

PUBLIC HEARING AND TOWN COUNCIL MONTHLY MEETING
110 NORTH MORGAN AVENUE ANDREWS, SC 29510
THURSDAY, FEBRUARY 16, 2023 @ 6:00 PM

PUBLIC HEARING

PUBLIC HEARING: To Receive public comments on a Proposed Vacant Building Ordinance to protect the public health, safety and welfare by enactment of this ordinance which:

1. Establishes a program for identification and registration of vacant buildings;
2. Determines the responsibilities of owners of vacant buildings and structures; and
3. Provides for administration, enforcement and penalties.

CITIZENS' COMMENTS CAN BE SUBMITTED VIA EMAIL TO TOWNHALL@TOWNOFANDREWS.SC.GOV BY 4PM ON THURSDAY, FEBRUARY 16, 2023. The Regular Monthly Town Council Meeting will begin immediately following the Public Hearing.

AGENDA

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. APPROVAL OF MINUTES
 - A. THURSDAY, JANUARY 19, 2023, TOWN COUNCIL MEETING MINUTES
 - B. THURSDAY, JANUARY 26, 2023 SPECIAL CALLED TOWN COUNCIL MEETING
 - C. MONDAY, JANUARY 30, 2023 SPECIAL CALLED TOWN COUNCIL MEETING
6. MAYOR'S COMMENTS
7. MONTHLY BANK STATEMENTS: FOR INFORMATION ONLY
8. FINANCIAL REPORT: FOR INFORMATION ONLY
9. OLD BUSINESS
 - A. Second Reading General Obligation Bond Ordinance: Number 2023-01
 - B. Second Reading Vacant Building Ordinance: Number 2023-02
10. CITIZENS' COMMENTS (THREE MINUTES ONLY)
11. ADMINISTRATOR'S REPORT
12. COUNCIL'S REPORT
13. ADJOURNMENT

Town of Andrews

Public Hearing and Andrews Town Council Meeting Thursday, February 16, 2023 6:00 p.m. 110 North Morgan Avenue Andrews, SC 29510

The Town of Andrews met for its Monthly Town Council Meeting on Thursday, February 16, 2023. Mayor Frank McClary presiding in compliance with the Freedom of Information Act, called the meeting to order at 6:00 p.m.

Invocation was rendered by Bishop James Cooper
Pledge of Allegiance was recited by everyone.

Town Officials Present:

Mayor Frank McClary
Mayor Pro Tem Eddie Lee
Council Member Angela Anderson
Council Member Robert Ulrich

Motion was made by Mayor Pro Tem Eddie Lee and seconded by Council Member Angela Anderson to approve the minutes for the Thursday, January 19, 2023 Town Council Meeting, Thursday, January 26, 2023 Special Called Town Council Meeting and the Monday, January 30, 2023 Special Called Town Council Meeting. **Mayor Frank McClary; Yes, Mayor Pro Tem Eddie Lee; Yes, Council Member Angela Anderson; Yes, Council Member Robert Ulrich; Yes, motion carried.**

Mayor's Comments

Mayor McClary updated the citizens on the monthly activity for January 2023 for the Andrews Police Department and the Andrews Fire Department. The police department received and responded to 36 various types of emergency calls. The fire department responded to 13 calls outside of the Town's jurisdiction and 12 calls within the Town limits. The workload for both departments have increased as a result of Georgetown County Administration deciding to move the EMS operations outside the Town limits to the Big Dam Community. Town Officials have and will continue to address this matter with the Georgetown County Administration and fight to have this critical resource reassigned to a location within the Town limits. It was announced that water bills were recently mailed. However, there are still accounts that have issues to be resolved. Each account will be reviewed on a case-by-case basis as the account holders contact the Town. It was explained that the bills contain a trash recap charge of \$10 per trash account. The trash recap charge is assessed to capture the sanitation fees that were not previously billed during the period when bills were delayed for a period of time. Citizens were informed that while the billing process continues to be audited, no services will be interrupted or penalties assessed. The Town is committed to providing quality service to its' customers. Mayor McClary explained the details of the sewer problems that have affected several businesses and homes on the East side of Town, as a result of AT&T damaging lines while installing a new cell tower in that area. The Town's engineers are currently assessing the issue and developing a corrective action plan. Citizens were instructed to properly dispose of grease.

