

Mr. Danny Woodward, Mayor Pro Tem
Ms. Sarai Melendez, Councilwoman
Mr. Keith Pace, Councilman
Mr. Tyler Jordan, Councilman

Mr. Danny Edwards, Mayor

Mr. Grant Keehn, Councilman
Mr. David Underwood, Councilman
Mr. Michael Kozlarek, City Attorney
Mr. Timothy B. Burton, City Administrator

AGENDA
WALHALLA CITY COUNCIL
February 15, 2022
5:30 PM
206 N Church St, Walhalla, SC

CALL TO ORDER & WELCOME

Mayor Edwards

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

January 18, 2022

PUBLIC COMMENT (Public Comment is limited to 5 minutes and must be directed to Council, per City Ordinance 2020-17)

ADMINISTRATOR COMMENTS

Brandon Burton

READING OF PROCLAMATIONS, RESOLUTIONS, AND ORDINANCES

Mayoral Proclamation

(None proposed)

First and Final Reading of Resolutions

RESOLUTION 2022-1 A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE OCONEE COUNTY SHERIFF'S OFFICE AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

RESOLUTION 2022-2 A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE WEST UNION POLICE DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

Mr. Danny Woodward, Mayor Pro Tem
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Mr. Timothy B. Burton, City Administrator

RESOLUTION 2022-3 A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE WESTMINSTER POLICE DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

RESOLUTION 2022-4 A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE SENECA POLICE DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

RESOLUTION 2022-5 A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE STATE OF SOUTH CAROLINA AND BY THE CITY OF WALHALLA FOR EMERGENCY AND DISASTER RESPONSE AND RECOVERY.

Second, Final Reading and Public Review of Ordinances: (Public Comment is limited to 5 minutes and must be directed to Council, per City Ordinance 2020-17)

ORDINANCE 2022-1 AN ORDINANCE TO ISSUE AMENDMENT NO. 4 (Water and Sewer Fees) TO AMEND THE FY 2022 BUDGET DOCUMENT AND "APPENDIX A" AND OTHER MATTERS RELATED THERETO- from Utilities Committee

First Reading of Ordinances:

ORDINANCE 2022-2 AN ORDINANCE TO AMEND ORDINANCE 1976-5 AN ORDINANCE TO AMEND SECTION 22-85, PROHIBITING THE POSSESSION IN OPEN CONTAINERS AND CONSUMPTION OF WINE, BEER, ALE, PORTER OR OTHER SIMILAR MALT OR FERMENTED BEVERAGES IN PUBLIC AREAS OF THE CITY OF WALHALLA AND OTHER MATTERS RELATED THERETO- MR. PACE

ORDINANCE 2022-3 AN ORDINANCE TO AMEND ORDINANCE 1976-9 POLICE DEPARTMENT AND OTHER MATTERS RELATED THERETO- MR. KEEHN

CITY OF WALHALLA

"MAIN STREET to the MOUNTAINS"

Mr. Danny Edwards, Mayor

Mr. Danny Woodward, Mayor Pro Tem
Ms. Sarai Melendez, Councilwoman
Mr. Keith Pace, Councilman
Mr. Tyler Jordan, Councilman

Mr. Grant Keehn, Councilman
Mr. David Underwood, Councilman
Mr. Michael Kozlarek, City Attorney
Mr. Timothy B. Burton, City Administrator

DISCUSSION AND/OR ACTION ITEMS

1. Walhalla Trails, Inc- Darlene Greene
2. Change of council and committee meeting dates

COMMITTEE REPORTS

FEBRUARY 1, 2022

Recreation/Mr. Woodward
Public Works/Mr. Jordan
Police/ Mr. Underwood
Utilities/Mr. Keehn
Fire/Ms. Melendez
Community Development/Ms.
Melendez
General Gov't-Finance/Mr. Pace

EXECUTIVE SESSION

1. Discussion on appointments of staff and persons to boards and commissions
2. Discussion of contractual agreement for Stumphouse Bike Park

ACTION ITEMS FROM EXECUTIVE SESSION

1. Appointment of staff
2. Appointment to OJRSA
3. Appointment to Planning Commission
4. Contract action, if any.

MAYOR COMMENTS

Mayor Edwards

ADJOURN

MINUTES OF THE REGULAR MEETING
OF THE WALHALLA CITY COUNCIL
January 18, 2022, 5:30 PM

Present- Mayor Danny Edwards, Mayor Pro-Tempore Danny Woodward, Administrator Brandon Burton, Councilman David Underwood, Councilwoman Sarai Melendez, Councilman Keith Pace, Councilman Grant Keehn, Councilman Tyler Jordan

Absent: Councilwoman Sarai Melendez

Guests: Media. Other Staff.

