

Telephone: 843-549-2545

Fax: 843-549-9795

TTY Relay: 1-800-735-2905

# City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

Walterboro City Council  
Regular Meeting  
September 23, 2014  
City Hall  
6:15 P.M.

## A G E N D A

### I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

### II. Public Input on Agenda Items:

### III. Old Business:

### IV. New Business:

1. Appeal of Tree Protection Committee Ruling, 718 Hampton Street, Danny Riddle (Letter attached).
2. Consideration of Memorandum of Understanding (MOU) Between U.S. Marine Corps Forces, Special Operations Command (MARSOC) and the City of Walterboro (Memorandum and agreement attached).

### V. Committee Reports:

### VI. City Manager's Report:

1. Introduction of Wade Marvin, New Police Chief.

### VII. Executive Session:

1. Personnel Matter: Appointment of City Prosecutor.
2. Receipt of legal advice related to a construction project.
3. School District Lawsuit.

### VIII. ADJOURNMENT.



## MEMORANDUM

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**TO:** Mayor and City Council

**FROM:** City Manager

**DATE:** July 18, 2014

**SUBJECT:** Appeal of Tree Protection Committee Decision – 718 Hampton Street

Mr. Earle Riddle, residing at 718 Hampton Street went before the Tree Protection Committee on May 22, 2014, requesting permission to remove one (1) 20" magnolia tree in the front left side of his yard. The application was denied by the Tree Protection Committee on the grounds that the Committee did not view the condition of the tree as sufficient grounds for removal and found the tree to be healthy. Mr. Riddle also submitted an application to remove the same magnolia tree to the Committee at the March 27, 2014, meeting, but did not appear in person and had no supporting documentation. The application was denied and Mr. Riddle submitted an appeal. I asked him to resubmit the application and to make his case to the Tree Committee in person and to properly document his request.

Pursuant to Section 11.6.4 of the City's Unified Development Ordinance, any person aggrieved or affected by a Tree Protection Committee decision pursuant to this Section may appeal the decision to City Council. All requests for appeal shall be filed with the City Manager within 30 days of notification of denial of the permit request. Mr. Riddle has submitted an appeal of the Tree Protection Committee's decision to the City Manager.

I have enclosed all of the supporting documentation for your review. The appeal will not be heard at the July 22<sup>nd</sup> City Council meeting to allow City Council sufficient time to review all of the documents and inspect the tree if so desired. I will look to place the appeal hearing on the August 12<sup>th</sup> agenda. If you have any questions, comments or concerns, please do not hesitate to come by City Hall or call me at your convenience.

Sincerely,

Jeffrey P. Molinari  
City Manager

Attachments

July 14, 2014

RECEIVED

JUL 15 2014

City Council  
242 Hampton Street  
Walterboro, SC 29488

CITY MANAGER

RE: Earle D. Riddle  
718 Hampton Street  
Walterboro, SC 29488  
Application for Tree Removal

B.J.H  
3:27pm

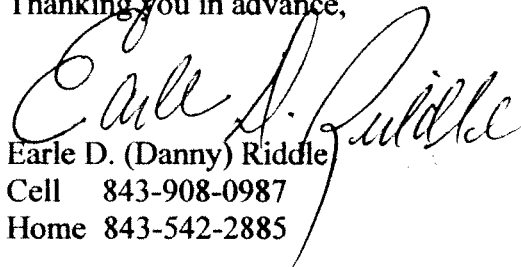
Dear Sir or Madam,

I would like to appeal the decision of the Tree Protection Committee to allow me to remove a large Magnolia tree from the front left side of my yard.

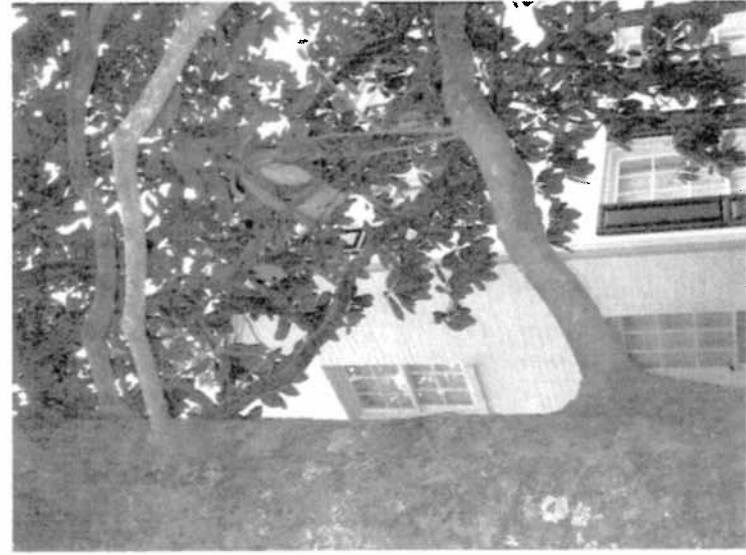
Due to the fact that the tree is right at the corner of our house, the root system is invading our yard, our brick walkway to the street, as well as our house foundation. About a year or so ago we were ordered, by David Dodd, to correct a piece of our brick walkway near our front steps, as the bricks were shifting due to the root system. This was an unexpected expense to us. If the tree roots continue to invade our property we will continue to have expenses to our brick walkway and/or the foundation of our home which could be a much larger expenditure. The tree also suffered loss of limbs due to the 2 recent ice storms. The tree has very large limbs, some of which hang very near or over our house, and we also fear that the next limb which falls may cause extreme damage.