Monthly Bank statements

The monthly financial statements were included in the Council's packet for informational purposes only.

Financial Report

Brenda Jackson, CPA for the Town of Andrews presented Town Council members with a review of the Town of Andrews Profit Loss Budget vs. Actual report for the seven months ended January 31, 2023.

Old Business

Motion was made by Mayor Pro Tem Eddie Lee and seconded by Council Member Angela Anderson to remove General Obligation Bond Ordinance Number 2023-01 from the table. **Mayor Frank McClary; Yes, Mayor Pro Tem Eddie Lee; Yes, Council Member Angela Anderson; Yes, Council Member Robert Ulrich; Yes, motion carried.**

Motion was made by Mayor Pro Tem Eddie Lee and seconded by Council Member Angela Anderson to not to move forward with the second reading of General Obligation Bond Ordinance Number 2023-01. **Mayor Frank McClary; Yes, Mayor Pro Tem Eddie Lee; Yes, Council Member Angela Anderson; Yes, Council Member Robert Ulrich; Yes, motion carried.**

Second Reading Vacant Building Ordinance Number 2023-02: An ordinance to protect the public health, safety and welfare by enactment of this ordinance which establishes a program for identification and registration of vacant buildings; determining the responsibilities of owners of vacant buildings and structures; and provides for administration, enforcement and penalties. Motion was made by Mayor Pro Tem Eddie Lee and seconded by Council Member Angela Anderson to approve the second reading of a Vacant Building Ordinance Number 2023-02. **Mayor Frank McClary; Yes, Mayor Pro Tem Eddie Lee; Yes, Council Member Angela Anderson; Yes, Council Member Robert Ulrich; Yes, motion carried.**

Citizens' Comments

Jennifer Hunt 207 South Farr Avenue stood before Town Council on behalf of the Andrews Beautification Group. The group is a registered member of the Georgetown County Chamber of Commerce and is an official 501c3 non-profit organization. Ms. Hunt asked Town Council to allocate \$115,000.00 from the funds received through the ARPA for the Andrews Beautification Group to fund the Blighted Property Clearance Project for the Town.

Evelyn Wright 120 Mahogany Avenue came before Town Council to voice her concerns with three properties that she owns which will be affected by the passing of the Vacant Building Ordinance Number 2023-02.

Michael Davis 108 Eltaw Street stood before Town Council and made a verbal request that the zoning for his property located at 108 Eltaw Street be rezoned from Limited Industrial to Medium Density Residential, R-8.

Public Hearing

The Town Council of the Town of Andrews met for a public hearing on Thursday, February 16, 2023 at 6:32 p.m. to receive comments from the public regarding a Proposed Vacant Building Ordinance to protect the public health, safety and welfare by enactment of this ordinance which:

1. Establishes a program for identification and registration of vacant buildings;
2. Determines the responsibilities of owners of vacant buildings and structures; and
3. Provides for administration, enforcement and penalties.

There were no comments during the Public Hearing.

Administrator's Report

The Town Administrator presented the members of Town Council with a copy of a Model Ordinance for Flood Damage Prevention for their review and to provide recommendations that they deem to be appropriate to include in a draft Flood Prevention Ordinance for the Town. During the 2023 MASC HLAD session it was stated that there are 5,000 vacancies for police officers statewide. The Town's Worker's Compensation audit was held on February 15, 2023. In closing the Town Administrator announced that she attended a Pre-Construction SCDOT meeting on February 8, 2023 in Florence, SC for road work projects in the town.

Council Reports

The Council reports were omitted from the minutes due to the Town Clerk not being present during the meeting. The Town Clerk was in attendance at the MASC MFOCTA Spring Academy and the digital recorders were not turned on during the meeting. However, Council members were informed prior to the meeting to provide any pertinent information shared during the meeting that they would like to have included in the minutes to the Town Clerk. The Town Clerk will amend the meeting minutes accordingly.

Adjournment

Motion was made by Mayor Pro Tem Eddie Lee and seconded by Council Member Angela Anderson to adjourn the meeting at 7:05 p.m.

Town Council Meeting minutes submitted by Town Clerk Chaconas Parson.

VACANT BUILDING ORDINANCE

ARTICLE I.