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

Mayor Edwards led the moment of silence.

Councilman Jordan led the Pledge of Allegiance.

Mayor Edwards called for the approval of the council meeting minutes for 11/16/2021, 12/7/2021, and 12/21/2021. Councilman Pace made the motion and Councilman Woodward seconded. There were no changes or discussion. All present voted in favor.

Mayor Edwards called for public comment. Mayor Edwards went over rules of meeting as it pertained to public comment.

Jim Aguilera, from Walhalla and business owner of Trailhead Tavern, is requesting approval for the Trailhead Tavern sign to replace the old Backstreet Burgers sign. He further requests approval for a wooden sign reading Trailhead Tavern to be posted on the side of the building, facing the parking lot. Mr. Aguilera has submitted photos for approval. Elijah Hayes addressed the council and informed them that the sign is conformed to the ordinance, but it is a freestanding sign, and will require approval from the city council. Mr. Woodward made a motion to approve, Mr. Pace second. Mayor called for discussion and vote. All voted in favor.

Administrator Burton moved forward with administrator comments announcing Mr. Will Bates as the appointed new Fire Chief for Walhalla. Mr. Burton discussed the overage bill from the Sewer Authority and informed everyone that the bill was recalculated, and we do not owe anything above our normal monthly expense. He hopes to have RFP discussion and approval at the next council meeting. Mr. Burton thanked the staff for all the work they did during the snowstorm with power outages and road safety. He announced that the grant for Stumphouse was approved, and we should be able to complete phase 3 on the extra 10 miles for the mountain bike trail and probably fund the parking lot at Ross Mountain. Lastly, Mr. Burton discussed the committee make up and need for changes to be updated.

Mayor Edwards resumed meeting stating there were no proclamations or resolutions. There are a couple of ordinances for second and final readings.

Councilman Pace gave final reading on Ordinance 2021-33 to amend Zoning Ordinance 2021-17 to redesignate parcel 500-14-17-003, 500-14-17-004, 500-14-17-005, and 500-14-17-006. Mr. Pace made motion, Mr. Keehn second. Mr. Keehn requested discussion to help everyone understand the details of the ordinance. Mr. Burton explained details. Mayor called for discussion and vote. All voted in favor.

Councilman Pace gave final reading on Ordinance 2021-34 to amend Zoning Ordinance 2021-17 to incorporate a color palette into the design guidelines. Mr. Pace made motion, Mr. Woodward second. Mayor called for discussion and vote. All voted in favor.

Councilman Keehn gave first reading of Ordinance 2022-1 to issue amendment 4 to amend FY2022 budget and Appendix A and other related matters. Mr. Keehn further discussed why it is necessary for the sewer and water rates to be raised. Mr. Keehn made a motion, Councilman Jordan second. Administrator Burton explained the details and made recommendations for water rate increase. Mr. Scott Parris added to explanation. Following discussion, Councilman Pace made an amendment and a motion for a base rate adjustment for water rates, Councilman Jordan second. Mayor called for discussion and vote on the amendment and, separately, the amended motion. All voted in favor.

Administrator Burton discussed the sewer rates and gave detailed explanation regarding the rate increases. The Sewer Authority increased rate 20%. Mr. Burton explained the reason for additional 20% increase in addition to the SA increase, totaling 40% increase. Discussion continued amongst councilmembers. Mayor Edwards voiced that he is not in support of the 20% increase before the Sewer Authority does their 20% increase. Mayor Edwards wants to look at the numbers before it goes to a vote. Discussion continued amongst councilmembers and Scott Parris. Councilman Keehn made a motion to raise sewer rates to the 40%, Councilman Jordan second.

Previous motion withdrawn. A motion to reconsider the originally discussed plan for water and 40% increase for sewer was made by Councilman Keehn, Mayor Pro-Tempore Woodward second. Mayor called for discussion and vote. All voted in favor.

Administrator Burton shared advice from the city attorney, Mr. Kozlarek, stating that he would like for the council to formally vote and accept the FY 2021 audit. Councilman Pace made the motion that the audit be accepted as written, Councilman Jordan second. Mayor called for discussion and vote. All voted in favor.

Administrator Burton opened discussion regarding the open container ordinance. Discussion was had between councilmembers and Chief Sean Brinson. Everyone agreed this topic needs to be further discussed and is not ready for a formal vote, yet.

Administrator Burton announced Mrs. Rosemary Bailes resignation from the Planning Commission. Mr. Burton added that he does have one person interested and asked how those board seats were filled in the past. Mr. Pace explained that it was done by nomination. Discussion continued amongst councilmembers.

Committee Reports were given by respective department heads from the January 4, 2022 meeting.

