial freezer and from which a vender sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar products.

“Mobile food vendor” is defined as any person selling food from a mobile vehicle **but does not include a food trailer.**

“Mobile food vehicle” is defined as a self-contained non-motorized unit (push cart), motorized vehicle mounted food service unit that returns daily to its base of operations as approved by DHEC and is used for either preparation or the sale of food products or for both.

“Mobile market food truck” is defined as an **enclosed** motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce is sold in its original form and has not been altered or cooked in any other way consistent with coming fresh from the fields or gardens in which it was grown.

“Restaurant” a brick-and-mortar establishment where meals are generally served and eaten on premises or prepares and serves food and/or drink to customers for consumption on the premises in return for money, either paid before the meal, after the meal or with running a tab. A restaurant does not include a food service that is delivery only.

### **SECTION 3 Required**

- A) It shall be unlawful for any person to engage in business as a mobile food vendor within the City without first obtaining a city business license and a mobile food permit to do so.
- B) To obtain and display approvals from the South Carolina Department of Health and Environmental Control and any other agency documentation necessary to provide food service.
- C) To obtain a State of South Carolina Retail License.
- D) At time of application for a business license, the mobile food vendor must provide proof of general liability insurance for operation of the vehicle as a motor vehicle and the conduct of business and if conducted on public streets or city owned property amounts ~~reasonably determined by the City Administrator. Failure to maintain this insurance can result in immediate revocation of the license.~~  
**, the minimum amount is 1,000,000.00**
- E) Each licensed mobile food vendor must maintain for patrons' use, a litter receptacle of sufficient size to accept litter being generated by the sales

from the vendor's vehicle at the point of sale. The receptacle must be maintained in such a manner as to preclude an over flow of refuse. Each vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendors' mobile food vehicle prior to departing a sales location. Recycling is encouraged.

- F) Mobile food vendors shall be limited to edibles hot and cold beverages containing no alcohol. The selling of nonfood or drink items shall be limited to merchandise displaying mobile food vendor company and logo and branding.
- G) To display decal and picture of the unit.
- H) To collect and remit Hospitality Taxes in the same manner as other food services.
- I) All power shall be self-contained.
- J) Provide proof of ownership or lease of the property from the owner for such purposes.
- K) Must provide to the City a lease or the written expressed consent from the owner to use the business property on which they propose to operate.
- L) Provide a site plan including photo of site and detailed layout noting truck orientation and service plan for each site.
- M) Must submit to an inspection by the Fire Marshall and the Code Enforcement official.
- N) Color Copy of the drivers licenses of both the owner(s) and operators and two color photographs of the owner(s) taken within 30 days of the filing of a permit application.

#### **SECTION 4 Temporary permits**

- ~~A) A mobile food vendor may apply for a temporary permit limited the business to operate five days within the calendar year. The permit shall indicate the days of intended operations. If it isn't known which days of operation, the permittee must communicate such operation to Codes Enforcement officer 72 hours prior to the days of operation. Failure to communicate such notice shall be a violation of this ordinance which may result in revocation of the permit.~~

- ~~B) Temporary permit will not be required for vendors that have officially registered with the host of permitted special event prior to the start of said event. Special Event host are required to supply the city with a list of all registered food vendors at least 5 days prior to the event. Any food vendor not registered with the event will be required to obtain the necessary permits to operate.~~

Temporary permits a will be issued by the day, fees are referenced in Appendix A of the current budget document.

## **SECTION 5 Fees**

Upon approval of an application the annual permit fee shall be reflected in appendix A in the current budget document.

## **SECTION 6 Operation**

All mobile food vendors shall be subject to the following regulations in their operation on private property:

- ~~A) No mobile food vendor shall operate within 250 feet from the door of a lawfully established eating establishment that is actively open for business serving customers, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity.~~
- A) No mobile food vendor shall operate in any city parking lots, parking spaces, or on private property within the downtown overlay except within the city leased lot located at the corner of East Main Street and North Spring Street. TMS#: 500-16-10-005. Alternate locations may be approved by the City Administrator for bona fide city approved events within the downtown overlay.
- B) When a mobile food vendor is operating outside of the downtown overlay they must be located 250 feet away from the door of a lawfully established eating establishment, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity.
- C) When a Catering truck, or a mobile food vendor operating as a catering truck, is operating within the downtown design overlay for a private event, they may be located on private property as long as food and beverage items are not sold to the public and only provided to the private audience. The code official must be notified of the situation 3 days beforehand.