Sec. 1. Declaration of policy.

The purpose of this ordinance is to protect the public health, safety and welfare by enactment of this ordinance which:

- (1) Establishes a program for identification and registration of vacant buildings;
- (2) Determines the responsibilities of owners of vacant buildings and structures; and
- (3) Provides for administration, enforcement and penalties.

Sec. 2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Building Code as adopted by the Town of Andrews.

Code violation means violation of any code adopted and/or enforced by the Town , which may include but not be limited to the Town of Andrews Code of Ordinances or the International Building Code.

Courtesy Registration means notification by mail, phone, fax or email to the Town Clerk or Building Code Official notifying them of an extended vacancy of 120 days or more of a primary residence for work, vacation, military or a medical reason.

Non-residential structure means any building designed for occupancy for office, commercial, industrial, three or more residential units, or a combination thereof.

Owner means any person, firm or corporation having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Property means a lot, plot, premises or parcel of land, including the buildings or structures thereon.

Residential structure means a building designed for occupancy as a single family or two family dwelling.

Responsible local representative means a person having his or her place of residence or business office within 45 miles of the vacant building and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the Town. For the purposes of this article, the term "*agent*" shall refer to the Responsible Local Representative.

Responsible party means any owner, occupant, agent, manager, operator and/or management

company of a building, dwelling, structure or lot.

Secure means a building or portion of a building is closed or locked for entry by normal means other than boarding.

Unoccupied means a building which is not being used for a legal occupancy.

Unsecured means a building or portion of a building is open to entry by unauthorized persons without use of tools or ladders.

Vacant building means any structure built for occupancy of residential, commercial or industrial uses that is unoccupied.

Vacant building; categorical classification standards: A building or portion of a building which is:

- (1) Category I: No current code or ordinance violations on the
 - a structure or the premise. The building is secure, not boarded.
 - b. The building is structurally sound with no ordinance or code violations.
 - c. The property is maintained to minimal code by owner or responsible party.
- (2) Category II: Minimal code or ordinance violations.
 - a. The building is boarded and secure.
 - b. The building is structurally sound with minor code or ordinance violations.
 - c. The property is not regularly maintained.
- (3) Category III: Severe code or ordinance violations.
 - a. The building is boarded or needs to be boarded.
 - b. Structural deficiencies are evident.
 - c. History of criminal activity at the address.
 - d. Structure is unfit for occupancy.
 - e. The property is not maintained.

Sec. 3. Registration of vacant buildings.

(a) Except as provided in subsection (b) below, all vacant buildings shall be registered with the Town Clerk within 120 days of becoming vacant as defined in section 2. Registration is valid for 12 months and must be renewed annually from date the building became vacant. Properties that have already been vacant for 120 days should register immediately.

(b) Exemptions from registration:

- (1) Residential structures that are used as residential rentals and have active residential rental permits and/or lease;
- (2) Office, industrial, or general commercial use buildings actively for sale or lease with a licensed real estate company or managed by a licensed property management company. Documented proof will be required.

- (3) Structures that have multiple units in which at least one unit is occupied;
- (4) Accessory structures not designed for occupancy; and/or
- (5) Buildings that serve as a primary residence in which the owner is away for an extended period of time for work, vacation, military or medical reason. Building and property must be maintained to minimum code. Requires a Courtesy Registration.

(c) If the building is vacant at the expiration of any registration period the owner shall re-register such building and pay the annual registration and inspection fees.

(d) The owner registering a vacant building shall supply the following information on an authorized form provided by the Town Clerk:

- (1) Name, address, and telephone number of the owner;
- (2) Name, address and telephone number of any responsible party, if applicable;
- (3) Name, address, and telephone number of any local agent or representative of the owner, required if the owner's residence or business address is more than 45 miles from vacant building;
- (4) Tax parcel identification number of the premise on which the building is situated;
- (5) The common address of the building; and vacant building plan in accordance with Section 4

Following the registration of the vacant building, the Building Code Official shall conduct an

(e) inspection of the property and premises to determine any code or ordinance violations and to verify the vacant building category.

- (1) A status report will be provided to the owner of the building with the findings and current condition of the property. It will include any found violations and assign a category to the building.

(f) All vacant buildings must remain secure and/or boarded in accordance with Article II, Boarded-Up Buildings.