Please allow us to remove this hazard from our yard.

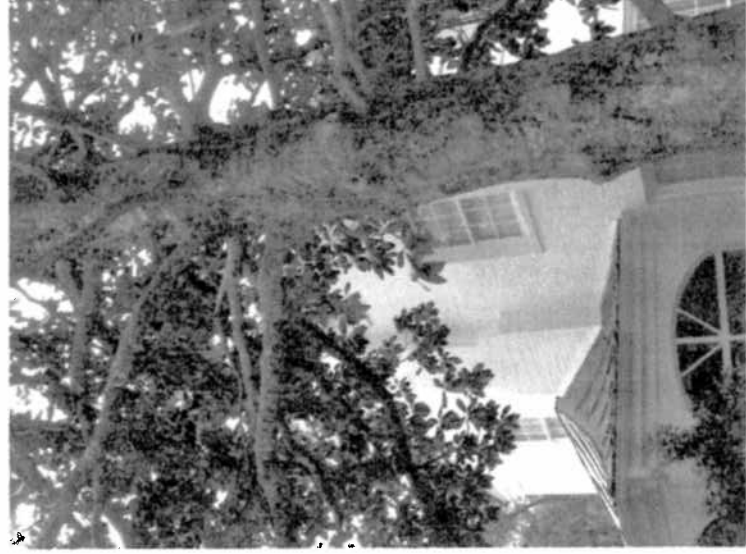
Thanking you in advance,



Earle D. (Danny) Riddle  
Cell 843-908-0987  
Home 843-542-2885

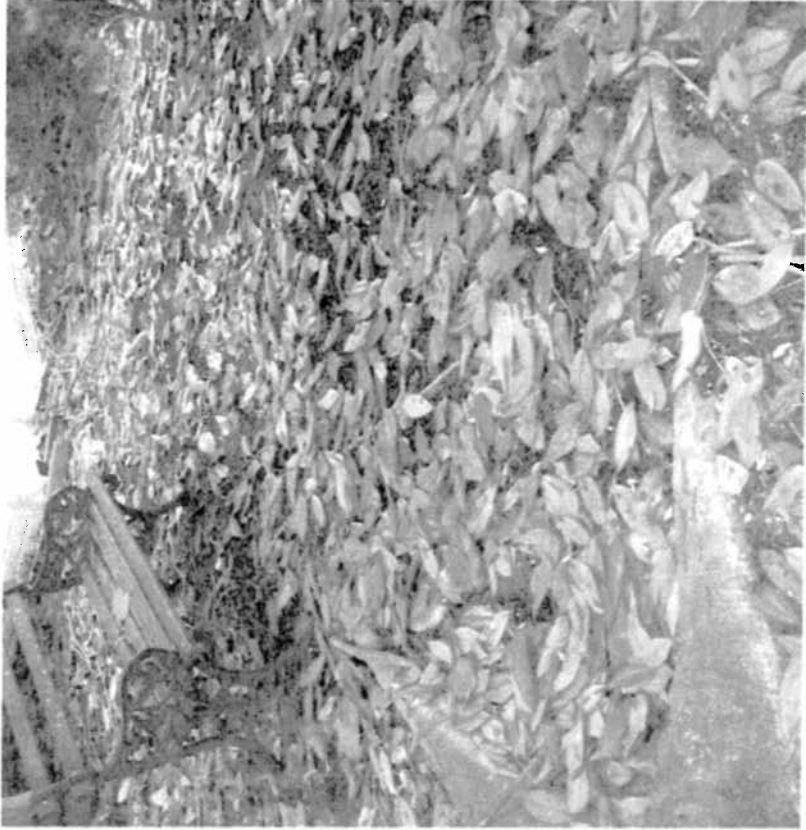


These 3 pictures show how close the tree is located to our house.



