

Walterboro City Council
Regular Meeting
October 14, 2014

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, October 14, 2014 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds, James Broderick and Judy Bridge. City Manager Jeff Molinari, City Clerk Betty Hudson and City Attorney George Cone were also present. There were approximately 25 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and welcomed everyone to the meeting. Council Member Syfrett gave the invocation, and Council Member Bridge led the pledge of allegiance to our flag.

PUBLIC INPUT ON AGENDA ITEMS:

There were no public comments or questions on agenda items.

APPROVAL OF MINUTES:

The Minutes of the September 9, 2014 Regular Meeting and the Minutes of the September 23, 2014 Regular Meeting were approved as submitted upon motion of Council Member Broderick, seconded by Council Member Bridge, with all members voting in favor.

OLD BUSINESS:

There was no Old Business before Council.

PROCLAMATIONS AND RESOLUTIONS:

1. **Resolution No. 2014-R-09**, A Resolution Honoring Donna Laird Miller on her Retirement.

A motion was made by Council Member Lohr, seconded by Council Member Bonds to adopt Resolution No. 2014-09 as submitted. The motion passed unanimously.

Mayor Young then asked Tourism Director Donna Laird Miller to come to the podium. Mayor Young then made the following comments concerning Ms. Miller. He stated that few people know the contributions that Donna has made to the City of Walterboro. Of course, everybody knows about the time we went through in 2009 with the drive-by shooting and all the bad publicity that resulted. We realized, shortly after, that we needed to start promoting Walterboro and work to change the image people were getting from the media in Charleston and other places. Donna was instrumental in doing those things. We have had other cities come here to see how we market Walterboro. The name or slogan, "Front Porch of the Lowcountry," has gained wide acclaim and of course the branding of the "red rocker" has gained wide acclaim, and people driving up and down the interstate seeing that red rocker, they know that is Walterboro. Donna was instrumental in formulating that marketing plan, to help market Walterboro on I-95. At the Visitors Center, she has been our first and only director. She meets with the Walterboro Tourism Commission as the City liaison. We hate to lose Donna. She has also personally, when I became Mayor and even as Mayor Pro-Tem, and I was thrust in a lot of situations where I had to do tv interviews and later when we went on to market different festivals, Donna was always there to help get me through those things, and to do those advertisements. She always gave

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me a word of encouragement that I would be able to get through, and not forget what I was supposed to say. She has really been a great help to me.

The Mayor then read Resolution No. 2014-R-09 in its entirety into the record, and presented a copy to Ms. Donna Laird Miller. A copy of said resolution is also attached as part of these minutes.

Ms. Donna Laird Miller then thanked the Mayor and City Council and said, it has been my honor to serve the City of Walterboro which such vision, and I thank you.

NEW BUSINESS:

1. Appeal of Tree Protection Committee Ruling, 718 Hampton Street, Danny Riddle.

Mr. Riddle appeared before Council to appeal a decision made by the Tree Protection Committee to deny the removal of one 20" magnolia tree in the front left side of his yard. His application was denied on May 22, 2014. On March 27, 2014, Mr. Riddle again submitted an application for removal of the tree, but was denied since he did not appear in person and had no supporting documentation.

Mr. Riddle argued that the tree is located at the corner of his home and that the root system is invading his yard, a brick walkway, as well as the foundation of his home. In a letter to the Tree Committee, Mr. Riddle stated that about a year ago, He was ordered by Mr. David Dodd, to correct a piece of his brick walkway at an unexpected expense. He stated that 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 would be a much larger expense. The tree also suffered loss of limbs in two recent storms. It has some large limbs which hang very near or over his home. He said, we also fear that the next limb which falls may cause extreme damage.

While speaking before Council, Mr. Riddle stated that the tree has limbs hanging over the front tin roof on his porch and we feel like it's a serious threat to our dwelling. He stated that the biggest problem is the root system. He said, I do not have access to the foundation under my porch, so I feel that the roots have already gotten under there. I said, I would like to be able to cut this tree down because it is a serious threat to our house. He said, I understand that this is a flowering tree and a healthy magnolia, but it is a threat to my house and my family. I am asking Council to overrule what the Tree Committee has said so that I can remove the tree.

The Mayor then asked if Council had any questions. Council Member Bonds then told Mr. Riddle that he had been provided with numerous photographs that show large roots that look like they are running right up to your house (and I have been to your house). The roots go right up to your house and it looks to me like it's underneath the foundation. Do you believe that this root system is damaging or may damage the foundation of your home? Mr. Riddle responded, I think possibly they have already. If you look close enough at my porch, you can already see where I have lines in my brick. Mr. Bonds then said, and I also see that in 2010 you received some documentation from the City of Walterboro, "A Notice of Public Nuisance, and Order to Abate." Are you familiar with this document? Mr. Riddle responded that he was not familiar with it. Council Member Bonds then showed the document to him. Mr. Riddle then asked, is this the document concerning the sidewalk? Mr. Bonds then asked, did you get a notice from the City about damage to your sidewalk? Mr. Riddle responded that he did receive said notice and that he repaired the sidewalk three days later.