Mayor Edwards called for continuing meeting in Executive Session to discuss legal advice on pending litigation. Councilman Pace made the motion, Councilman Underwood second.

Following Executive Session, Mayor Edwards called for motion to adjourn. Mr. Underwood made the motion, Mr. Pace second.

Meeting is adjourned.

COUNTY OF OCONEE

)

STATE OF SOUTH CAROLINA

)

RESOLUTION 2022-1

CITY OF WALHALLA

)

A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE OCONEE COUNTY SHERIFF'S DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. § 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal, and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines;

WHEREAS, the **WALHALLA POLICE DEPARTMENT** desires to enter into such an agreement with the **OCONEE COUNTY SHERIFF'S DEPARTMENT** for the purposes of securing to each other the benefits of mutual aid in the event of natural disaster, disorder, special events, emergency situations, and any other law enforcement activities;

WHEREAS, the purpose of this Mutual Assistance and Support Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

WHEREAS, during these activities, it is possible that law enforcement officers will respond to, become involved with, and/or deal with emergency situations, civil disorders, arrests, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, and/or any other matter handled by law enforcement. The requesting agency desires the replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

NOW, THEREFORE, Walhalla City Council resolves to enter into a mutual aid agreement with the Oconee County Sheriff's Department to provide proper and prudent exercise of public safety functions across jurisdictional lines.

AND IT IS SO RESOLVED this 15th day of February 2022.

Mayor Danny Edwards

Attest:

Timothy B. Burton, City Administrator

COUNTY OF OCONEE

)

STATE OF SOUTH CAROLINA

)

RESOLUTION 2022-2

CITY OF WALHALLA

)

A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE WEST UNION POLICE DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. § 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal, and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines;

WHEREAS, the **WALHALLA POLICE DEPARTMENT** desires to enter into such an agreement with the **WEST UNION POLICE DEPARTMENT** for the purposes of securing to each other the benefits of mutual aid in the event of natural disaster, disorder, special events, emergency situations, and any other law enforcement activities;

WHEREAS, the purpose of this Mutual Assistance and Support Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

WHEREAS, during these activities, it is possible that law enforcement officers will respond to, become involved with, and/or deal with emergency situations, civil disorders, arrests, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, and/or any other matter handled by law enforcement. The requesting agency desires the replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

NOW, THEREFORE, Walhalla City Council resolves to enter into a mutual aid agreement with the West Union Police Department to provide proper and prudent exercise of public safety functions across jurisdictional lines.

AND IT IS SO RESOLVED this 15th day of February 2022.

Mayor Danny Edwards

Attest:

Timothy B. Burton, City Administrator

COUNTY OF OCONEE

)

STATE OF SOUTH CAROLINA

)

RESOLUTION 2022-3

CITY OF WALHALLA

)

A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE WESTMINSTER POLICE DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. § 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal, and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines;

WHEREAS, the **WALHALLA POLICE DEPARTMENT** desires to enter into such an agreement with the **WESTMINSTER POLICE DEPARTMENT** for the purposes of securing to each other the benefits of mutual aid in the event of natural disaster, disorder, special events, emergency situations, and any other law enforcement activities;

WHEREAS, the purpose of this Mutual Assistance and Support Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

WHEREAS, during these activities, it is possible that law enforcement officers will respond to, become involved with, and/or deal with emergency situations, civil disorders, arrests, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, and/or any other matter handled by law enforcement. The requesting agency desires the replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

NOW, THEREFORE, Walhalla City Council resolves to enter into a mutual aid agreement with the West Union Police Department to provide proper and prudent exercise of public safety functions across jurisdictional lines.

AND IT IS SO RESOLVED this 15th day of February 2022

Mayor Danny Edwards

Attest:

Timothy B. Burton, City Administrator

COUNTY OF OCONEE

)

STATE OF SOUTH CAROLINA

)

RESOLUTION 2022-4

CITY OF WALHALLA

)

A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE SENECA POLICE DEPARTMENT AND BY THE CITY OF WALHALLA POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE PROPER AND PRUDENT EXERCISE OF PUBLIC SAFETY FUNCTIONS ACROSS JURISDICTIONAL LINES.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. § 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal, and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines;

WHEREAS, the **WALHALLA POLICE DEPARTMENT** desires to enter into such an agreement with the **SENECA POLICE DEPARTMENT** for the purposes of securing to each other the benefits of mutual aid in the event of natural disaster, disorder, special events, emergency situations, and any other law enforcement activities;

WHEREAS, the purpose of this Mutual Assistance and Support Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

WHEREAS, during these activities, it is possible that law enforcement officers will respond to, become involved with, and/or deal with emergency situations, civil disorders, arrests, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, and/or any other matter handled by law enforcement. The requesting agency desires the replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

NOW, THEREFORE, Walhalla City Council resolves to enter into a mutual aid agreement with the Seneca Police Department to provide proper and prudent exercise of public safety functions across jurisdictional lines.