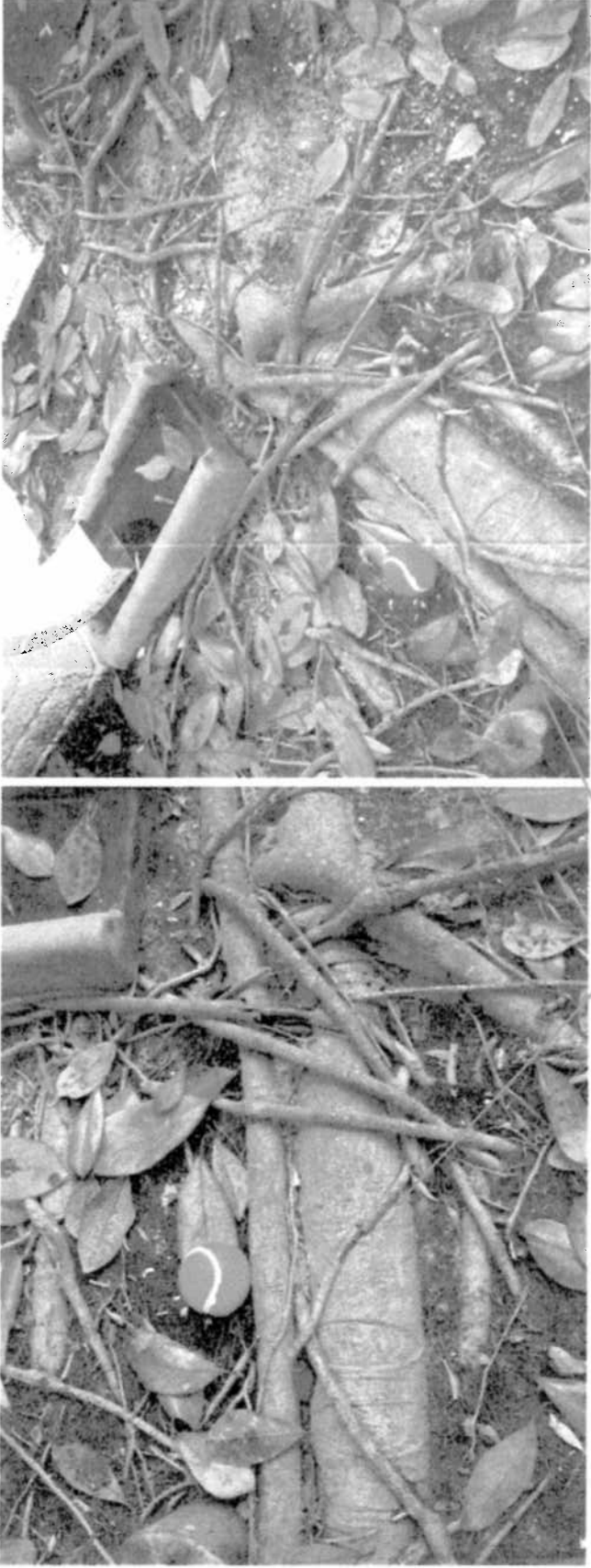
Root is heading straight towards our house.



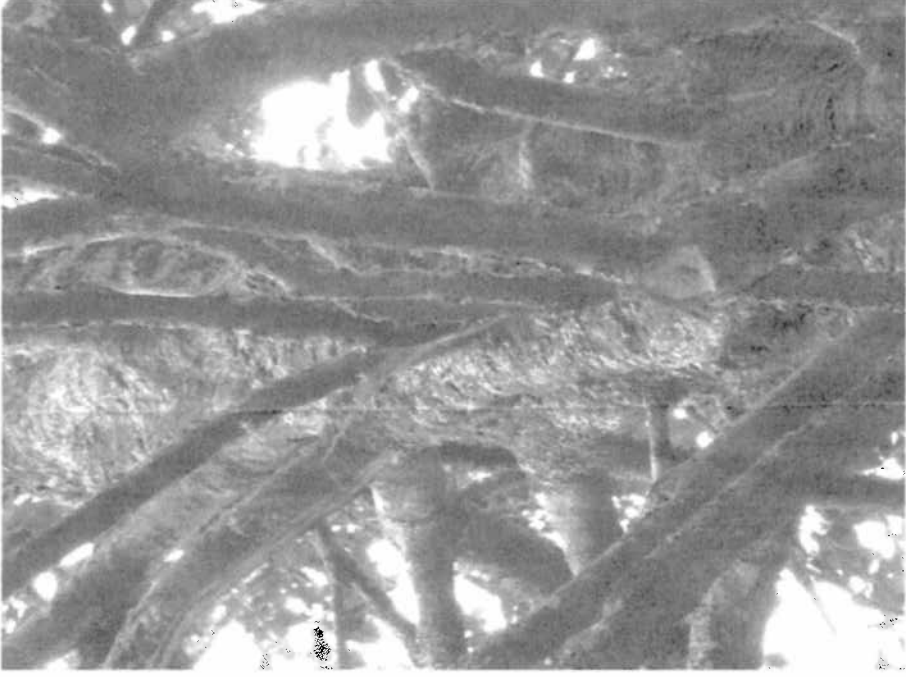


This is the same root.