- D) No mobile food vendor shall operate outside the hours of 8:00 a.m. to 10:00 p.m. However, a mobile food vendor may apply for additional authorization to operate after 10:00 p.m., but under no conditions operate later than 1:00 a.m. the following day.
- E) No mobile food vendor shall use any public address system or sound device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
- F) Mobile food vendors must keep all areas within five feet of the truck and any associated seating clean of grease, trash, paper cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto sidewalks, streets or other public spaces. Under no circumstances can grease be released or disposed of in a sanitary sewer system.
- G) All exterior body work and mechanical equipment of any mobile food truck vendor shall be maintained in good and clean condition and free of excessive wear or damage. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions, or any other conditions that may cause a hazard or reduce clarity of vision below the level specified by the manufacturer, and/or other type of damage or possible public hazard deemed appropriate by the Codes enforcement officer.
- H) Food vendors shall not obstruct the use of any street intersection, pedestrian crosswalk or space. Shall not impede ingress or egress of any driveway. ~~The use of existing on-street parking is not permitted for food truck operation from Tugaloo St to Ann St.~~ **—covered in the new section A**

## **SECTION 7 Denial, Revocation, Suspension of Permit**

- A) A permit may be revoked, suspended, modified, or not renewed by the City for failure to comply with provisions of this ordinance, or any provisions of this Code or other ordinance of the city.
- B) A permit may also be revoked for the following reasons:
  - i. whenever in the judgement of the City Council deems it necessary for the protection of the public good or for prevention of disorders; provided, however, that the City Council shall first give reasonable

notice to the permittee of a public hearing on the matter of such revocation.

- ii. The permittee or any of its principals fails to satisfy any qualifications or requirement imposed by this ordinance or other local, state, or federal laws or regulations that pertain to the particular license or
- iii. The permittee or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required.
- iv. The permittee or any of its principals has been convicted of any crime as a result of having perpetrated deceptive practices upon the public within the last ten years.
- v. The permittee or any of its principals had been convicted of any crime that involves any local, state, federal law or regulation arising out of the operation of similar business.
- vi. The motor food vehicle on which the business is conducted does not satisfy all local state or federal laws or regulations which relate to the activity that is to be licensed after a notice of opportunity to cure.
- vii. The permittee or any of its agents is in default of any payments owed to the city.
- viii. The application contains material omissions or false, fraudulent, or deceptive statements.
- ix. The motor food vehicle is operated in such a manner as constituting a public nuisance.
- x. The SCDHEC denies, revokes or suspends the license of the mobile food vehicle.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this Ordinance or local state and federal laws and regulations.

## **SECTION 8 Ice Cream Trucks**

All ice cream trucks are subject to requirements as stated above. Ice cream trucks must remain mobile, except for short periods of time in order to make a

sale, or except by contract or authorization from the City for a special event or contracted through the parks and recreation department. Ice Cream trucks shall not operate before 9:00 a.m. and must cease operations one half hour before sunset as stated by the National Weather Service.

Ice cream trucks may not use any public address system on the vehicle to announce or advertise its products. A bell or musical recording may be sounded for a period of time to announce the arrival of the vehicle at each location as deemed appropriate by the Code Enforcement Officer.

## **SECTION 9 Farmers Market**

Produce, pre-made food items and mobile market food trucks at city sponsored "Farmers Markets" are exempt from these regulations

## **SECTION 10 Term**

Every permit issued under the provisions of this division shall ~~expire December 31 of each year.~~ **be valid from July 1<sup>st</sup> to June 30<sup>th</sup>.**

## **SECTION 11 Severability**

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.



**DONE AND RATIFIED** in Council Duly Assembled this \_\_\_\_\_ Day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Danny Edwards, Mayor

**ATTEST:**

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Public Hearing,  
Second Reading  
And Adoption: \_\_\_\_\_

The background of the slide is a faded image of a large roadside sign for Walhalla, South Carolina. The sign features a banner at the top that reads "Garden of the Gods". Below the banner, the word "WALHALLA" is written in large, white, serif capital letters. Underneath "WALHALLA", the words "SOUTH CAROLINA" are written in smaller, white, serif capital letters. At the bottom of the sign, the words "MAIN STREET TO" are visible. The sign is set against a backdrop of colorful autumn trees.

