

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, September 9, 2008 at 6:15 P.M. with Mayor Charlie Sweat presiding.

PRESENT WERE: Mayor Charlie Sweat, Council Members: Randy Peters, Charles Lucas, Bill Young, Ted Parker, and Franklin Smalls. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. Council Member Mary Anne Cannady was absent (out of town on business).

There being a quorum present, the Mayor called the meeting to order and called on Council Member Smalls for the invocation and Council Member Young to lead the Pledge of Allegiance to our flag.

PUBLIC HEARING:

The Mayor then announced a public hearing, duly advertised, to hear comments on two ordinances:

1) **Ordinance # 2008-12**, An Ordinance to Amend Chapter 19, Article I, Tree Protection, of the Code of Ordinances of the City of Walterboro, So As to Improve the Procedures for Tree Protection. City Manager Lord opened by stating, as before, this is an ordinance proposed by the Tree Committee to improve their ability to enforce tree protection in the city. A couple of changes were made, some definitions were improved and there is a list of flowering trees, where there was not one previously. Mr. Lord pointed out that there is one proposed new amendment since the first reading of the ordinance. This comes from the Tree Committee.

Section 19.106 Mitigation:

Add: "g) Trees removed because they are dead do not require mitigation if the loss of the trees is of no fault of the owner/resident or any other person in order to circumvent the purpose of this ordinance."

City Manager Lord explained that the intent here is when someone comes in and requests a tree permit to remove a dead tree, then that is not something that will require mitigation.

Ms. Carol Black then addressed Council. She said, I brought this up last year to the Tree Committee and this falls within what Mr. Lord has said. I don't understand why a permit is required to cut a dead tree at all, because it states "it's unlawful to cut a living tree. So, if it's not unlawful to cut a dead tree, then why does someone need a permit, and if a permit is required to cut all trees, dead or living, then that should be more clearly stated. Mayor Sweat and the City Manager agreed that a permit is required to cut any tree. The City Manager then said, getting the approval that the tree is indeed dead is the reason. It's the verification that the tree is dead, and it does not have to go before the Tree Committee.

Ms. Black then suggested that perhaps, the language could say "a permit is required to cut all trees," because it does not say when a permit is actually required.

Attorney Cone responded that Section 19.105 (b) (1) includes dead trees. Further discussion was held, Ms. Black continued to argue that the ordinance does not say when it is required to get a permit. She also added - the City should go through page 44 of the Zoning Ordinance, which has a section on tree protection. I think that part should be deleted, because there will be questions. Section 4.9.3

under Tree Protection of the Zoning Ordinance, it appears this section needs to be repealed or at least made to coincide with the new changes in the actual Tree Protection Ordinance.

Mayor Sweat explained that a lot of the ordinances are going to be changed as we go through them. We have just started the process of going through some of them.

Ms. Black then stated, I understand that, but if you are going to make a change in the Tree Ordinance, it seems like it makes sense at the same time to go ahead and do the same thing to the Zoning Ordinance.

No further comments were received on this ordinance.

2) **Ordinance # 2008-13**, An Ordinance to Amend Chapter 4, Building Regulations, Article I, Section 4-1, Building Codes-Adopted, So As to Update References to the Building Code Editions.

City Manager Lord stated, once again, we are required to update our building codes along with the state. In the past, we had done this intermittently. We came along changing our codes to match theirs, stating the new codes and new amendments. What this ordinance does, it says, whatever the state does, we adopt as soon as they do, so we do not have to keep redoing it as the state adopts new codes.

No further comments were received. The public hearing was closed and the regular meeting began.

APPROVAL OF MINUTES:

The Minutes of the August 12, 2008 Regular Meeting and the August 26, 2008 Special Called Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Smalls, and passed with all members voting in favor. Council Member Cannady was absent and did not vote.

OLD BUSINESS:

A motion was made by Council Member Lucas to give Second Reading and Adoption to **Ordinance # 2008-12**, being: AN ORDINANCE TO AMEND CHAPTER 19, ARTICLE I, TREE PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF WALTERBORO, SO AS TO IMPROVE THE PROCEDURES FOR TREE PROTECTION, as **amended by the City Manager (noted above), and to include the following additional amendment:**

Section 19.105. TREE REMOVAL.

Item (a), add the wording "or dead" after the word "living." The new sentence would then read:

"a) It shall be unlawful for any person to fell, injure or destroy any living **or dead** protected tree within the corporate limits of the City of Walterboro, except by permit as provided hereinafter."

Council Member Peters seconded the motion that passed with all members voting in favor, except Council Member Cannady was absent and did not vote.

Ordinance # 2008-13, An Ordinance to Amend Chapter 4, Building Regulations, Article I, Section 4-1, Building Codes- Adopted, So As to Update References to the Building Code Editions, was given Second Reading and Adoption on the motion of Council Member Lucas, seconded by Council Member Parker and carried unanimously. Council Member Cannady was absent and did not vote.

NEW BUSINESS:

Resolution # 2008-R-05

A motion was made by Council Member Lucas, and seconded by Council Member Smalls, to adopt Resolution # 2008-R-05, A Resolution to Adopt the Safety Policy Guidelines, SCMIT and SCMIRF Minimum Guideline Requirements. In discussing the motion, City Manager Lord explained that every year the City receives an audit by our insurance company and there are minimum guidelines that they look for, and how we score on these minimum guidelines affect our rate. We get a credit if we meet everything and we always have. They have added a new guideline and it needed to be adopted by Council as this resolution. Basically, it just says that we put in loss control procedures and policies and that we take the appropriate measures when it comes to protecting our employees in an injury. This does not change any of our current practices, because we have these polices already implemented. Basically, they just wanted something from Council saying that you're behind it.

The motion then passed unanimously. Council Member Cannady was absent and did not vote.

Ratification of Temporary Funding to SC Artisans Center

A motion was made by Council Member Young to approve temporary funding assistance provided to the South Carolina Artisans Center in the amount of \$5,000. Council Member Lucas seconded the motion that passed unanimously. Council Member Cannady was absent and did not vote. In a letter submitted to Council from Mr. Chris Bickley, Board President, it was noted that the requested loan was needed to pay current obligations, and it was proposed to repay the loan without interest within two years.

There were no Committee Reports given.

There being no further business to consider, a motion to adjourn was made by Council Member Smalls, seconded by Council Member Parker and passed unanimously. The Mayor adjourned the meeting at 6:40 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