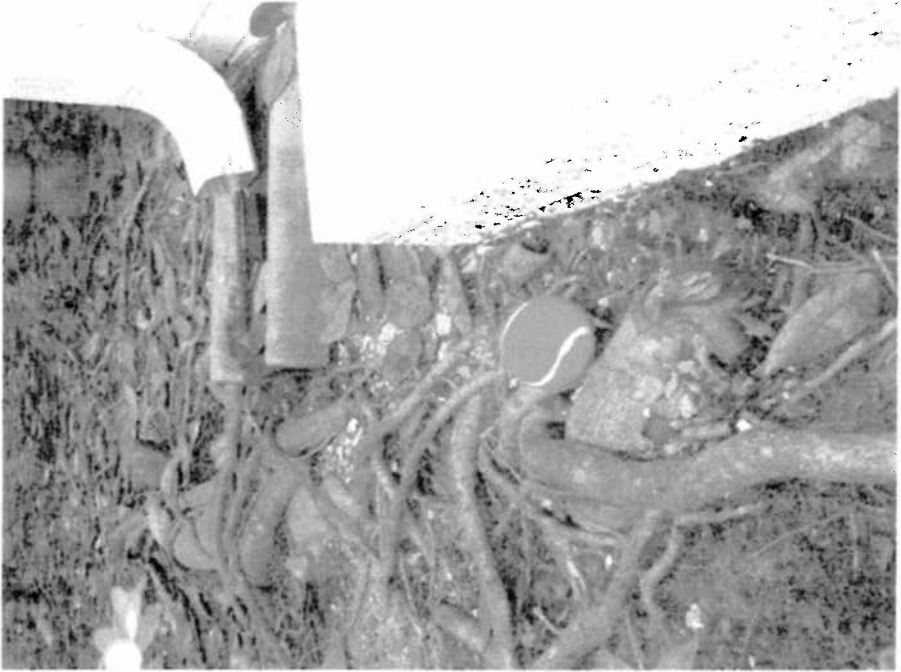
Shown here in comparison to a tennis ball



This is same root as it reaches our house foundation



Damage from ice storm in February 2014



At the foundation of our house







June 16, 2014

Dear Mr. and Mrs. Riddle,

This letter is to inform you, that upon review by the City of Walterboro Tree Protection Committee, your application to remove a magnolia tree has been denied. The Committee did not view the condition of the tree as sufficient grounds for removal and found the tree in question to appear to be healthy. If you wish to Appeal their decision, you must file your appeal to City Council with the City Manager's office within 30 days of this notice. If you have any questions, please feel free to contact me at 782-1004 or 908-4177. A copy of the denied application is enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read "David B. Dodd".

David B. Dodd  
Director of Planning and Codes

## **NOTICE OF MEETING OF THE MEMBERS OF THE TREE PROTECTION COMMITTEE**

A meeting of the members of the Tree Protection Committee will be held on the date, time and place stated below for the purpose of handling any and all administrative matters of the organization and conducting all such business as may lawfully come before said meeting.

**Date of Meeting: Thursday, May 22, 2014**

**Time of Meeting: 6:00 PM**

**Place of Meeting: City Hall**

- Agenda:**
- 1. Danny Riddle @ 718 Hampton (20" magnolia tree removal)**
  - 2. Tony Hamilton @ 210 Plantation (15" & 18" oak tree removal)**  
**GATE CODE - #,2,4,6,8**
  - 3. Dana Cheney @ 111 South Lemacks (2 - 3" magnolias & mitigation)**
  - 4. Fred Reed @ 104 Durham (30" oak tree & mitigation)**
  - 5. Jane Garrett @ 110 Weikers (7" dogwood tree & mitigation)**
  - 6. Lee Rhoden @ 117 Paul (15" oak removal and mitigation)**

**Distribution:**

**Mr. Charlie Sweat, 635-5200**

**Dr. Martha McKeelin, Ph.D., 599-4332**

**Mr. Michael Ferrari, 549-7086**

**Mr. Robert Wilkinson, 549-1082**

**Mr. Harris Beach, 549-1633**

**If you have any questions call David Dodd @ 908-4177. If you have an email address, please forward it to me at [ddodd@walterborosc.org](mailto:ddodd@walterborosc.org)**

**City of Walterboro**  
Tree Protection Committee Meeting  
Thursday, May 22, 2014  
City Hall Conference Room  
6:00 P.M.

