

Walterboro City Council
Regular Meeting
January 25, 2011

MINUTES

A Meeting of Walterboro City Council was held at City Hall on Tuesday, January 25, 2011, at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls, and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson, and Attorney Peden McLeod was present on behalf of City Attorney George Cone who was absent. There were approximately 41 persons present in the audience.

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

The Mayor then announced that the City had been awarded a \$400,000 Department of Transportation Grant to complete the first phase of the Loop Project, which will start of Washington and Jefferies Boulevard as soon as all of the planning is completed. We were glad to get that news today.

PUBLIC INPUT ON AGENDA ITEMS:

Mr. Culvert Huffins, a resident of the White Hall community, who owns two companies in the City of Walterboro, specifically the Huffins Company and the Huddle House Restaurant on Bells Highway, addressed Council regarding the proposed Coal Ash Landfill by SCE&G. Mr. Huffins spoke in favor of Council adopting the Resolution No. 2011-R-02, which opposes the construction of a coal ash landfill by SCE&G. He asked Council to vote against the landfill that is being proposed for permit variation by SCE&G. He said, first let me tell you that SCE&G has been a wonderful neighbor in part of our community, a good employer, and an excellent taxpayer. This is not a matter of us against them. This is a matter of land use and what's proper and best for the county. Those of you who attended the meeting the other night at the Catholic Church heard about the potential environmental dangers, the health dangers associated with coal ash, the potential for property value devaluation. I am not going to go into that tonight. I'd like to speak about something that really hasn't been mentioned before - and that is the reputation that we deserve here in Colleton County. City Council, in particular the Mayor, has worked very hard on our public relations here in Walterboro. We have had some negative public relations in the newspapers recently. I think great strides have been made, not only in solving the problems, but in addressing the public relations concerns because of this publicity. Fortunately, Colleton County has an excellent reputation and an excellent reputation worldwide. That's because of the Ace Basin. Colleton County has more land in the Ace Basin than our neighboring Beaufort and Charleston Counties. There have been a number of studies that have been done that show that the Lowcountry, in particular the Ace Basin area, is going to be what may be our number one industry in the years to come because of eco-tourism. My concern is that the coal ash landfill plant, because of the concerns due to health, environmental, property devaluation, is going to affect our reputation. We deserve better here in Colleton County than to have a coal ash landfill dump. Coal ash is a toxic waste. It is under review by the Environmental Protection Agency now to be ruled as a hazardous waste. There are no good things about coal ash to speak of. There are a number of potentially dangerous aspects and items. The Ace Basin area is built up within the three counties that I mentioned - mostly Colleton County, and the water sources all go into St. Helena Sound. This water area that the proposed landfill is in actually is part of the Ashepoo or the "A" in Ace Basin, and the Ashepoo River starts in Ireland Creek and Ivanhoe, and Chessey Creek, down to the Ashepoo River into St. Helena Sound.

MINUTES/Page II

St. Helena Sound was chosen to be part of the National Estuary Reserve Program. It was chosen so because of its pristine waters. Today, we are poised in Colleton County to be the benefit of growth surrounding us. We have a wonderful airport, and we are on I-95. Charleston and Summerville have really no place to grow other than into Colleton County. We should embrace this opportunity. The opportunity could be wasted by a bad reputation. We deserve better here in Colleton County. I am asking you to please vote in favor of this resolution.

Dr. Laura Campbell, a local veterinary, then addressed Council. She stated, as a veterinarian, I am a scientist. When I read the article regarding SCE&G's comments, I tried to look at this as a scientist, and the ways they say they are going to protect us. But the problem I had with it was that I kept coming back to the slogan we use in medicine that says "not everything always goes 100 percent by the book." By the research that I have done, although limited to what I could find on the internet, there are a lot of communities that have had these landfills that I think they will vouch now that not everything goes by the book as far as containing it. So, I have concerns obviously for health reasons, even if we looked past the health prospective of this, which I can't look pass. If we get this, it's not going to matter whether they control it or not. Other businesses are going to see this as a problem. You have spent a lot of time and effort on the Great Swamp, and now the loop and trying to build up the businesses and the economy around here. This is going to make it hard to bring other businesses in. I have a local business here already, but if I were someone looking around, I would not look at where there is a toxic landfill. So, I have concerns for not only health reasons, but for my business, my property value and everything else. I had hoped to retire in Colleton County. This is making me rethink my plans, because one thing that I wanted from retirement is the thing that brings peace in the environment. That Great Swamp Sanctuary and all its natural resources we have around here was something that I wanted to stay for, and now if I have to worry about that (the landfill), I am not sure I want to retire here.