## Food Truck Update

### Updates

- Remove "enclosed" from the food trailer definition
- Change the "mobile food vendor" to include a food trailer.
- Set the minimum amount of liability insurance to 1,000,000.00
- Permits are valid from July 1 to June 30
- Added requirements listed in the application to section 3. Such as, inspections from the fire marshal and code enforcement and color photographs of the owners and operators.
- Temporary permits will be issued by the day, Fees are referenced in Appendix A of the current budget document.

## Updates cont.

- No mobile food vendor shall operate in any city parking lots, parking spaces, or on private property within the downtown overlay except within the city leased lot located at the corner of East Main Street and North Spring Street. TMS#: 500-16-10-005. Alternate locations may be approved by the City Administrator for bona fide city sponsored events within the downtown overlay.



## Updates cont.

- When a mobile food vendor is operating outside of the downtown overlay they must be located 250 feet away from the door of a lawfully established eating establishment, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity





## Updates cont.

- When a Catering truck, or a mobile food vendor operating as a catering truck, is operating within the downtown design overlay for a private event, they may be located on private property as long as food and beverage items are not sold to the public and only provided to the private audience. The code official must be notified of the situation 3 days beforehand.

## Updates cont.

- SECTION 9 Farmers Market
  - Produce, pre-made food items and mobile market food trucks at city sponsored "Farmers Markets" are exempt from these regulations

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

CITY OF WALHALLA )

ORDINANCE 2021-17

**AN ORDINANCE TO AMEND ZONING ORDINANCE 1994-8/2004-11/2017-11/2018-15/2021-5 TO ADD A DEFFINITION FOR MAJOR RETAILERS, AND TO AMEND SECTION 405.3, 406.3, 407.3, AND 408.3.**

**WHEREAS**, the City of Walhalla Zoning Ordinance requires amending in order to establish regulations to address future growth in the city,

**WHEREAS**, the City of Walhalla would like to introduce language in order to provide areas for major retail development and also promote the growth of small business,

**WHEREAS**, the City of Walhalla Planning Commission has recommended changes in the ordinance as a result of review by that body,

**Then, Let It Therefore Be Resolved**, by the City Council of the City of Walhalla, South Carolina amend the following sections of the Zoning Ordinance as follows:

#### **SECTION 202: DEFINITIONS**

NOW, THEREFORE, Section 202 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following definitions:

**Major retailers:** Any retailer or wholesale market that has or is projected to have over 8000 square feet of floor space.

#### **SECTION 405.3: CONDITIONAL USES FOR OFFICE COMMERCIAL**

NOW, THEREFORE, Section 405.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following Conditional Use:

Major Retailers provided they adhere to the following conditions:

- They must have off street parking consistent with the current zoning ordinance
- They must comply with the downtown design guidelines

#### **SECTION 406.3 CONDITIONAL: USES FOR HIGHWAY COMMERCIAL**

NOW, THEREFORE, Section 406.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following Conditional Use:

Major Retailers provided they adhere to the following conditions:

- They must have off street parking consistent with the current zoning ordinance
- They must comply with the downtown design guidelines

### **SECTION 407.3 PARAGRAPH A: CONDITIONAL USES FOR CORE COMMERCIAL**

NOW, THEREFORE, Section 407.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to read as follows:

The Following uses shall be permitted on a conditional basis in any CC Zoning District:

- A. Any use permitted on a conditional basis in any OC Zoning District subject to the conditions of Subsection 404.3, Except Major Retailers.

### **SECTION 408.3 CONDITIONAL USES FOR LIGHT INDUSTRIAL**

NOW, THEREFORE, Section 408.3 of the Zoning Ordinance for the City of Walhalla is hereby amended to include the following Conditional Use:

Major Retailers provided they adhere to the following conditions:

- They must have off street parking consistent with the current zoning ordinance
- They must comply with the downtown design guidelines

**NOW, THEREFOR, BE IT RESOLVED** that the City of Walhalla, South Carolina adopts the Zoning changes to be affixed to the Zoning Ordinance.

**DONE, ORDERED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2021

**ATTEST:** ‘

\_\_\_\_\_  
Timothy B. Burton, City Administrator

\_\_\_\_\_  
Danny Edwards, Mayor

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading & Adoption: \_\_\_\_\_

A large, octagonal wooden sign with a rustic, weathered appearance. The top half features a painted scene of autumn trees in shades of red, orange, and yellow. Below the scene, the word "WALHALLA" is written in large, white, serif capital letters with a dark outline. Underneath "WALHALLA", the words "SOUTH CAROLINA" are written in smaller, white, serif capital letters. At the bottom of the sign, the words "MAIN STREET TO" are visible in white, serif capital letters. The sign is set against a light background.