**MINUTES**

Members Present:           Mike Ferrari, Chairman                   Martha McKevlin, Ph.D.  
  Charlie Sweat

Members Absent:           Robert Wilkinson                         Harris Beach

Staff Present:               David Dodd, Planning Director  
  Bonnie Ross, Administrative Assistant

Chairman Ferrari called the meeting to order at 6:00 pm.

The TPC Members discussed the following Tree Permit Applications:

- |                      |              |  |
|----------------------|--------------|--|
| 1. 718 Hampton St    | 20" Magnolia | <b>Denied</b> by Members – No Reason to Remove<br>- Can Appeal to City Council |
| 2. 110 Weikers St    | 7" Dogwood   | <b>Denied</b> by Members – No Reason to Remove<br>- Can Appeal to City Council |
| 3. 210 Plantation Ln | 2 Oak Trees  | Approved with <b>Mitigation of One Tree</b>                                    |
| 4. 111 S Lemacks St  | Two 3" Trees | Approved with No Mitigation by Members   |
| 5. 104 Durham St     | 30" Oak Tree | Approved with No Mitigation by Members   |
| 6. 117 Paul St       | 15" Oak Tree | <b>Denied</b> by Members – No Reason to Remove<br>- Can Appeal to City Council |

Staff will put Ordinance Update discussion on agenda for next month. Member McKevlin will email a website address with tree ordinance information to Mr. Dodd for everyone to review.

Chairman Ferrari would like to step down as chairman if someone else is interested in it he has been the chairman for over 15 years, since Chris Bickley was City Manager.

The meeting adjourned at 6:35 pm. The next Tree Preservation Committee meeting is scheduled for **Thursday, June 26, 2014 at 6:00 P.M.**

**Bonnie J Ross**

Bonnie J. Ross  
Administrative Assistant



April 24, 2014

City of Walterboro Tree Protection Committee  
242 Hampton Street  
Walterboro, SC 29488

RE: Earle D. Riddle  
718 Hampton Street  
Walterboro, SC 29488  
02-26-2014 - Application to Fell Tree  
04-02-2014 - Application Denied

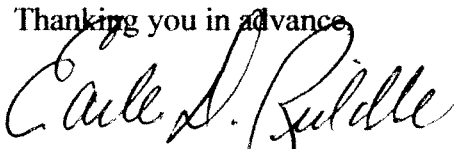
Dear Sir or Madam,

I would like to appeal the decision of the Tree Protection Committee to allow me to remove a large Magnolia tree from the front left side of my yard.

Due to the fact that the tree is right at the corner of our house, the root system is invading our yard, our brick walkway to the street, as well as our house foundation. About a year or so ago we were ordered, by the City of Walterboro, to correct a piece of our brick walkway near our front steps, as the bricks were shifting due to the root system. This was an unexpected expense to us. If the tree roots continue to invade our property we will continue to have expenses to our brick walkway and/or the foundation of our home which could be a much larger expenditure. The tree also suffered loss of limbs due to the 2 recent ice storms. The tree has very large limbs, some of which hang very near or over our house, and we also fear that the next limb which falls may cause extreme damage.

Please reconsider your decision for us to be able to remove this hazard from our yard.

Thanking you in advance



Earle D. (Danny) Riddle  
Cell 843-908-0987  
Home 843-542-2885

5/8/14

Per City Manager Jeff Mulvaney,  
Mr. Riddle is re-submitting his  
request to the Tree Committee.

Appeal Received By	<u>Betty J. Hudson</u>
Date	<u>4/25/14</u> <u>8:02 A.M.</u>

1310

April 2, 2014

Dear Mr. and Mrs. Riddle,

This letter is to inform you, that upon review by the City of Walterboro Tree Protection Committee, your application to remove a magnolia tree has been denied. The Committee did not view the condition of the tree's loss of limbs during the recent ice storm sufficient grounds for removal and found the tree in question to appear to be healthy. If you wish to Appeal their decision, you must file your appeal to City Council with the City Manager's office within 30 days of March 27, 2014. If you have any questions, please feel free to contact me at 782-1004 or 908-4177. A copy of the denied application is enclosed.

Sincerely,

David B. Dodd  
Director of Planning and Codes

Telephone: 843-549-2545

Fax: 843-549-9795

TDD Relay: 1-800-735-2905

# City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0009

## NOTICE OF MEETING OF THE MEMBERS OF THE TREE PROTECTION COMMITTEE

A meeting of the members of the Tree Protection Committee will be held on the date, time and place stated below for the purpose of handling any and all administrative matters of the organization and conducting all such business as may lawfully come before said meeting.