AND IT IS SO RESOLVED this 15th day of February 2022.

Mayor Danny Edwards

Attest:

Timothy B. Burton, City Administrator

COUNTY OF OCONEE)

STATE OF SOUTH CAROLINA) RESOLUTION 2022-5

CITY OF WALHALLA)

A RESOLUTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN THE STATE OF SOUTH CAROLINA AND BY THE CITY OF WALHALLA FOR EMERGENCY AND DISASTER RESPONSE AND RECOVERY.

WHEREAS, the South Carolina Constitution, Article VIII, Section 13, provides that any county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof; and

WHEREAS, the South Carolina Code of Laws, Section 25-1-450, requires that State, county, and municipal governments shall cooperate in developing and maintaining a plan for mutual assistance in emergencies; and

WHEREAS, the State of South Carolina is geographically vulnerable to hurricanes, tornadoes, flooding, other natural disasters, and technological or other hazards that in the past have caused severe disruption of essential human services and severe property damage to public roads, utilities, buildings, parks, and other government-owned facilities; and

WHEREAS, the Parties to this Agreement recognize that additional personnel and equipment may be needed to mitigate further damage and restore vital services to the citizens of the affected community should such disasters occur; and,

NOW, THEREFORE, Walhalla City Council resolves to enter into a mutual aid agreement with the State of South Carolina for emergency and disaster response and recovery.

AND IT IS SO RESOLVED this 15th day of February, 2022.

Mayor Danny Edwards

Attest:

Timothy B. Burton, City Administrator

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2022-1

CITY OF WALHALLA)

AN ORDINANCE TO ISSUE AMENDMENT NO. 4 TO AMEND THE FY 2022 BUDGET DOCUMENT AND “APPENDIX A” AND OTHER MATTERS RELATED THERETO

WHEREAS, the Walhalla City Council adopted Ordinance 2021-8 entitled “AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF WALHALLA, SOUTH CAROLINA, WATER AND SEWER DEPARTMENTS FOR FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 and;

WHEREAS the Walhalla City Council adopted Ordinance 2021-6 entitled “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 and;

WHEREAS, the Walhalla City Council is authorized to approve funding and to amend budgeted expenditures as required to meet and maintain the fiscal obligations of the City of Walhalla; and

WHEREAS, the Walhalla City Council has reviewed the projected expenditures for fiscal year 2022, and has identified a need to adjust revenues for the enterprise funds to meet general obligations and debt service; and

WHEREAS, the amendment is made part hereof as fully as if incorporated herein and a copy thereof is hereto attached and also be known as the current approved fiscal year budget document and;

WHEREAS, the Walhalla City Council now would like to amend the FY 2022 Budget Document, Appendix A; adjusting fees water and sewer funds and;

NOW THEREFORE: it is ordained and enacted that: by the Mayor and Council members of the Municipality of Walhalla, in Council assembled, that the following fee schedule adjustments for the fiscal year commencing July 1, 2021, and ending June 30, 2022, shall be as follows:

1. The fees for water sales are as follows:

Water By Rate Class	Unit Fee	Per 1000
Apartment Inside City	\$18.00	\$3.31
Apartment Outside	\$35.00	\$5.10
Residential Inside	\$18.00	\$3.31
Residential Outside	\$35.00	\$5.10
Business Inside	\$18.00	\$3.31
Business Outside	\$35.00	\$5.10
Industrial Inside	\$49.39	\$1.59
Industrial Outside	\$80.00	\$2.50
Farm (first 40,000 gal)	\$ -	\$ 85.00
Farm (per 1000 gal)	\$ -	\$ 2.07
Municipal (first 25,000 gal)	\$ -	\$ 100.00
Municipal (per 1000 gal)	\$ -	\$ 2.25
Sprinkler (un-metered per 100 sf)- Inside City	\$ -	\$ 0.10
Sprinkler (un-metered per 100 sf)- Outside City	\$ -	\$ 0.10

2. The fees for sewer charges are as follows:

Rate Class FY 22	Unit Fee	Per 1000
Apartment Inside City	\$10.08	\$7.20
Apartment Outside	\$10.08	\$7.20
Residential Inside	\$7.20	\$7.20
Residential Outside	\$7.20	\$10.08
Business Inside	\$10.08	\$10.08
Business Outside	\$10.08	\$10.08
Industrial Outside	\$14.40	\$9.00
Industrial Outside- SO	\$14.40	\$9.00

This Ordinance shall be effective immediately upon final reading and be made a part of the official budget documents adopted June 15, 2021, for the fiscal year commencing July 1, 2021 and ending June 30, 2022.