Marsha Johnson, a city resident, offered a correction to the January 11, 2011 Regular Meeting Minutes. She pointed out that she actually said, it was a "frivolous" waste of money, not a "privileged" waste of money. Ms. Johnson also stated, I was very glad to hear Mr. Huffines comments on our reputation in relation to Colleton County and in keeping our reputation positive. I am very glad to see you consider this resolution. Ms. Johnson gave a list of specific questions that she would like SCE&G to answer. She further stated, this kind of development will hurt us all. It's something we all need to take very seriously. In returning to one other item on the agenda - I hope that when you consider your annual retreat that you will keep in mind that there are citizens who would like to attend, but when you go out of town for your annual retreat, you place a burden on them and in some cases, it prohibits them from attending. But there are a lot of other people who would like to go, but they can't afford to travel. You get reimbursed for all your expenses, but a lot of citizens don't.

Mr. Charlie Sweat, former Mayor of Walterboro and city resident, then addressed Council. He stated, gentlemen I sat up there for over 30 years and I know what you go through. But the question has come up about this retreat and the question about spending the money for this retreat. We have been doing this for over 21 years, as Mayor Young and I talked about earlier. This is something that is very important to you and to the city. I know we talk about it as team building. It is, it helps you to understand your other fellow Councilman. It does not say that everybody is going to vote the same way on every thing. Everybody has their own ideas and needs to express them. What this allows you to do is to work together much more closely in doing things, rather than being one person or two people set out in opposition to what the rest of Council has on their minds. Something like this is planned for in the budget session and is very important. Having looked at the

MINUTES/Page III

possibility of even having it here in Colleton County is not an option. There just aren't the facilities to do that.

Mr. Sweat spoke of other facilities where the City tried to hold the retreat, but it did not work out. Then we agreed on this place in Charleston that seems to be very appropriate after trying several other places. We came upon a place and it was very frugal and very positive for us. They give you very good rates, probably better rates than you can get in Colleton County. But, it gives you the opportunity to sit down and talk with each other about what you need to be concerned about, that's the city and the work the city is doing.

Presentation of the 2009-2010 Audit Report by Rep. E. Whidden, Baird & Company, CPA's LLC

Mr. Whiddon thanked City staff for being so cooperative doing the audit. He reported that the City audit went very well, there were no adjusting entries that were required. This is a great indication that you give good information on a monthly basis to your management to make decisions. All of the governments are getting better in that area, but probably half of our audits have adjustments now, but you didn't. Mr. Whiddon told Council that the City received the best opinion as a result of the audit. He said, you got the best opinion. It's a good clean opinion, and you traditionally have a good opinion. The highlights of the audit report were as follows:

- 1) The total primary government experienced a 4.1% increase in net assets to \$27,267,962 at June 30, 2010 from \$26,203,677 at June 30, 2009.
- 2) Fiscal year 2010 revenue from water and sewer increased by \$456,894 (up 14.2%) to \$3,938,467. This was primarily due to grants and a 5% rate increase.
- 3) On the statement of net assets, you have business-type activities and government-type activities. Your business-type activities are your water and sewer fund. Your government-type activities primarily are your general fund and some other funds in there. The important thing I would like to point out is that under governmental activities at June 30, you had \$6 million in cash, and of that \$6 million, almost \$3.7 million of it was unrestricted. For business type activities, you had about \$1.1 million in cash and you have unrestricted of \$1.7 million in assets. The one thing that this points out is that you have been good stewards. The City is in a strong financial position and you need to be aware of that.
- 4) The city has \$3.8 million in the general fund at the end of the year, and of it \$3.3 million was undesignated. So you are in a strong financial position as far as your general fund.
- 5) Under the water and sewer system, the city had approximately \$3.7 million in revenues, the operating expenses were around \$2 million, giving about \$1.5 million in operating income. You had some interest expense, but you took \$1.4 million of that income down before transfers. There was about \$1 million dollars transferred out of your water & sewer to your governmental funds. That's something you might want to look at in the future. I know you raised rates this year. Hopefully, that will overcome that deficit, but it is an indication when you are transferring funds from your water and sewer accounts that maybe your rates need to be examined, which you did last year.