**Date of Meeting: Thursday, March 27, 2014**

**Time of Meeting: 6:00 PM**

**Place of Meeting: City Hall**

**Date of Notice: Friday, March 21, 2014**

- Agenda:**
1. Mr. Don White located @ 110 Silverhill (pine tree removal)
  2. Mr. Tom Lohr located @ 510 Lynnwood (tree removal & mitigation)
  3. Mr. Danny Riddle located @ 718 Hampton (tree & mitigation)
  4. Mrs. Bond @ 721 Sniders (tree & mitigation)
  5. Mrs. Lynetta Farmer @ 126 Gruber (tree & mitigation)
  6. Mr. Hank Amundson @ 434 Hampton (tree removal)
  7. Mr. Bruce Krajeski @ Cypress Point (tree & mitigation)
  8. Mrs. Elizabeth Moody @ 159 Camellia (tree & mitigation)
  9. Enterprise Bank @ 1105 North Jefferies (mitigation)
  10. Mr. John Coker @ 426 Sarah (mitigation)
  11. Colleton County @ Old Jail (mitigation)
  12. Mr. Carl Brown @ 110 Camellia (mitigation)
  13. Mrs. Edith Fraiser @ 118 Howell (tree & mitigation)
  14. Mungo Funeral Home @ 300 Francis (tree & mitigation)
  15. Mr. Randy Ritter @ 526 Center (tree & mitigation)

**Distribution:**

Mr. Charlie Sweat, 635-5200

Dr. Martha Mckevlin, Ph.D., 599-4332

Mr. Michael Ferrari, 549-7086

Mr. Robert Wilkinson, 549-1082

Mr. Harris Beach, 549-1633

**If you have any questions call David Dodd @ 908-4177. If you have an email address, please forward it to me at [ddodd@walterborosc.org](mailto:ddodd@walterborosc.org)**

**City of Walterboro**  
Tree Protection Committee Meeting  
Thursday, March 27, 2014  
City Hall Conference Room  
6:00 P.M.

**MINUTES**

Members Present:           Mike Ferrari, Chairman                   Harris Beach  
                                  Charlie Sweat                               Robert Wilkinson

Members Absent:           Martha McKevlin, Ph.D.

Staff Present:             David Dodd, Planning Director  
                                  Bonnie Ross, Administrative Assistant

Chairman Ferrari called the meeting to order at 6:00 pm.

The TPC Members discussed the following Tree Permit Applications:

1. 526 Center St	6 Pine Trees	Approved with No Mitigation by Staff
2. 526 Center St	Hardwoods	Approved with <b>Mitigation of 6" Hardwoods</b>
3. 110 Silverhill Rd	Pine Trees	Approved with No Mitigation by Staff
4. 510 Lynnwood Rd	Damaged Oak	Approved with No Mitigation by Members
5. 718 Hampton St	Grand Magnolia	<b>Denied</b> by Members-Healthy Tree
6. 721 Sniders Hwy	Damaged Tree	Approved with No Mitigation by Members
7. 126 Gruber St	Oak in Backyard	Approved with <b>Mitigation of One Tree</b>
126 Gruber St	Oak in Front Yard	<b>Denied</b> by Members -Healthy
8. 434 Hampton St	3 Damaged Trees	Approved with No Mitigation by Members
9. Cypress Pointe	Damaged Trees	Approved with No Mitigation by Members
10. 159 Camellia Dr	Pine Trees	Approved with No Mitigation by Staff
11. 159 Camellia Dr	Oak Tree	<b>Denied</b> by Members-No Reason to Remove
12. 1105 N Jefferies	3 Damaged Trees	Approved with No Mitigation by Members
13. 426 Sarah St	Mitigation Reduction Request	Approved by Members
14. Old Jail	Mitigation Reduction Request	Approved by Members
15. 110 Camellia St	Mitigation Reduction Request	Approved by Members
16. 118 Howell St	Damaged Trees	Approved with <b>Mitigation of One Tree</b>
17. 300 Francis St	Sycamore Tree	Approved with <b>Mitigation of Three Trees</b>

The next Tree Preservation Committee meeting is scheduled for **Thursday, April 24, 2014 at 6:00 P.M.**

**Bonnie J Ross**

Bonnie J. Ross  
Administrative Assistant





City of Walterboro  
Planning and Codes Department  
Post Office Box 709  
Walterboro, SC 29488