## Planning Commission Recommendation on Moratorium

A large, octagonal wooden sign with a rustic, weathered appearance. The top half features a painted scene of autumn trees in shades of red, orange, and yellow. Below the scene, the word "WALHALLA" is written in large, white, serif capital letters with a dark outline. Underneath "WALHALLA", the words "SOUTH CAROLINA" are written in smaller, white, serif capital letters. At the bottom of the sign, the words "MAIN STREET TO" are visible in white, serif capital letters. The sign is set against a light background.

## Average Store Sizes

- Chain Pharmacys: 14,500 sqft
- Chain Dollar Stores: The new store model is approximately 9100-9500 square feet on 1.00 acre of land to accommodate a minimum of 30 parking spaces.
- **Under the current zoning ordinance you would need about 60 parking spaces Chain Dollar Stores and 73 for Chain Pharmacys.**



## Recommendation

- To add the following definition to the zoning ordinance:
  - Major retailers: any retailer or wholesale market that has or is projected to have over 8000 feet of floor space
- To amend the zoning ordinance to restrict major retailers to Office Commercial, Highway Commercial, and Light Industrial zones with the following conditions:
  - They must have off street parking consistent with the current zoning ordinance
  - They must comply with every part of the downtown design guidelines.

## What this Does

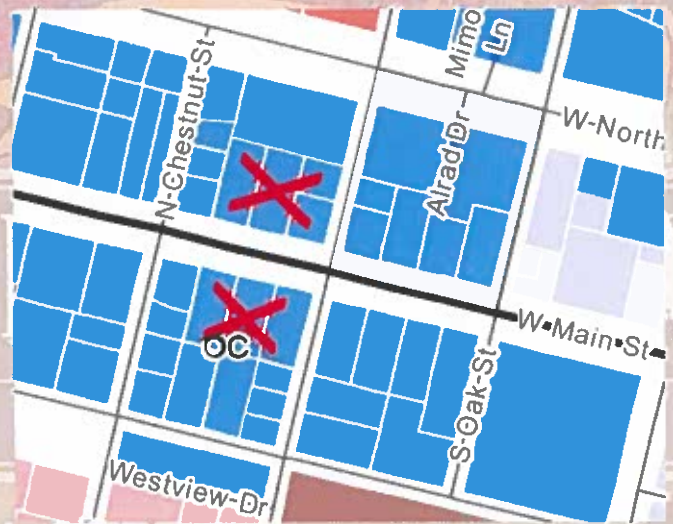
- Restricts major retailers from downtown and residential zones.
- Keeps them from building virtually anywhere on main street due to the minimum lot sizes that would be required.
  - Dollar General would require at least an acre just for the building and the parking lot. (this does not include entrances, exits, or setbacks.)
  - CVS and Walgreens would require at least 1.5 acres for the same and also doesn't include entrances, exits, or setbacks.



## Common OC Block on Mainstreet.

This ordinance protects the homes in the OC zone on main street by making it very difficult to build a large enough building by forcing them to buy at a minimum 3 lots and in most cases 4-5 lots.

Other lots that are large enough in this area already have a business located on them such as Corner stop, tiger wash, and the Palms that has yet to open



## To enhance the walkability of Downtown

- Council could require all parking be at the rear to move the businesses forward to increase the quaintness and walkability of downtown.

WALHALLA

SOUTH CAROLINA

MAIN STREET TO

COUNTY OF OCONEE  
STATE OF SOUTH CAROLINA  
CITY OF WALHALLA

)  
)  
)

**ORDINANCE 2021-18**

**AN ORDINANCE TO AMEND ORDINANCE 2021-1 TO AMEND THE MORATORIUM AND TO RE-ESTABLISH ITS BOUNDARIES.**

**WHEREAS**, the City is considering amendments to its zoning ordinance that will regulate discount stores; and

**WHEREAS**, to provide for adequate time for study, analysis, public review and finalization of ordinances adopted in accordance herewith, the City desires to enact a temporary moratorium and suspension upon new development of discount stores; and

**WHEREAS**, the City further determines and finds that a longer period of time is needed that the original 6 months,

**WHEREAS**, the City deems it in the best interest of the citizens and residents of Walhalla to place a moratorium and temporary suspend the acceptance and/or issue of any permits, business license, or land development applications for new development of discount stores within a certain boundary; and.