Mr. Whiddon gave further highlights of the audit report and concluded by stating that as a result of the audit, his firm did not identify any deficiencies in internal control over financial reporting that we might consider as material weaknesses. That's good, that's what you want. He further stated, the results of our tests disclosed no instances of

MINUTES/Page IV

noncompliance that needed to be reported under Government Auditing Standards, and that's the report that you want.

Mr. Buckner asked Mr. Whiddon about the revenues that the City has to set aside for retirement. He said, I know we made some changes in making sure that we meet those regulations. In your audit, did you see that we are on track in setting aside that amount of money? Mr. Whiddon stated that report is issued from an actuary report. We really don't have the skills to determine whether your employee benefits are adequate, that's an actuarial's job. Basically, they send it in and I think you are up-to-date on it.

Council Member Peters then asked if Council will have an opportunity to go over the audit. There are just a couple of things I wanted to ask Jeff about the audit at a later meeting. Mr. Whiddon responded, I don't mind a phone call and I don't mind coming back.

Presentation - SCE&G Coal Ash Landfill - Mr. Kevin Wicker

Mr. Kevin Wicker thanked Council for its time and for the opportunity to speak tonight. Mr. Wicker stated he is the current Plant Manager at the Canadys Station, located in the northern part of Colleton County. We appreciate your comments and concern from the people in our community regarding the proposed ash disposal site. We have a number of folks here tonight from SCE&G, who have different responsibilities associated with this project. (There were approximately 6 other SCE&G representatives present along with Mr. Wicker). He stated, our intention was to bring folks here who could answer your questions. Mr. Wicker gave the following highlights:

- 1) The SCE&G Canadys station has been in this community since 1962. In fact, the first coal was unloaded at the plant in December 1961 and the first unit went on line in 1962. We are a 3-unit generating facility. We have 3 coal fired boilers at the plant. We are in partnership with 600 other utilities/power plants across the country that contain 1,500 coal fired units. These 1,500 coal fired units provide 40-50% of the electric generation in our United States.
- 2) We are glad to speak here tonight and speak on the proposed ash disposal site. Our current wet ash facility is nearing capacity. Thus, the need for some other place to store our ash. We have been in operation for 49 years. We place our ash in the wet ash facility. We have the two ash ponds that are located adjacent to the Edisto River on the plant property.
- 3) The proposed ash disposal site gives us an opportunity to use the latest technology in the design and construction of a new facility. It also gives us an opportunity to move the ash disposal facility further away from Edisto River and the current ash ponds.
- 4) Our recycling efforts at the plant have been affected by the poor economy and slump in the construction industry. We recycle as much of our ash as possible. We haul ash from our ash ponds at every opportunity, but with the construction industry being in a slump, so is the concrete industry. The majority of our ash goes into concrete business. Last year, we recycled 69% of the ash that was generated at the Canadys Station. However, we had an additional 24,000 tons of ash that was not recycled that was deposited in the ponds.
- 5) The length of time we can operate in the current ponds is dependent upon the economy under construction industries. We also sell a small portion of ash into a mixed market, which uses the ash for resin, insulation material, etc., but the majority of our ash goes to the construction industry.
- 6) The (proposed) dry ash disposal site design will allow for the removal of the ash from the site, if the recycling market recovers or if we expand the recycling market. When we got ready to construct the backup damp at Lake Murray,

MINUTES/Page V

between the years 2002-2005, we were able to take ash from the disposal site (approx. 100,000 tons) and it was used in the making of the concrete for the backup dam to Lake Murray. The new Cooper River Bridge, the Arthur Ravenel Bridge, also has ash used in the concrete. It was brought from the vendors that we sell to the concrete vendors, so we feel fairly sure there is some of our ash in that bridge.

