

Walterboro City Council  
Public Hearing and Regular Meeting  
Tuesday, August 9, 2005

**MINUTES**

A Public Hearing and Regular City Council Meeting was held at Walterboro City Hall on Tuesday, August 9, 2005 at 6:15 P.M., with Mayor Charles H. Sweat, Jr. presiding.

**PRESENT WERE:** Mayor Charles H. Sweat, Jr., Council Members: Charles Lucas, Bill Young, Johnnie Thompson, and Mary Anne Cannady. City Manager Tuck McConnell, City Clerk Betty Hudson and City Attorney George Cone were also present. Council Member Ted Parker was absent.

There being a quorum present, Mayor Sweat called the meeting to order and gave the invocation, followed by the pledge of allegiance to our flag led by Council Member Cannady.

Mayor Sweat welcomed everyone to the meeting and recognized that Ms. Jennifer Bailey, a candidate for the SC House District 121 seat, was present at the meeting.

The Mayor then announced a public hearing to receive comments on proposed Ordinance # 2005-06, An Ordinance to amend the Tree Protection Ordinance. City Manager McConnell explained that the proposed ordinance would eliminate the wording "diseased, dead or dying from the ordinance, and staff would only issue a tree cutting permit for trees which are clearly "dead." He proposed that the tree committee was in a better position for decisions on whether a tree was diseased or dying. He concluded this would eliminate staff from being put in a position in making a judgment on whether a tree is diseased or dying. Mr. McConnell further explained that the proposed ordinance would allow staff to issue a tree cutting permit if a tree was an imminent safety hazard. If it's just a potential safety hazard, then this matter would go before the tree committee. He also explained that the ordinance would allow staff to issue a permit to remove trees that are in the footprint of a building to be constructed, or a driveway, provided the building or driveway cannot be reasonably relocated to accommodate the tree. Regarding pine trees, Mr. McConnell explained that when the ordinance book was recodified, the Planning Commission considered this matter. There were three instances where homeowners had removed a lot of pine trees from their yards, so the Commission recommended that pine trees also be subjected to the permit process. At the same time of recodification, the Planning Commission also reduced the diameter of a tree at breast height for a hardwood tree from 22 inches to 10 inches.

Council Member Thompson asked if there were any provisions in the ordinance to address the problem of tree roots damaging and pushing up the sidewalks. He asked what actions the homeowners could take. Mr. McConnell stated there are hundreds of situations around town where the tree roots are pushing up the sidewalks. However, he did not believe there was an ordinance to address this matter. Council Member Cannady asked if this would pose a liability issue if the sidewalks belonged to the City. The City Manager explained that if the property owner wanted to cut a tree, then they could come before the Tree Committee to ask for permission. If it's a liability situation and the City has to fix it, we cut the tree root out and pour a new sidewalk.

Further discussion was held on pine trees being exempt from the permit process. City Manager McConnell explained that if Council wished to exempt pine trees from the permit process, the following words could be inserted: "Trees or pine trees located in single family residential."

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Council Member Young stated he was concerned about people having pine trees hanging over their houses. He noted that pine trees are tall enough to do damage during a hurricane. Public Works Director Charlie Chewing noted that pine trees did a lot of damage in Summerville during Hurricane Hugo. The City Manager agreed with Council Member Young that Council could come back and revisit this matter on pine trees at any time it wished to do so.

The public hearing was then closed and the regular meeting began.

The Minutes of the July 26, 2005 Regular Meeting were approved as submitted on the motion of Council Member Thompson, seconded by Council Member Lucas and passed unanimously.

Under Old Business, Ordinance # 2005-05, AN ORDINANCE TO ANNEX PROPERTY TO THE CITY OF WALTERBORO, TAX MAP # 164-00-00-091, was given Second Reading and Adoption on the motion of Council Member Cannady, seconded by Council Member Young and passed unanimously. This ordinance will annex the City Shop property to the City of Walterboro.

Next, Ordinance # 2005-06 was given Second Reading and Adoption on the motion of Council Member Young, seconded by Council Member Lucas, with all members voting in favor, being; AN ORDINANCE TO AMEND CHAPTER 19, WEEDS. TREES. VEGETATION. ARTICLE I, TREE PROTECTION, SECTION 19.105(b), TREE REMOVAL OF THE CODE OF ORDINANCES.

Under New Business, Ordinance # 2005-07 was given First Reading Approval by Title Only on the motion of Council Member Thompson, seconded by Council Member Cannady, and passed unanimously. The City Manager explained that this amends the Solid Waste Collection ordinance as follows:

- 1) The disposal of any land clearing debris, such as trees and stumps, shall be the responsibility of the property owner.
- 2) The disposal of large quantities of construction or demolition materials that have been generated by a property owner using heavy equipment shall be the responsibility of the property owner. Small quantities of demolition or construction materials which are removed by the city may be subject to a charge in the amount charged by the Colleton County Solid Waste Department.

Public Works Director Charlie Chewing emphasized that it has been a long-standing City policy that all contractors are responsible for the removal of their construction and demolition debris. However, if the homeowner did a renovation, such as a bathroom, the City was picking up this debris. Mr. Chewing explained that the City had a problem where a homeowner had a large piece of equipment (a bobcat) and had a pile of concrete, as high as the ceiling and 20 feet wide that he wanted the city to pick up. Mr. Chewing noted that our trash trucks are not equipped for pick ups of this type. We only pick up smaller quantities. To add to this, Mr. Chewing stated that the County's tipping has now gone up from \$25 to \$33.50. Such a pick up would have cost the City around \$200.

Next, Resolution # 2005-10, A Resolution to Increase the Solid Waste Collection Fees to Reflect an Increase in the Tipping Fees at the Colleton County Landfill, was unanimously approved on a motion by Council Member Cannady and a second by Council Member Young. The Mayor pointed out that a letter had been received from the County increasing its commercial tipping fee rate from \$36.50 to \$43.50 per

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ton, which is a 19.18% increase. The City Manager noted that this fee increase would be passed through to the City's commercial customers. A copy of said resolution is attached as part of these minutes.

Next, Council deferred the next agenda item - Appointment of An Accommodations Tax Board - to another meeting pending advertisement for potential candidates in the newspapers.

As an add-on agenda item, a motion was made by Council Member Cannady, seconded by Council Member Young to appoint Thomas Lohr to the Recreation Commission for an unexpired term and Mr. Chris Bickley to the Planning Commission for an unexpired term. The motion passed unanimously.

Next, with the approval of the Mayor, Mr. Irvin Smith of Payless Tires addressed Council. He asked Council to entertain the thought of raising the towing rates. He stated the old rates have been in effect for the past 10 years. He noted that fuel, insurance, etc. has gone up and with the towing rates remaining at the same level, it is breaking the towing companies. He stated with the current rates, it is not worthwhile. He stated he would follow up this matter with a letter to Council and a copy of the old rates. He stated the towing companies cannot survive on the old rates.

Mr. Gary Davis, a downtown merchant, raised concern with the influx of peddlers coming into his downtown shop, disrupting his business and disturbing his customers. He wanted to know if there was anything that could be done about the disruption of business caused by the peddlers in the downtown area. A discussion was held, after which the City Attorney and City Manager agreed to look into this matter and report back to Council.

Next, a motion was made by Council Member Young, seconded by Council Member Lucas to enter an Executive Session for a discussion on a contractual matter regarding the City Parking Lot. The meeting returned to Open Session with no action being taken.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Cannady, seconded by Council Member Young and passed unanimously. The Mayor adjourned the meeting at 8:00 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 August 25, 2005**