AND IS DONE AND RATIFIED in Council Duly assembled this _____Day of _____ 2022.

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, City Administrator

Introduced By: _____

First Reading: _____

Second Reading,
Public Hearing,
And Adoption: _____

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2022-2

CITY OF WALHALLA)

AN ORDINANCE TO AMEND ORDINANCE 1976-5 AN ORDINANCE TO AMEND SECTION 22-85, PROHIBITING THE POSSESSION IN OPEN CONTAINERS AND CONSUMPTION OF WINE, BEER, ALE, PORTER OR OTHER SIMILAR MALT OR FERMENTED BEVERAGES IN PUBLIC AREAS OF THE CITY OF WALHALLA AND OTHER MATTERS RELATED THERETO

BE IT ORDERED AND ORDAINED by the Governing Body of the City of Walhalla in Council duly assembled and by the authority of the same:

I

SECTION 22-85, of the Ordinances of the City of Walhalla, is hereby amended, in toto, so as to read as follows:

SECTION 22-85(A): It shall be unlawful for any person to drink or to have in their possession in an open container beer, ale, porter or other similar malt or fermented beverages ~~containing not in excess of five per cent of alcohol by weight, or wine containing not in excess of twenty one per cent of alcohol by volume~~ on any public street, sidewalk, alleyway, **park, playground** or other public place within the Corporate Limits of the City of Walhalla.

SECTION 22-85(B): Public places as defined by this Ordinance shall include, but is not limited to, any business, store, office or structure to which the public is invited to conduct business or to visit, including parking lots adjacent thereto, unless same has been lawfully licensed to sell such beverages or unless the same has received from The South Carolina Alcoholic Beverage Control Commission a license to allow on-premises consumption of alcoholic beverages, beer, or wine. **Exceptions to this are current sidewalk encroachment permits as defined by Ordinance 2014-8 and/or permitted events as defined by Ordinance 2021-23.**

SECTION 22-85(C): It shall be a violation of this Ordinance for any person or persons to drink or consume any beer, wine, malt liquor, or other such alcoholic beverages or to have in their possession an opened container of same, while a passenger in any motor vehicle of any kind situate upon or using the public streets or any public place of the City of Walhalla, unless such public place is lawfully licensed to sell such beverages or unless the same has received from The South Carolina Alcoholic Beverage Control Commission a license to allow on-premises consumption of alcoholic

beverages, beer or wine.

SECTION 22-85(D): Any person violating this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100. 00) or imprisoned for not more than thirty (30) days.

II

This Ordinance shall take effect immediately upon adoption and ratification by the City of Walhalla, and all other Ordinances, or parts of Ordinances, inconsistent with this Ordinance, as amended, are hereby repealed.

DONE AND RATIFIED in Council Assembled.

Danny Edwards, Mayor

ATTEST:

City Administrator

Introduced By: _____

First Reading: _____

Second Reading,
Public Hearing
And Adoption: _____

State of South Carolina)

County of Oconee)

Ordinance 2014-8

City of Walhalla)

**AN ORDINANCE TO AUTHORIZE THE SERVICE AND CONSUMPTION OF
BEER AND WINE IN SIDEWALK ENCROACHMENT AREAS**

WHEREAS, the city of Walhalla wishes to provide restaurateurs with the option to sell beer and wine for consumption on public sidewalks contiguous to an establishment otherwise licensed to serve and sell beer and wine for on premises consumption and having valid written authorization from the local political subdivision having jurisdiction over the location; and

WHEREAS, City Council has reviewed the existing practice, the revised Department of Revenue regulation, and the prevailing practices of other municipal governments in the state and has also heard from those who advocate the benefits of beer and wine service in encroachment areas for purposes of personal enjoyment and municipal economic development; and

WHEREAS, City Council has also reviewed the impact of the service of beer and wine in encroachment areas upon night time public safety and noise in the Central Business District and has concluded that the public safety of the City is promoted by ceasing all beer and wine service and consumption in encroachment areas after midnight;

NOW THEREFORE

BE IT ORDAINED

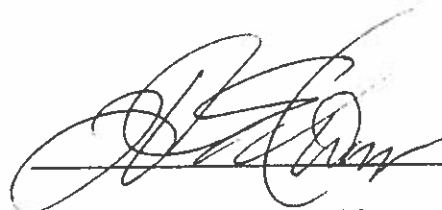
**BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALHALLA, SOUTH
CAROLINA:**

SECTION 1. The Ordinance of the city of Walhalla shall authorize the sale and consumption of beer and wine (poured and served in clear plastic cups) in sidewalk areas having a validly issued encroachment permit for the service of food and beverages and (b) limit the hours during which beer and wine, may be served and consumed in an encroachment area to the hours between ten o'clock a.m. and midnight.