- 7) We have 6 ash disposal sites located at 5 of our plants.
- 8) The inability to recycle or to store this ash puts continued operation of our Canadys Station at risk, because in order to operate, we must be able to manage our ash product.
- 9) Although the proposed dry ash site is located on 1,700 acres of property, the actual area of the disposal facility itself will be between 100-160 acres.
- 10) It's difficult for us to speak in certainty about the design, because the design comes as a result of studies to take place on the property. After the studies are complete, there will be the permits. You go to DHEC for your permits and then your design is finalized.
- 11) All the design, the construction, the engineering of the project will be by EPA and DHEC regulations.
- 12) The design of the (proposed) facility will include two engineered bottom liners with a physical distance between the bottom liners and the ground water. It will include a drainage system to collect any water that falls on the open cell, a lined wastewater collection pond to collect runoff within the boundaries of the liners, a system of ground water monitoring wells, located throughout the property and a wash station for trucks leaving the site. The (proposed) ash disposal site construction will comply with the latest DHEC and EPA regulations, and it will be constructed to current engineering standards.
- 13) The proposed site will also be permitted only for Canadys ash. As permitted, no other ash from our other plants or from any other businesses will be brought to the Canadys ash landfill.
- 14) During the permitting process, there will be four (4) opportunities for citizens to attend DHEC public hearings in this area.
- 15) One of the concerns that has come up recently is the radiation of coal ash. The radiation level of coal ash is equivalent to that of phosphate fertilizer, which farmers and homeowners commonly use. The U.S. geological survey concludes that radiative elements of coal and slag should not be sources of alarm. According to the Oakridge National Laboratory, health risks from radiation and coal by-products are low.

In conclusion, Mr. Wicker cited the results of a study currently going on at the Canadys Station. We currently have 86 employees at the plant and 5 contractor positions available at the plant. 91 employees operate there every day. 25 of our employees have over 20 years of experience, 8 have over 30 years in the plant, and our 3 most senior employees currently working today have over 40 years in the power plant. Every day we work in these elements. We handle the coal and the ash from the beginning of the process to the end of the process. We do not see within the Canadys Station the health risks that have been pointed out by some people associated with coal ash and coal dust.

Another concern has been the wildlife. There was a statement made that the site of the ash disposal area will be barren. Our current ash pond site which totals 175 acres is teeming with all types of wild animals and natural vegetation. The area is inhabited by many deer, wild turkey, beavers, rabbits and birds of every kind. There are times that as many as three bald eagles nest on the property of the ash pond. The fresh water ponds that are adjacent to the ash ponds are home to many fish. I have no reason to believe that the proposed disposal site will be any different.

MINUTES/Page VI

There has been a concern about property values. We have conducted a study over a three-state area, and there is no evidence in those states of a negative impact on property values as a result of the presence of ash disposal sites. The details of that study will be presented to the Zoning Board on Thursday night.

Regarding the concern about hazardous material or hazardous waste, currently coal ash is not on EPA's list of hazardous material. Twice in the past, EPA has declared that coal ash does not meet their toxicity definition. However, if the EPA ignores their test results and declares coal ash as a hazardous material, under current regulations, we will not be able to get a permit for a hazardous waste landfill at this location. In fact, there are no hazardous material disposal sites in the State of South Carolina. Because of current regulations governing the permitting of hazardous waste sites, there is no place in the state of South Carolina that would qualify for disposal of hazardous waste.

In closing, Mr. Wicker stated, we at SCE&G recognize that the environment is a precious and fragile thing, and we accept our social responsibility to conduct business in a way that protects it. While we are committed to our mission to provide energy and related products to retail markets in the southeast, it is also our pledge to do so in an environmentally sensitive manner. We feel that the proposed dry ash collection facility provides an environmentally responsible way to store ash and we would appreciate your support on this project.

Council Member Lucas then asked if the current ash pond at the Canadys Station was built according to EPA standards when it was constructed. He asked if this pond now seeps out.

Mr. Wicker responded, we have two ash ponds at the Canadys Station. The older ash pond was taken out of service in 1989. It is at capacity, it has been de-watered. The water is pumped from that pond into the new ash pond. That pond is overgrown with grass, trees, lollibushes, etc. The new pond went into service in 1989. We have a ground water monitoring system around both those ponds, around that whole area. We detected seepage from that pond on one of the dykes back in 2006. We went to the EPA, came up with a plan and they approved our plan to put in a new \$11 million dollar liner around that pond. We currently still use that pond, that's the 95-acre pond.