**NOW, THEREFORE BE RESOLVED**, by the City Council of the City of Walhalla, South Carolina, ordinance 2021-1 shall be amended to read as follows

Section 1. The City Council hereby places a moratorium lasting until December 31, 2021. Temporarily suspending the acceptance and/or issuance of any permits, business licenses, land development applications for new development of discount stores. This moratorium will apply to all land within the following boundaries, from John St to Maple St and from N Broad st to S Broad St; it also rescinds the moratorium for all other areas within the city limits.

Section 2. During the moratorium, Council shall take the following actions:

- a) Undertake a process that will identify any needed adjustments to City Codes and regulations.
- b) Provide for sufficient public hearing(s) to allow for public input.

Section 3. The Council further intends and declares that the pending ordinance doctrine shall apply so as to suspend the issuance of any such permits, business licenses or land development applications for new development of discount stores that are made or attempted to be made, within the boundaries stated, on after the date of advertisement to the public of Council's intention to give first reading to this Ordinance on after the date of first reading of this Ordinance.

Section 4. The Council, by subsequent ordinance, may extend the temporary suspension and temporary moratorium for a further time period upon appropriate findings.

Section 5. All ordinances or parts of ordinances inconsistent with this moratorium ordinance are hereby suspended to the extent of such inconsistency.

Section 6. The provisions of this moratorium ordinance are intended to be severable, and if a court of competent jurisdiction should hold any part of this ordinance invalid, unconstitutional, or otherwise unlawful, such ruling shall not affect the remainder of the ordinance, which shall remain in full force and effect.

**DONE AND RATIFIED** in Council duly assembled this \_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
Danny Edwards, Mayor

ATTEST:

\_\_\_\_\_  
Timothy B. Burton, City Administrator

Introduced By: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading  
and adoption: \_\_\_\_\_

**MINUTES OF THE COMMITTEE MEETING  
OF THE WALHALLA CITY COUNCIL  
JULY 13, 2021, 5:30 PM**

**Present:** Mayor Danny Edwards, Councilwoman Sarai Melendez, Councilman David Underwood, Mayor Pro-Tempore Danny Woodward, Councilman Josh Roberts, Councilman Keith Pace, and Mr. Timothy Burton, Interim City Administrator.

**Absent:** None

Mayor Edwards Opened the committee meeting at 5:30PM

A moment of silence was observed

The Pledge of Allegiance was led by Mr. Pace

Public Comment was held.

Citizen Randy Campbell spoke about his displeasure with the PD regarding barking dogs. Discussion ensued from council. Mr. Roberts and Mr. Underwood stated they would look into further.

Lorlei Swanson and Melissa Mueller spoke on behalf of the Diversity & Inclusion Committee to recap their pool block party, the community service day at Chicopee, and the upcoming Chicopee Block Party.

Committee Reports were given by respective department heads.

**Parks and Recreation- Mr. Woodward, Chair**

Director Galbreath reported:

Walhalla 8 & under Allstars will play in the State tournament on Saturday in Clemson.

Currently have 370 participants for fall sports

Need a chlorinator for the pool, committee approved the purchase from hospitality funds in the amount of \$3820.00.

Discussion took place regarding the improvements taking place at Chicopee field.

**Public Works- Mr. Roberts, Chair**

Director Price reported:

From May:

247 tons residential

91 tons commercial

64 tons recyclables

3 tons C&D

Delivered 27 roll carts

Picked up 9 roll carts

During the month of March our department continued picking up leaves, brush, cleaning storm drains, trimming trees and other routine maintenance tasks. Oil recycling station is installed and old one removed. Front load Mack truck is being worked on.

Mr. Underwood asked about cardboard, businesses are needing a place to deposit. Mr. Roberts also commented that he has heard the same thing. Mr. Price said that we would look at putting up more dumpsters. Mr. Roberts, Mr. Price, and Mr. Burton will revisit the program.