(g) Upon request by the Building Code Official, the Owner shall post "No Trespass" placards on the property. Additional employment of security services for non-residential properties for a specified number of hours every day may be required by the Police Chief or his/her designee on the basis of the property history of code, ordinance and/or criminal violations.

(h) Vacant building owners must designate a responsible local representative ("agent") if their place of residence or business is more than 45 miles from the vacant building. The responsible local representative shall act as agent for the property owner for purposes of accepting legal service; however the vacant building owner remains personally liable in criminal prosecutions for code or ordinance violations. The responsible local representative must be available at the number listed at all times in the event of an emergency or catastrophe.

Sec. 4. Establishment of vacant building plan.

(a) When a building is registered as required by this ordinance, the owner shall submit, or caused to be submitted, a vacant building plan on a form provided by the Town Clerk for approval.

The plan shall contain the following:

- (1) A plan to make the building ready for occupancy with sufficient detail regarding the proposed repair and/or rehabilitation of the building to enable the Building Code Official to determine the adequacy of such plan;
- (2) A letter of written consent by the owner allowing Town officials to enter and inspect the property for the period in which the vacant building plan is in effect;
- (3) For buildings, dwellings or structures which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisances;
- (4) If available, a layout of the structure; and
- (5) A plan of action to secure, monitor and maintain the building and premises thereof in conformance with this ordinance.

(b) If the property is subject to a vacant building plan and the plan has been properly approved by the Building Code Official, the transferee is subject to the terms of the vacant building plan. The transferee may apply to the Town to be released from the requirements of the vacant building plan.

Sec. 5. Vacant building fees.

(a) Annual registration fees are based on the use and the number of years that a building has been vacant (after the effective date of this ordinance). All fees are due at the time of registration or renewal.

(1) Fees for Non-residential structures are as follows:

- | | |
|----------------------------|-------------|
| a. Initial registration | \$ 0.00 |
| b. First annual renewal | \$ 100.00 |
| c. Second annual renewal | \$ 500.00 |
| d. Third annual renewal | \$1,000.00 |
| e. Each year thereafter is | \$1,500.00. |

(2) Fees for Residential structures are as follows:

- | | |
|----------------------------|-----------|
| a. Initial registration | \$ 0.00 |
| b. First annual renewal | \$ 50.00 |
| c. Second annual renewal | \$ 250.00 |
| d. Third annual renewal | \$ 500.00 |
| e. Each year thereafter is | \$ 750.00 |

(b) An annual compliance inspection fee of \$50.00 is required on all non-exempted vacant buildings. The fee shall be paid at the time of registration.

(c) Upon determination of a vacant building that hasn't been registered in accordance with this section additional penalties may apply in addition to the annual registration fees in accordance to section 6.

(d) *Delinquent registration fees as a lien.* After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to section 7, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Town , and the Town may commence a civil action to collect such the unpaid debt.

(e) Exemptions from annual registration fees shall be granted for the following situations upon notification in writing to the Town Clerk and/or Building Code Official, registration is still required:

- (1) Residential and commercial buildings that are actively being marketed for sale or rent (up to one year, longer by appeal). Must be maintained to minimum code for the duration on the market;
- (2) Buildings that are actively being renovated. Repairs and progression must be noticeable by the inspector (up to one year, longer by appeal);
- (3) Properties that are in probate and actively being transferred;
- (4) Structures damaged by a fire or weather event may be exempt for up to one year;
- (5) Financial hardship, based upon adequate proof provided;
- (6) Category I structures that have not had citations within the last twelve months;
- (7) Buildings owned by the Government or a successor-in-interest to the Government, provided the vacancy began during the Government ownership; and/or
- (8) Buildings that are structurally deficient that have been ordered by the Town to be demolished and removed, in which the owner has provided consent to the Town to demolish, and the Town has accepted the consent. Liens are to be placed against the property to cover the cost of demolition.

(f) Exemptions from annual registration fees not defined in this section may be to the Board of Zoning Appeals for consideration.

Sec. 6. Enforcement and Penalties.

(a) Upon determination that a vacant building owner has failed to register or update information in accordance with this section, an administrative penalty of five hundred dollars \$500.00 in addition to the registration fee will be assessed if not in compliance within 30 days after notice.