Council Member Buckner then thanked Mr. Wicker for coming to share SCE&G's side of the story about the coal ash facility. The question I have goes back to an article I read about a man in Canadys who complained about "black stuff" flying in his water. The concern was that he felt those black specks were coming from your facility in Canadys. He went to the College of Charleston to have an analysis of the water. The result was that either SCE&G or DHEC told him his water was all right to drink. How can someone with black stuff floating in their water, if they have guests at their house, tell them "don't worry about this black stuff floating in the water, go ahead and drink it." So, my question is, what was the conclusion on that water and what did SCE&G do to determine whether or not that was your stuff in that water?

Mr. Wicker responded, that incident occurred in 2009. There really are black specks in that gentleman's water, and also in some of his neighbors' water. DHEC was contacted, they came on site and sampled his water in an official manner. He was involved with a newspaper reporter out of Charleston, and his sampling was not done to a scientific standard. So, DHEC came on site and they took their samples from him in a scientific manner. DHEC ran those samples and tested his water for 68 organic materials, some of those are found in coal. All 68 of those materials tested negative. They also found that he has a high level of copper and zinc in his water, and they wrote him a letter dated November 19, 2009. The letter says very emphatically that

MINUTES/Page VII

these black specks are not coal ash or coal dust. It also says that they suggest that those black specks are lignites, which is a natural reoccurring material in the area of the black water river. It also tells him he has problems concerning cooper and zinc in his water system. They finish the letter out by offering to come to his home and take more samples and help him work through the issues associated with his well.

Council Member Lohr then asked, what would make EPA change their minds and declare it toxic waste?

Mr. Tom Effinger, Environmental Manager at Canadys Station, explained that for the coal ash to be hazardous by characteristic, it's either reactive, ignitable, toxic or corrosive, and it has never failed any of those tests. So, they would simply list it as a hazardous waste and then folks would have to manage it as a hazardous waste. The other alternative that EPA is considering right now is to manage it as a nonhazardous waste, but under a subtitle D requirement, still requiring the same kinds of things, but it doesn't escalate all of the paperwork, criteria and issues that we would have to deal with in permitting this landfill. So subtitle D still requires the same liners, several feet thick with clay, the geo-synthetic on top of that, the drainage collection system and above the ground water. So, what Kevin is mentioning is that this landfill is going to be stored in the dry, above the ground water. All the water that contacts the waste will be managed through a pond that would have to be treated to meet the wastewater treatment standards of DHEC before it is released. So, any water that will touch this ash would be treated, monitored, and released to meet standards that are protective of human health and the environment.

Now, if EPA declares it to be a hazardous waste because they feel the pressure to do so, that's going to make it very difficult, because the closest hazardous waste landfill that we have is in Alabama. It's going to make it very costly, and they simply don't have enough storage capacity for all of these coal power plants to be able to send this material to that facility.

Council Member Smalls then stated, at this point, your request could go up or down, let's play with the idea that it goes down. Have you decided on other options? For example, he just mentioned that your closest other plant recipient is in Alabama. Are there other options where you might dispose of this coal ash?

Mr. Wicker responded, we have ash disposal sites at some of our other plants. Those ash disposal sites are not permitted for our ash. Just as when we permitted the Canadys site, this site would not be permitted for any other site other than the Canadys Station. So, our option there would be to go back possibly to DHEC and try to get the permits to take our ash to other sites. Now, you opened up a whole can of worms, because they have to go back for public hearings and go through the permitting process. Who can say that they will allow our ash to go into someone else's landfill. So, that would probably be our closest option to try and get the permits to take our ash to their disposal sites. As we have said, this would only be permitted for the Canadys Station. We don't expect DHEC to allow us to bring anybody else's here, so I don't know that we could expect them to let us take ours to the other sites.

Council Member Parker asked, what would be the longevity of the liners you have mentioned? Mr. Wicker responded that the liners have a 30-year guarantee. However, EPA has looked at these liners and made two reports. One of them says that the liner should be good for in the neighborhood of 1,000 years. The second report says the half life of 449 years. This is a synthetic liner. The ash landfill would actually have two liners. The first liner would be two to three feet of clay material that would be brought onto the site, permeable clay that has to be tested to a certain

MINUTES/Page VIII

permeability. The second liner would be a manmade liner, the synthetic liner, and on top of that would be a drainage system.