Mr. Bonds then said, what I want to ask you about is where was the damage to your sidewalk and what caused the damage to the sidewalk? Mr. Riddle answered that it was the roots from the magnolia tree. Mr. Riddle added, if you go in my front yard

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right now, there is one root that is almost back to the sidewalk. Council Member Bonds then said, and the damage to your sidewalk was from this tree. How much did you pay to get your sidewalk fixed? Mr. Riddle responded, my wife and I fixed the sidewalk ourselves. I got the sand and relayed the bricks. Mr. Bonds then asked Mr. Riddle how long he has lived in his house. Mr. Riddle responded that he purchased the house in August 2000, and has lived there for 14 years.

Council Member Bridge then asked Mr. Riddle, in looking at the pictures and seeing the root system, you did not show any pictures of damage to the house. So, it's likely that we don't know that there is damage to the house. The other question is if you had that problem in 2010 with the root system, did you ever consult a professional, an arborist, or anybody to look into maybe pruning the root system? Mr. Riddle responded, No, I did not. He said if you pruned the root system, all it means is that the roots are going to grow back, and back. He stated, I don't think this is a tree that needs to be pruned. This tree needs to be removed. This tree is massive.

Council Member Lohr then said, for clarification, Mr. Riddle, you did mention to me when I visited that there is not any way that you can get under that porch. Mr. Riddle affirmed that there is no crawl space under my porch.

Council Member Siegel then stated, I have looked at the tree. He then asked, have you measured the distance between the trunk of the tree to the house itself? Mr. Riddle responded, this distance is probably 10 feet. He said, those trees are huge, and I have talked to all my neighbors and had no complaints about running this through.

Council Member Broderick then said, when I came out to your house, it looked like, at the corner of your house, that one of the roots is already going under the crawl space. Have you had anybody go underneath there to check this? Mr. Riddle responded that he had not done this.

Mr. Michael Ferrari, Chairman of the Tree Protection Committee then addressed Council regarding the committee's decision to deny Mr. Riddle's request to cut down the magnolia tree. Mr. Ferrari then handed out pictures of the tree in question. He stated that a request to cut down the tree by Mr. Riddle came before the committee twice. Once with some other trees (water oaks), which we allowed Mr. Riddle to remove, and the second time, we disapproved this tree as we did the first time. The tree seems quite healthy. I grant there are some branches broken in the tree that pruning could remove. I don't think the tree roots have done any damage to the house. Everybody, who looked at it, agreed that there was no damage they could see. With regards to roots going underneath the house, I guarantee you there are roots under every house in Walterboro if you have a tree in your yard. It doesn't matter if it's 10 feet from your house or 50 feet from your house. Tree roots grow quite a ways from the tree. The biggest problem is whether or not they uplift and start cracking foundations, and there is no way to know they are going to do that, until it happens. We did not see anything that couldn't be repaired by some professional arborists, at least for the time being, to come and prune up the tree, etc. The tree looks like it will probably be there for quite a few years to come.

A motion was then made by Council Member Broderick to allow Mr. Riddle to remove the magnolia tree in question from his property. Council Member Bonds seconded the motion.

In discussing the motion, Council Member Broderick explained why he is in favor of removing the tree. He said, we do have a responsibility in the City to protect the trees, but we also have the responsibility to protect the homes that we have within the City. After looking at the root system on this, I feel like it is affecting their home.

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Council Member Siegel, also in agreement with Mr. Broderick, stating that magnolia trees are beautiful trees but they are invasive. I have to say that the Tree Committee was kind enough to allow me to remove a magnolia that was encroaching on a walkway and a garage on a house I own next to my house. It wasn't this large and it wasn't seen from the street. I have no doubt that this is going to cause imminent damage to his house, because I know the nature of magnolias.

Council Member Bonds concurred and added that he felt the tree has already damaged Mr. Riddle's home. He noted that Mr. Riddle had already received a notice of a public nuisance and orders to abate from the City as a result of root damage that this tree caused back in 2010. I think that alone let's you know there are some problems with the roots, and I just don't think it is fair to wait in this case for there to be damage to his house.

Council Member Lohr then commented that Mr. Riddle is not anti-tree, because he plans to plant other types of trees back. I will assume that he will do enough investigation, if he has not done that already, that the type of tree would not be as invasive as this tree seems to be.

Council Member Siegel stated that he felt that this tree has just gotten bigger than it was ever intended to be. The house has been there and has been unchanged for many years, and I think he (Mr. Riddle) is a victim of nature in this particular case.

The motion then passed with all members voting in favor.