SECTION 2. Any restaurateur who has a permit authorizing the sale and consumption of beer and wine for on premise consumption and wants to provide such service in sidewalk areas having a validly issued encroachment permit for the service of food and beverages, must furnish to the city of Walhalla, a policy of insurance in the amount of one million (\$1,000,000.00) dollars combined single limit bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of beer and wine in sidewalk areas and must execute an agreement to hold the city of Walhalla harmless from any litigation of any manner or form by reason of the sale of beer or wine in sidewalk areas within the city of Walhalla.

SECTION 3. This Ordinance shall become effective for all encroachment permits issued after June 17, 2014.

Done in Council duly assembled.



DANNY EDWARDS, Mayor
City of Walhalla

ATTEST:



NANCY GOEHLE
City Administrator

Introduced for 1st reading on 5/20/14

Introduced for 2nd reading on 6/17/14

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

ORDINANCE 2008-1

AN ORDINANCE TO AMEND ORDINANCE 2003-11, REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, ANY WINES, MALT LIQUORS OR BEER IN ANY STORE OR OTHER PLACE OF BUSINESS IN THE CITY OF WALHALLA.

SECTION I. It shall be unlawful for the owner or person in charge of any store, beer parlor or other places of business or commercial establishments to sell, give away, or in any manner dispense, or permit the consumption of any wines, malt liquors or beer in such store, beer parlors or other places of business or commercial establishments, including premises, between the hours of MIDNIGHT and 7:00 AM with the exception of New Years Eve, the hours will be between 1:00 AM and 7:00 AM. If New Years Eve falls on either Saturday or Sunday, the city will follow the State's Blue Law.

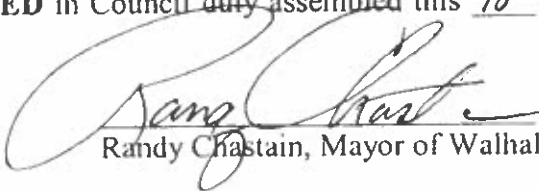
SECTION II. PRIVATE ESTABLISHMENT/CLUB: It shall be unlawful for the owner, operator or any employee of any private establishment/club, located inside the city limits of Walhalla, South Carolina to serve, sell, give away, or in any manner dispense, or permit the consumption of any alcoholic beverages, wines, malt liquors or beer between the hours of 2:00 AM and 7:00 AM. All occupants including owner, bartenders and waitresses must be out of the establishment by 2:00 AM, no exceptions.

To be considered for extended hours, under a private license, the establishment/club must have been in business for twenty-four (24) months with no problems. The Walhalla Fire Chief and the Walhalla Police Chief must sign off on the premises.

SECTION III. Any person violating the provisions of this Ordinance shall be fined or imprisoned within the discretion of the Municipal Court of the City of Walhalla.

NOW, THEREFORE, BE IT RESOLVED the City of Walhalla, South Carolina, adopts the amended changes.

DONE, ORDERED AND ADOPTED in Council duly assembled this 18th day of March, 2008.


Randy Chastain, Mayor of Walhalla

ATTEST:


Nancy Goehle, City Administrator

Introduced by: Mr. Lee
First Reading: 2-19-08
2nd Reading & Adoption: 3-18-08

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

ORDINANCE 2003-11


**AN ORDINANCE TO AMEND SECTION I OF ORDINANCE 1976-6,
REGULATING THE SALE AND CONSUMPTION OF ANY WINES, MALT LIQUORS
OR BEER IN ANY STORE OR OTHER PLACE OF BUSINESS IN THE CITY OF
WALHALLA:**

SECTION I. It shall be unlawful for the owner or person in charge of any store, beer parlor or other places of business or commercial establishments to sell, give away, or in any manner dispense, or permit the consumption of any wines, malt liquors or beer in such store, beer parlors or other places of business or commercial establishments, including the premises, between the hours of MIDNIGHT and 7:00 A.M., with the exception of New Years Eve, the hours will be 1:00 A.M. and 7:00 A.M. If New Years Eve falls on either Saturday or Sunday, the City will follow the State's Blue Law.

SECTION II. Any person violating the provisions of this Ordinance shall be fined or imprisoned within the discretion of the Municipal Court of the City of Walhalla.

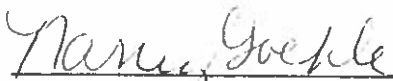
NOW, THEREFORE, BE IT RESOLVED That the City of Walhalla, South Carolina, adopts the amended changes.

DONE, ORDERED, AND ADOPTED in Council duly assembled this 22nd Day of December, 2003.