Mayor Young then asked, you say you use the coal ash to make cement or concrete and you used it in the dam at Lake Murray. Is there any evidence that any harmful materials have leaked out of that concrete into Lake Murray, or an evidence in the wildlife or fish?

Mr. Wicker responded, this is the backup dam. The original dam was built in 1927. It was the largest manmade reservoir for power production in 1927, when it was constructed. The government came back to us several years back and said you need to put up a backup dam based on earthquake models that they were currently running. So, we built the backup dam, and the backup dam contains the ash.

The Mayor asked about the Ravenel Bridge and whether the coal ash is also used in road building. Mr. Wicker responded, I would also be willing to bet that any concrete, cinder blocks or concrete blocks you buy today contain ash.

APPROVAL OF THE MINUTES:

The Minutes of the January 11, 2011 Regular Meeting and the Minutes were approved as submitted on the motion of Council Member Parker, seconded by Council Member Smalls, and passed with all members present voting in favor.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2011-01**

Council Member Buckner addressed the Mayor and requested a full reading of this ordinance, pursuant to Section 2-26(d) of the Walterboro City Code. The Mayor then read Ordinance # 2011-01, in its entirety into the records; being: An Ordinance to Require All Advertising That Contains Images and/or Voices of People Positively Display Cultural and Racial Diversity.

Council Member Buckner then made a motion to give First Reading Approval to Ordinance # 2011-01, An Ordinance to Require that all Advertising that Contains Images and/or Voices of People Positively Display Cultural and Racial Diversity. **The motion died for lack of a second.**

2. **Ordinance # 2011-02**

A motion was made by Council Member Peters giving First Reading Approval to Ordinance # 2011-02, being: An Ordinance Amending Walterboro Code Section 2-23(a), to Clarify the Language of the Section, So As to Specify When the City Attorney Shall Draft Ordinances. Mayor Young seconded the motion.

In discussing the motion, Council Member Buckner stated, I adamantly oppose this ordinance, because of the way this ordinance reads to amend the ordinance that we already have on the books. I just want to read what the current ordinance says, so that everyone can understand what the proposed changes are. It says "the Mayor and/or any Council Member may propose an ordinance. A proposed ordinance may be

Walterboro City Council
Regular Meeting
January 25, 2011

MINUTES/Page IX

referred to the City Attorney for approval as to its legality and form. The City Attorney shall render assistance in the preparation of ordinances.”

Council Member Buckner further stated, the current amended ordinance that Council wishes to consider tonight would require that before a Council Member can propose an ordinance, in order to have the City Attorney to draft it or help in assisting in putting it together, that the Council would first have to agree to give it to the City Attorney instead of a Council Member having the right to be able to go directly to the City Attorney and ask the City Attorney to help in the drafting of an ordinance. I think that’s wrong, because we are under the assumption that every elected official has the ability to be able to draft an ordinance and know whether that proposed ordinance is legal or not. The Council enacts an ordinance, it doesn’t have anything to do with how an ordinance is proposed. The Council enacts ordinances and this rule as it currently states, will allow the City Council Member to request that assistance from the attorney in order to be able to get an ordinance drafted. And I think that is important because not everyone is learned to the extent that they would know how to do that. If we should have to go to Council first with a proposed ordinance, and then go to the City Attorney to get the City Attorney to do it, that’s backwards. Mr. Buckner further stated, I am vehemently opposed to this ordinance, because it will hurt future Council Members who may not have the education to be able to draft and propose an ordinance. It keeps one from having the ability to have that assistance from the City Attorney.

The Mayor then stated, the reason behind this ordinance is that there is no other place in City government where one Council Member can expend taxpayers dollars without the consensus of the majority of Council approving the expenditure of taxpayers’ dollars. The way this is currently written, any Council Member can put the lawyers to work who gets paid on an hourly basis, and the meter starts running. It may be an ordinance that comes back to us that does not have a chance of passing at all. So, why spend money unnecessarily? The thought is that we would first have a majority of Council express an interest in having an ordinance drawn up and then send it to the attorney and then spend the money on it, rather than the other way around. I think this is a good ordinance.