NOTICE OF PUBLIC NUISANCE  
AND ORDER TO ABATE

NAME AND MAILING ADDRESS OF OWNER(S): Earle Daniel & Sandra D. Riddle  
718 Hampton Street  
Walterboro, SC 29488


ADDRESS OF PROPERTY IN VIOLATION: 718 Hampton Street

TAX MAP NUMBER: 163-16-00-235

**NOTICE IS HEREBY GIVEN** that an inspection of the property listed above on the 14th of July, 2010 has identified violation(s) of the Code of Ordinances of the City of Walterboro:

- Weeds or other vegetation (Code § 14-52; IPMC § 302)
- Unsafe structure, unsafe equipment, or unlawful structure (IPMC § 108.)
- Exterior maintenance required (IPMC § 304.2)
- Abandoned motor vehicle (IPMC § 302.8)
- Other Description of Code violations **IPMC-section 302.3 Sidewalks and driveway free from hazardous**

**PURSUANT TO CODE § 14-57, YOU ARE HEREBY ORDERED** to abate the above-described violations within 14 business days after service of this notice, not including the date of receipt (or posting). When you have completed abatement, please contact the Code Enforcement Officer listed at the bottom of this letter. You have the right to appeal this order by submitting a written request for hearing, along with an appeal fee of \$100.00, no later than fourteen (14) business days after service (by delivery or posting) of this notice. Such request shall be made to the City Manager at the address listed below and must include your contact information. If you fail to abate the nuisance and do not request an appeals hearing within fourteen (14) business days, the City may correct or abate the nuisance and assess an administrative fee (\$250) and all costs of abatement as a lien against the property (Code § 14-57(c)).

  
Code Enforcement Officer  
843-549-2545 ext. 224

**Address for Appeals:** City Manager  
242 Hampton Streets  
Walterboro, SC 29488

In order to remove this violation, call for an inspection when work is completed. If you have any questions or if this notice has reached you in error, please call the telephone number listed above.

*8/3/10 Resolved*



**UNITED STATES MARINE CORPS**  
U.S. MARINE CORPS FORCES  
SPECIAL OPERATIONS COMMAND  
PSC BOX 20116  
CAMP LEJEUNE, NORTH CAROLINA 28542-0116

IN REPLY REFER TO  
3307  
G-7

MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN  
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND (MARSOC)  
AND  
THE CITY OF WALTERBORO, SC

Subj: MEMORANDUM OF UNDERSTANDING

1. Purpose. The purpose of this memorandum is to memorialize the approval by the municipal leadership of the City of Walterboro, SC for MARSOC to conduct training in City of Walterboro, SC starting October 16, 2014. MARSOC requests that the City of Walterboro, SC, grant MARSOC the authority to periodically conduct required training within the city. All such training will be coordinated under the guidelines set forth in this agreement. All personnel involved in these exercises will be consenting military personnel, government civilian workers, or contractors; no private citizens will be part of or involved in the training exercises in any manner.

2. Approval. The City of Walterboro, SC hereby agrees to permit members of MARSOC (to include all military, civilian and contractor support personnel) to conduct military training, to include surveillance training, advanced communications training and other required training necessary to develop special operations skills, within the boundaries of City of Walterboro, SC. Training and informal meetings will be restricted specifically to commercial/restaurant and public gathering areas of the above stated city and will not involve direct contact with the local populace. Any training to be conducted on private property in the above mentioned city will be coordinated with and approved by the property owners involved. This approval is subject to the following:

a. This MOU becomes effective upon execution by the City of Walterboro, SC and MARSOC and will run for three (3) years from the date of execution of the last signing party unless sooner terminated under the provisions of paragraph 7(b). This MOU

Subj: MEMORANDUM OF AGREEMENT

recognizes that MARSOC intends to conduct training in City of Walterboro, SC, on multiple occasions over that time period. Prior to conducting any training, MARSOC will provide advance written notice to civilian leadership and law enforcement officials. The notice will include current contact information, training personnel points of contact, type of training to be conducted, areas to be utilized during training and dates of intended usage. The information will be provided in order to give the City of Walterboro, SC the maximum possible visibility over training and to provide notice to law enforcement activities of our presence in the area. Every effort will be made by MARSOC to provide written notice at least two weeks in advance of any training in order to allow sufficient time for both parties to mutually resolve any outstanding issues and address any concerns. During the conduct of any training, MARSOC will conduct daily liaison with the designated law enforcement personnel.

b. MARSOC shall not knowingly use any commercial/public gathering areas in any unlawful way.