(b) Failure by the owner to submit a vacant building plan or comply with a vacant building plan that has been approved by the Town under this section is a violation of the Ordinance and may be assessed an administrative penalty of five hundred dollars (\$500.00) every thirty (30) days.

Sec. 7. Appeal.

Any person aggrieved by the requirements of this section may seek administrative appeal to the Board of Zoning Appeals. The Board of Zoning Appeals will make their recommendation to the Town Council. Any person aggrieved by a final decision issued under this section by the Board of Zoning Appeals and Andrews Town Council, may seek relief in any court of competent jurisdiction as provided by the law.

Sec. 8. Reserved.

ARTICLE II. BOARDED-UP BUILDINGS

Sec. 1. Covering of window and door openings of buildings.

Notwithstanding any other provision of this Ordinance, it shall be unlawful for any person to cover, the window or door openings of any building with any material other than window or door materials conforming with the International Building or Residential Code without first obtaining a boarded building permit.

Sec. 2. Inventory of improperly boarded buildings; notification of owners.

(a) The building code official shall maintain an inventory of all buildings upon which one or more window or door openings are covered with non-conforming materials (e.g., plywood sheathing, OSB board, polycarbonate). This inventory shall be known as the "Boarded-up Building Inventory."

Sec. 3. Permit required for covering of window and door openings.

Except as provided in subsection (c) below it shall be unlawful for any person to cover the window or door openings of a building so as to secure the building, without first obtaining a permit to do so from the building code official.

(a) Standard 90 day boarded building permit. The permit fee shall be \$50.00 for residential buildings and \$100.00 for mixed-use and commercial buildings. The permit shall authorize the owner to cover the window or door openings of a building with at least one-half-inch wood sheathing cut to fit the openings and to be secured to the window or door frames.

(1) All sheathing shall be painted so as to match either the dominant color of the exterior of the building or the color of the trim of the building, if any.

(2) Where applicable, the building must be registered in accordance with Section 3, Vacant Building Registration.

(3) Permits issued pursuant to this section shall be valid for no more than 90 days. Upon issuance of a permit, the building code official shall list the property on the "Boarded-up Building Inventory."

(4) At the expiration of the standard 90 day boarded building permit, the owner of the boarded building may apply for an extended 1 year boarded building permit in accordance with subsection (b) if additional time is needed.

(b) Extended 1 year boarded building permit. The permit fee shall be \$50.00 for residential buildings and \$100.00 for mixed-use and commercial buildings. The permit shall authorize the owner to cover the window or door openings of a building with an approved non-color polycarbonate installed in accordance with manufacturer's instructions.

(1) Where applicable, the building must be registered in accordance with Section 3, Vacant Building Registration.

(2) Permits issued pursuant to this section shall be valid for 1 year. They can be renewed annually in accordance with this section. Upon issuance of a permit, the building code official shall list the property on the "Boarded-up Building Inventory."

(c) Temporary exemption:

- (1) In the event a structure is damaged and requires securing immediately. Permit shall be obtained within 3 days.

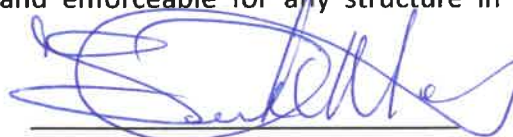
Section 4. Notification of violation.

(a) The building code official shall, on the expiration of the boarded building permit, give the owner notice of violation of this article. Such notice shall state that the owner must within ten days of the notice, remove the non-conforming materials from the window or door openings and replace the same with door or window installations which conform with the International Building Code.

(b) Any person failing to comply with the provisions of this article shall be deemed guilty of a misdemeanor punishable as prescribed by section 1-5 of this Ordinance. Every day of noncompliance shall constitute a separate violation. The covering of window and door openings as provided under the provisions of this article does not stay enforcement of, or compliance with, any orders or notices by the housing or building code official or relieve any person from complying with all other applicable local and state laws affecting structures and premises.

The ordinance shall become effective and enforceable for any structure in the Town of Andrews after February 16, 2023.

IT IS SO ORDAINED:



Frank McClary, Mayor

ATTEST:



Chaconas P. Parson, Town Clerk

First Reading: January 19, 2023

Public Hearing: February 16, 2023

Final Reading: February 16, 2023