Lamar Bailes, Mayor

ATTEST:



Nancy Gochle, City Administrator

Introduced by: Ma Crumpton

First Reading: 12-16-03

2nd Reading & Adoption: 12-22-03

City of Walhalla Ordinance 2014-8

Conditions of Permit




Service and Consumption of Beer and Wine in Sidewalk Encroachment

The permit required by this article shall be issued only to permittee submitting form and other deemed appropriate information. The permit contains the following conditions:

- 1) Each permit shall be subject to annual renewal, unless revoked, suspended or retracted prior to expiration.
- 2) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- 3) The permit may be suspended by the administrator when necessary to clear the public property for public safety for a community or special event authorized by a permit issued by the city.
- 4) The administrator may require the temporary removal of items within the encroachment area when street, sidewalk, common area or utility repairs necessitate such action.
- 5) The permit shall be specifically limited to the area directly in front of restaurant, and not interfere, obstruct or hamper ease of movement on sidewalk. As a condition of approval, the city may reduce and otherwise reconfigure the proposed area and the number of requested chairs, tables, and items within the encroachment area.
- 6) The encroachment area covered by the permit shall be maintained in a neat and orderly appearance at all times, and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day.
- 7) No advertising is permitted on any stand or item.
- 8) No tables or chairs or any other parts of the business shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted

area in a manner which causes or threatens to cause injury to any person or damage to public or private properties. No additional outdoor seating authorized under this article shall be used for calculating seating requirements pertaining to location of, application for issuance of an ABC license for any establishment, or be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law.

- 9) The issuance of a permit does not grant or imply vested rights to use of the area by the permittee. The city retains the right to deny the issuance of a permit or the renewal of a permit for any reason.
- 10) Tables, chairs, umbrellas and any other objects provided shall be maintained with a clean and attractive appearance and shall be kept ~~safe and in good repair at all times.~~
- 11) The city retains the right to suspend the privilege of using glass containers within the encroachment areas and only the use of clear plastic cups are allowed.
- 12) Any violation of State and local laws will result in a revocation of this privilege. Repeated offenses may result in revocation or denial of the encroachment permit.
- 13) The service and consumption of beer and wine on city sidewalks and public property is authorized to the extent provided for in each individual permit issued, but not otherwise.
- 14) The service and consumption of food, nonalcoholic beverages, and beer and wine in sidewalk encroachments pursuant to this article is limited to patrons seated at tables.
- 15) No encroachment permit shall authorize either the service or consumption of beer and wine between the hours of midnight and ten o'clock A.M.
- 16) The city may require the posting or placement of the permit and relevant notices to facilitate the administration and enforcement of this article.

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- 17) The restaurateur who has a permit authorizing the sale and consumption of beer and wine for on premises consumption must furnish to the City of Walhalla, at the time the encroachment permit is obtained, a policy of insurance in the amount of one million (\$1,000,000.00) dollars combined single limit bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of beer and wine in sidewalk areas.
- 18) The restaurateur must execute an agreement to hold the City of Walhalla harmless from any litigation of any manner or form by reason of the sale of beer or wine in sidewalk areas.
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SECTION 2. Any restaurateur who has a permit authorizing the sale and consumption of beer and wine for on premise consumption and wants to provide such service in sidewalk areas having a validly issued encroachment permit for the service of food and beverages, must furnish to the city of Walhalla, a policy of insurance in the amount of one million (\$1,000,000.00) dollars combined single limit bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of beer and wine in sidewalk areas and must execute an agreement to hold the city of Walhalla harmless from any litigation of any manner or form by reason of the sale of beer or wine in sidewalk areas within the city of Walhalla.

SECTION 3. This Ordinance shall become effective for all encroachment permits issued after June 17, 2014.

Done in Council duly assembled.



DANNY EDWARDS, Mayor
City of Walhalla

ATTEST:


NANCY GOEHLE
City Administrator

Introduced for 1st reading on 5/20/14.

Introduced for 2nd reading on 6/17/14.

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

TOWN OF WALHALLA)

ORDINANCE NO. 1976-5

AN ORDINANCE TO AMEND SECTION 22-85, PROHIBITING THE POSSESSION IN OPEN CONTAINERS AND CONSUMPTION OF WINE, BEER, ALE, PORTER OR OTHER SIMILAR MALT OR FERMENTED BEVERAGES IN PUBLIC AREAS OF THE CITY OF WALHALLA

BE IT ORDERED AND ORDAINED by the Governing Body of the Town of Walhalla in Council duly assembled and by the authority of the same:

I

SECTION 22-85, of the Ordinances of the Town of Walhalla, is hereby amended, in toto, so as to read as follows:

SECTION 22-85(A): It shall be unlawful for any person to drink or to have in their possession in an open container beer, ale, porter or other similar malt or fermented beverages containing not in excess of five per cent of alcohol by weight, or wine containing not in excess of twenty-one per cent of alcohol by volume on any public street, sidewalk, alleyway or other public place within the Corporate Limits of the Town of Walhalla.