#### **Police- Mr. Underwood, Chair**

Chief Brinson reported:

1013 Calls for service

333 traffic stops

13 collisions

57 incident reports

504 citations issued

44 arrests

283 extra patrols

30 hours of training

Participated in the D&I block party at the pool

Had a pizza party at Walhalla Middle for caught being good

Participated in the June Child Safe gun lock program

Had CPR/AED training at St Luke's

Chief Brinson discussed that PD has been doing extra patrols in relation to Mr. Campbells complaint. Mr. Underwood asked about changing some ordinances.

#### **Utilities- Ms. Owens, Chair**

Director Parris gave report:

- LINE BREAK & REPAIR UPDATE
  - o 20' OF 10" PVC ON S HWY 11, 7/3-7/4/21
  - o REPAIR ON NIX RD. 7/4/21
  - o 190' OF 6" PVC IN AVONDALE DR 7/5/-7/6/21 (CLEANUP ON THIS TOOK SEVERAL DAYS)
  - o SERVICE BLOW-OUT ON ASBESTOS 10" MAIN, OLD WALHALLA HWY 7/6/21
  - o COUPLING BLOW-OUT ON ASBESTOS 10" MAIN, SC HWY 28 MEDIAN 7/8/21
  - o BOIL WATER ADVISORY ISSUED DUE TO LOSS OF SERVICE TO DICKARD RD AREA FOR APPROXIMATELY 18 HOURS
- SCDOT PERMIT GRANTED FOR WESTMINSTER HWY CROSSING, NEXT IS DHEC PERMIT
- CANE CREEK REHAB PROJECT IS COMPLETE, WILL APPLY FOR NEXT PHASE IN SEPTMEBER. FUNDS AVAILABLE IN THE CURRENT CONTRACT WILL BE USED FOR VIDEO

INSPECTION OF FLAT ROCK LINE, AND SIMMS CIRCLE LINE. Committee agreed to commit the using the remaining funds continue the video inspections.

- Mr. Parris gave a list of the current OJRSA BOARD APPOINTMENTS. Mayor confirmed that action didn't need to be taken now.
- MATERIAL PRICES CONTINUE TO INCREASE, AND AVAILABILITY IS DECREASING

Mr. Pace commented that the sewer money was now appropriately allocated in the FY 22 budget.

### **Main Street (General Gov't)- Mr. Pace-Chair**

Director Imbody gave report.

Volunteers are working on compiling data for hours and work being done

Applied for AARP grant for shades

Artists are working on bench projects. Once benches are sold, \$20,000 will be available to use for grants to businesses.

The official location for the Farmers Market is 101 Maple Street.

July 3 event and carnival was a big hit. Carnival was open for 4 days. There were no incidents.

### **Fire and Codes- Ms. Melendez-Chair**

Chief Burton gave June report:

111 calls for service

38 Fire, 73 medical/rescue

15 mutual aid

53 inside city, 58 outside

185 hours spent on incidents

216 hours of training completed

13 inspections completed

5 code enforcement issues addressed

8 verifications/permits issued

21 business licenses were processed.

Brush 5 that was wrecked is being sent to the body shop.

Engine 52 that was out of service has been repaired.

Working with new businesses for fire code compliance

### **General Government- Mr. Pace, Chair**

Chief Burton gave the administrators report

Provided support to the D&I committee and to zoning

New Water treatment plant ribbon cutting date is needed.  
Oconee County donated equipment to the city  
Main Street provided an employee appreciation luncheon  
Votga LLC has been paid for the roof project  
Budget for FY 22 has been implemented  
SC 7 expedition kicked off in Walhalla  
Working on iron rangers at Stumphouse due to theft

This concluded committee reports.

Darlene Green spoke about the possibility of honoring state and county park passes at Stumphouse Mountain Park.

Mr. Burton discussed the need to upgrade the waterline to the restroom facility at the 911 Memorial Site. Currently there is not enough flow to operate the restrooms. Committee voted to use hospitality funds to install the new line and tap.

Ms. Melendez discussed the need to study public transportation. Mr. Burton will reach out to Catbus for more information and a presentation.

Mr. Hayes presented the recommendations from the planning commission on zoning for large retailers. Committee agreed to move this to full council.

Mr. Hayes presented proposed changes to the food truck ordinance. After discussion committee agreed to move this to full council.

Mayor Edwards discussed items for executive session. Mr. Roberts made motion to go into executive session. Mr. Woodward seconded. All in favor.

Council returned from executive session. Voted to extend contract offer to Mr. Burton as fulltime administrator.

Mayor Edwards adjourned the meeting.