2. Consideration of Recommendation to Purchase a New Side Loader Sanitation Vehicle for Sanitation Department

City Manager Molinari reminded Council that a new Sanitation Vehicle was approved in the fiscal year 2014-2015 Budget. During the budget process, City Council made the decision to finance that sanitation vehicle over a 5-year term, because the interest rates are so favorable. In addition to that, it freed up some additional capacity in the general fund. At the time that we put the budget together, we were projecting that the sanitation vehicle would cost approximately \$45,928 each year over a 5-year period, for a total cost of \$218,000. Mr. Molinari reported that the City received four proposals for a new truck. The bids received were as follows:

Amick Equipment Company	\$208,735.78
Consolidated Disposal Company	\$208,828.00
Carolina International Truck, Inc.	\$204,816.77
Christopher Trucks, Inc.	\$204,957.00

Mr. Molinari stated that staff recommends purchasing the vehicle from Christopher Trucks, Inc., in the amount of \$204,957.00, which is \$140,23 more than the low bid of \$204,816.77 from Carolina International Truck, Inc. The City currently has three (3) vehicles in the sanitation fleet, all of them purchased from Carolina International Truck, Inc. and all three vehicles have undergone major repairs. Amortized over five (5) years, the annual cost to the City will be \$42,792, which is \$3,136 less than budgeted. City staff asks for Council's favorable consideration of this request.

A motion was made by Council Member Lohr, seconded by Council Member Syfrett, to accept the City's recommendation to purchase the Sanitation Vehicle from Christopher Trucks, Inc., in the amount of \$204,957.00. In discussing the motion, on a question raised by Council Member Bonds, City Manager Molinari affirmed that the City is under budget on this purchase. The motion then passed unanimously.

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3. Request to Close Streets from 5:00 P.M. to 8:00 P.M. for Oyster Roast/Crab Crack Fund-raising Event on November 22, 2013 by CTS/CHS Alumni Association, Inc.

A motion was made by Council Member Bridge, seconded by Council Member Broderick, to approve the street closing request (for a portion of Gruber Street between Margaret and Ackerman Streets) as submitted by the CTS/CHS Alumni Association. The motion passed unanimously.

4. Request to Close Streets for Turkey Trot 5K Run/Walk, November 27, 2014 from 8:30 A.M. to 9:30 A.M. by Walterboro-Colleton Chamber of Commerce

A motion granting this request as submitted was made by Council Member Syfrett, seconded by Council Member Broderick and passed unanimously.

COMMITTEE REPORTS:

1. City Appearance Board Report - Council Member James Broderick

Council Member Broderick thanked Council for its appointments to the City Appearance Board. We are fully staffed on the board and I appreciate that. We have been able to be very productive at our last couple of meetings. We have had Adam Davis join us as our advisor from the City. I want to recognize Mr. Horace Simmons who is also on this committee, and present in the audience.

Mr. Broderick then announced that the City will have a Clean Up Day on October 25, 2014 from 8:00 a.m. to 12:00 p.m. We will meet in the City Fire Department in the bay area. We will have sticks to pick up the trash, including bags and gloves for everyone. He then asked everyone to call and join in the cleanup and bring a friend or family member with you. We had a really good turn out at the first cleanup. We collected over 200 pounds of garbage around the City and we would like to beat that this time. So, please come and join us.

Mr. Broderick also noted that the Board has been discussing the possibility of beginning a "community garden" program, to find some city lots around the city to start planting some gardens and have the community to come together to garden and reap the benefits of fresh vegetables. We would like to get the Council and the Mayor's blessing on this, so we can talk with the City Manager about possibly starting that program in the near future.

CITY MANAGER'S REPORT:

City Manager Molinari then introduced Fire Chief Wayne Lake to make an announcement about the new captain in the Fire Department.

Fire Chief Lake and Corporal Paul Seigler then approached the podium. Chief Lake announced that it has been almost 23 years since we have had a promotion to Captain in the Fire Department and this is very important to us. Chief Lake then introduced Mr. Paul Seigler as the new Fire Captain for the Walterboro Fire Department. Mr. Seigler joined the Walterboro Fire Department as a volunteer in 1989. He was hired to a full time position in the Fire Department in 1990. This coming February, Paul will have 25 years proudly serving the citizens of Walterboro.

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EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into an Executive Session. Council Member Lohr So Moved and Council Member Broderick seconded the motion. The motion passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for:

- 1) A personnel matter on the appointment of the City Prosecutor.
- 2) Boards and Commissions Appointments.

The meeting then convened into Executive Session.

At approximately 7:05 p.m., a motion was made by Council Member Lohr to exit Executive Session and return to Open Session. Council Member Broderick seconded the motion. All in favor. None opposed. Motion carried.

The meeting returned to Open Session, and a motion was made by Council Member Broderick, seconded by Council Member Lohr, to appoint Maryann Seals as City Prosecutor effective immediately for a term to expire on June 30, 2015. The motion passed with a vote of 5/0 with Mayor Young and Council Members Syfrett, Lohr, Bridge and Broderick voting in favor. Council Members Siegel and Bonds abstained from voting due to a potential conflict of interest, in that their law firms may practice before city court from time to time.

Next, a motion was made by Council Member Syfrett to appoint Calvin Bailey and Mitzi Carter to fill two (2) at large seats on the Tree Protection Committee. Council Member Broderick seconded the motion. All in favor. None opposed. Motion carried.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Lohr, seconded by Council Member Broderick and passed unanimously. The meeting adjourned at 7:07 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: October 28, 2014