c. If damage to public property or facilities are incurred as the result of members of MARSOC, claims will be forwarded to the MARSOC Office of the Staff Judge Advocate for review and forwarded to the Camp Lejeune Claims Office. Claims will be processed and adjudicated pursuant to applicable Federal Laws and Regulations. This contact information will be made readily available to the City of Walterboro, SC, if needed to make a claim against MARSOC. Currently, the MARSOC SJA office may be reached at (910)440-0925, Bret.white@socom.mil, or at the letterhead address ATTN: MARSOC SJA.

d. Parties to this MOU understand that claims against the government for damage, loss, or injury suffered by any person or entity as a result of MARSOC activities in City of Walterboro, SC, shall be forwarded to the Office of the Staff Judge Advocate for review and forwarded to the Camp Lejeune Claims Office for processing adjudication pursuant to applicable Federal Laws and Regulations. This contact information will be made readily available to any person seeking to make a claim against MARSOC. Currently, the MARSOC SJA office may be reached at (910)440-0925, Bret.white@socom.mil, or at the letterhead address ATTN: MARSOC SJA.

3. For all training exercises, MARSOC, via the officer conducting the exercise (OIC), will ensure that local law enforcement is informed of all areas, times and dates that will

Subj: MEMORANDUM OF AGREEMENT

be utilized for training. All activities conducted at these venues will be appropriate for the intended training objective. Additionally, MARSOC instructors will embed a liaison element within the City of Walterboro, SC that will notify the requisite elements of the office of any activity within each district. MARSOC evaluators and site controllers will either be on site or in the vicinity of training in order to critique training as well as function as an on-site liaison to ensure training is conducted in accordance with this agreement. In the event a situation presents itself involving local law enforcement, an Exercise Participant Card will be provided that includes contact information of the MARSOC leadership responsible for the training and the MARSOC Public Affairs Office. The City of Walterboro, SC will intervene and act as they deem necessary to handle and resolve any situation.

4. Unless otherwise agreed upon in writing, MARSOC training activities in the City of Walterboro, SC, will be low-impact and low-visibility. MARSOC activities are not likely to attract undue attention nor should the conduct of activities alert any civilians/members of the establishment who are in the immediate area. In the event that a civilian/non-law enforcement official or uniformed member of local law enforcement approach and begin to question any student about their activities, the student will provide an Exercise Participant Card and Military Identification Card. The student will contact their OIC in any situation where civilians or law enforcement personnel intervene in the training. In this instance, all students will comply with instructions from local law enforcement officials and will immediately inform their OIC.

5. Prior to the start of the exercise, MARSOC members will receive classes and be thoroughly briefed on the safety plan and rules of training. No personal vehicles are authorized for use by the Marines conducting this training. Rental and/or government plated vehicles consisting of compact cars, sedans, mini-vans, and sport utility vehicles will be utilized during this training.

6. MARSOC trainees will not carry firearms, simulated firearms, or pyrotechnic devices during the course of training in City of Walterboro, SC.

7. All MARSOC personnel will be in civilian attire; however, they will be able to produce an Exercise Participant Card and a government identification card at all times. All MARSOC participants and exercise staff will obey all traffic laws and

Subj: MEMORANDUM OF AGREEMENT

posted speed limits. At no time will MARSOC personnel engage in any activity that will put themselves or others in danger, and they will obey all orders from civilian law enforcement agencies. The MARSOC exercise staff will provide the City of Walterboro, SC a copy of the role-player identification cards and a vehicle identification packet containing all vehicles participating in the exercise. The training exercise will culminate when all exercise participants have departed the City of Walterboro, SC area. The MARSOC OIC will notify the City of Walterboro, SC upon completion of the exercise. The MARSOC OIC will provide the City of Walterboro, SC a signed copy of this document and a copy of the notification for each training event for the record.

8. Modification or Termination

a. Modifications to this MOU must be in writing and signed by authorized representatives of the City of Walterboro, SC and MARSOC. The representative for MARSOC can be contacted at Headquarters, G-7 ATTN: Operations, Camp Lejeune, NC 28542 or via phone at (910) 440-0244. The representative for the City of Walterboro, SC can be contacted via phone at (843)782-1000 or (843)782-1034, and via email at bhudson@walterborosc.org or kdasen@walterborosc.org.

b. This MOU shall remain in effect for three (3) years from the date of execution of the last signing party. Both the City of Walterboro, SC and MARSOC retain the right to terminate this MOU at any time, with ninety (90) days written notice to the other party, for any reason.

---

JOHN J. FITZGERALD  
Deputy Chief of Staff, MARSCOC

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WILLIAM T. YOUNG, JR  
Mayor, City of Walterboro  
P.O. Box 709  
Walterboro, SC 29488

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KEN DASEN  
Chief of Police, Walterboro, SC  
P.O. Box 709  
Walterboro, SC 29488