SECTION 22-85(B): Public places as defined by this Ordinance shall include, but is not limited to, any business, store, office or structure to which the public is invited to conduct business or to visit, including parking lots adjacent thereto, unless same has been lawfully licensed to sell such beverages or unless the same has received from The South Carolina Alcoholic Beverage Control Commission a license to allow on-premises consumption of alcoholic beverages, beer, or wine.

SECTION 22-85(C): It shall be a violation of this Ordinance for any person or persons to drink or consume any beer, wine, malt liquor, or other such alcoholic beverages or to have in their possession an opened container of same, while a passenger in any motor vehicle of any kind situate upon or using the public streets or any public place of the Town of Walhalla, unless such public place is lawfully licensed to sell such beverages or unless the same has received from The South Carolina Alcoholic Beverage Control Commission a license to allow on-premises consumption of alcoholic

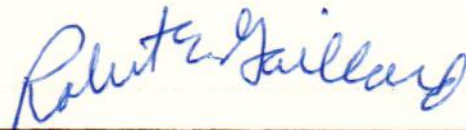
beverages, beer or wine.

SECTION 22-85(D): Any person violating this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty days.

II


This Ordinance shall take effect immediately upon adoption and ratification by the Town of Walhalla, and all other Ordinances, or parts of Ordinances, inconsistent with this Ordinance, as amended, are hereby repealed.

DONE AND RATIFIED in Council Assembled.



ROBERT E. GAILLARD, Mayor

ATTEST:



Clerk & Treasurer

Introduced By: Paul Brown

First Reading: March 8, 1976

Final Reading and Adoption March 22, 1976

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2022-3

CITY OF WALHALLA)

**AN ORDINANCE TO AMEND ORDINANCE 1976-9 "POLICE DEPARTMENT" AND OTHER MATTERS
RELATED THERETO**

POLICE DEPARTMENT

SECTION I. Composition appointment term of office and compensation. The police department of the City of Walhalla shall consist of a chief and such other number of policemen as the Council may from time to time determine necessary to provide adequate police protection for the City. The Chief of Police and all policemen of the Department shall be appointed by the ~~Council~~ **City Administrator and Chief of Police respectively** and shall hold office for the period of time as is provided by the City ~~Council~~ **Administrator** and shall receive such compensation for the performance of their duties as the ~~Council~~ **administrator** may from time to time designate.

SECTION II. Powers and duties generally. All members of the Police Department shall be invested generally with all the powers, duties and responsibilities of constable within the corporate limits of the City of Walhalla, or its police jurisdiction and such other powers, duties and responsibilities as may be from time to time conferred upon them by the Council and the South Carolina General Assembly. It shall be the duty of every policeman to enforce all provisions of this Code and perform such other duties as the Council may designate.

SECTION III. Chief to be Commander of police force; acting chief. The Chief of Police shall at all times be recognized and respected by members of the Police Department as their commander and superior officer, and they shall obey all orders of the Chief. In the event of the temporary absence or disability of the Chief, the ~~Council~~ **City Administrator** shall appoint an acting chief who shall have all the powers, duties and responsibilities of the Chief.

SECTION IV. Posse comitatus. The policemen of the City, whenever necessary in the discharge of their duty, shall have authority to call the "posse comitatus" of the City to their assistance. Any person who may be so called to the assistance of any policeman shall respond to such call and render such lawful assistance as may be required. It shall be unlawful for any person to fail, neglect or refuse to respond to any such call when made.

SECTION V. Suspension/~~Removal~~ of Chief; of the policemen; ~~final determination by Council.~~ The Mayor ~~City Administrator~~ may peremptorily suspend ~~and/or remove~~ the Chief of Police for neglect of duty or failure to perform any duty of his office cause. The Chief of Police may likewise suspend any member of the Department. All such suspensions shall be reported to the Council ~~administrator or city clerk~~ within twenty-four (24) hours. ~~who shall either affirm or revoke such suspension.~~ The Council Chief of Police may, at any time, remove any member of the Department from office for cause.

SECTION VI. Resisting or interfering with policemen. It shall be unlawful for any person in any manner to hinder, impede, resist arrest or otherwise interfere with any police officer of the City of Walhalla while in the discharge of his duties either by words, signs, actions or otherwise.

DONE AND RATIFIED in Council Assembled.

Danny Edwards, Mayor

ATTEST:

Timothy B. Burton, City Administrator

Introduced by: _____

First Reading _____

Second, Final Reading
and Adoption _____