Council Member Smalls, then asked, if a Council Member decided to draft an ordinance and bring it to Council and Council does not approve, does it (the ordinance) die there, or can you take it to the attorney?

Mayor Young responded, if you don’t have enough support from the majority of Council to do the ordinance in the first place, it’s not a good use of time. You have to have the support of a majority of Council, or it’s not going to pass. So, it makes no sense to spend money on attorneys drawing up resolutions that are never going to pass.

Council Member Lucas asked if a Council Member can still contact the City Attorney for an opinion without having him to draft an ordinance? Mayor Young responded, I would think that they could answer a legal question for you, but they could not begin work on an ordinance before Council requests it.

Council Member Peters then stated, from my three years on Council. In the first year, I was here, I was like Councilman Buckner, if I had an idea, I would fire it off, and I learned really quickly that does not work. I think what the change in this ordinance does is it would give new Council people and old Council people an opportunity to at least discuss with one or another to see if there is an interest in the Council promoting the ordinance, changing an ordinance, or an idea, rather than just going out on your own. I am just as guilty of doing it. It costs the city money when

MINUTES/Page X

you have the City Attorney draw up this paperwork that you can't get a second on, and that's way I support this change.

Council Member Parker called for the Question on the motion. The Mayor asked if any other Council Members wish to speak on this.

Council Member Lohr then stated, I am new on Council also. All I will tell you is that I would not bring anything or put the lawyer to work unless I had checked with all of the other Council Members, and have been assured that I have at least two pretty solids on my side and at least one on the fence; otherwise, I know I am wasting the time and the money of the taxpayers.

With the Mayor's permission, Council Member Buckner again addressed Council. He stated, I have listened to the debate and with all due respect to my colleagues, I disagree with that. First of all, if we go to the attorney in order to get an opinion on whether a proposed ordinance is legal or not, the clock is already running. Whenever you pick up the phone and call Mr. Cone, the clock is running. We already have a retainer that we pay the attorney in order for him to do the work of City. The way this ordinance is written right now, it says "The City Attorney shall render assistance in the preparation of ordinances." Not everybody has that ability to be able to determine whether a law is legal or not and be able to draft it. That's why you ask for the assistance of the City Attorney. The way the new proposed amendment is right now, you would have to get the approval from City Council before you seek assistance or help from the City Attorney, and to me, that violates the spirit of the average person being able to serve the people as an elected official.

Mayor Young then stated, any Council Member can still get help from the City Attorney, they will just have to have the approval of the majority of Council first. They can still get help drafting it, and they don't have to be a lawyer.

The motion for First Reading Approval of Ordinance # 2011-02 then passed with a vote of 6/1 with Council Members Peters, Lucas, Parker, Smalls, Lohr and Mayor Young voting in favor, and Council Member Buckner opposing the motion.

3. Resolution No. 2011-R-02, A Resolution Opposing the Construction of a Coal Ash Landfill in Colleton County

A motion was made by Council Member Lucas to adopt Resolution No. 2011-R-02 as submitted. Council Member Buckner seconded the motion.

In discussing the motion, Council Member Buckner said, I want to thank SCE&G for coming out tonight in order for us to hear the other side of the debate. After hearing what Mr. Wicker said about the situation in Canadys, I am feeling a lot better about SCE&G, because it was just left undetermined whether or not those flakes were the result of SCE&G's coal ash in Canadys. After hearing what Mr. Wicker said, it really made it clear to me that they are doing the right things at Canadys and have been for the last 40 years. It was important to me to find out that information, however, I am going to vote in favor of this resolution because I think one coal ash place is enough for Colleton County.

Council Member Lohr then stated, it's going to sound like I am wishy/washy on this, but I am going to explain how I feel. My thing right now is I didn't get to the meeting before. This one tonight has been very informative. I feel at this juncture tonight that I am not ready to vote either way. For the simple reason, if I understand how we operate, I think we have a Zoning Committee that is meeting to hear their

MINUTES/Page XI

presentations, perhaps the same ones we have heard tonight, but I will do my best to try and be at that one. If we have to come back after that particular meeting, I will assure you that I will vote one way or the other, but my thinking tonight is I want to go ahead and be sure that I have heard everything fully, and I have not at this point. I am not willing to support either side until I have further information.

Mayor Young then stated, SCE&G has always been a good corporate neighbor. The tough thing about these kinds of issues is that we are all friends and neighbors in here. I sit here and I look out at people who have been my good friends. This is one of those times, when you don't like to be sitting up here, but it's what the people elected you to do and you make your best judgment and go on. We will continue to work with SCE&G and hope that a happy median can be reached here that will make everybody happy. I wish there was a way we could put a concrete plant out there and start paving some of these roads around here.

Council Member Peters then added that SCE&G is a good neighbor. They have been strong for our economy since the power plant has been here. The only thing I am a little disappointed in and I find it kind of hard to believe is that they don't have an alternate plan. I own two businesses, they are small businesses, but I guarantee you if something goes wrong with one of them I would have an alternative plan, and I think that's something that I would recommend that they look into, because they may hit a bump in the road a little further down the line as they move along with this project.

The motion to adopt Resolution No. 2011-R-02, A Resolution Opposing the Construction of a Coal Ash Landfill in Colleton County, then passed with a vote of 6/1 with Mayor Young, Council Members Buckner, Peters, Lucas, Parker and Smalls voting in favor, and Council Member Lohr voting against the motion for adoption. A copy of the Resolution is attached as part of these minutes.

4. Consideration of Proposals for North Lemacks Street Area Revitalization Plan

City Manager Jeff Lord announced that the City received a grant from the Department of Commerce to do a planning study for revitalization of the North Lemacks Street area. The grant is for \$25,000. For that grant, we have to secure the services of a planning firm to come up with a plan on how the area would be revitalized and so then we can apply for further grants to get it done. We received 5 proposals from the following firms:

Wood + Partners of Hilton Head, SC; Urbanomics, Inc. of Ponte Verdra Beach, FL; Urban Edge Studio of Mount Pleasant, SC; Design Works, LC of Charleston, SC and Benchmark CMR, Inc. of Kannapolis, NC.

Mr. Lord reported that the proposals were reviewed by Charlie Chewing, David Dodd and him, and based on the scores, experience and proposed fee, they recommended the acceptance of the proposal by Wood+Partners at the fee of \$20,000 which is well within the \$25,000 budget.

A motion was then made by Council Member Parker to accept the recommendation by staff to award the planning study for the North Lemacks Street Revitalization Plan to Wood+ Partners at \$20,000. Council Member Smalls seconded the motion. In discussing the motion, Council Member Buckner asked what was the second highest bid under Wood+Partners? Were they the lowest? City Manager Lord responded that they were the lowest bidder at \$20,000. He believed that the next lowest one was \$27,500. Mr. Buckner then stated, so Wood+Partners was the only one who came within the grant budget amount? Mr. Lord affirmed this as true.

MINUTES/Page XII

Council Member Lucas asked if there were any local participation? City Manager Lord responded, I believe that Benchmark, who is the second scorer, is associated with a local engineer, but the firm itself is located in Kannapolis, NC.

The motion then passed unanimously.

5. Consideration of 2011 Rice Festival Requests, Jimmy Trippe, Colleton County Rice Festival

Mr. Jimmy Trippe appeared before Council on behalf of the Colleton County Rice Festival Committee with several requests related to the activities and street closings for the 2011 Rice Festival to be held on April 29-30, 2011. He also requested approval of a parade permit for the Rice Festival Parade to be held on April 30, 2011.

A motion was made by Council Member Lucas, seconded by Council Member Buckner, to approve the Rice Festival requests and parade permit as submitted. The motion passed unanimously. Mayor Young then thanked Mr. Trippe for the great job he did on the Rice Festival last year.

6. Consideration of the Location of City Council Annual Retreat

Council Member Buckner stated that he asked that this item be placed on the agenda because the City has in recent weeks received lots of criticism for our annual retreat going to the Isle of Palms. When I first got on City Council, I had some concerns about going out to the Isle of Palms, but I like to keep an open mind. So, the economic policy that has been established by the city through our advertising is "Keep your Bucks in the Boro." So, when we go outside Walterboro to do a retreat, it makes me or makes us look hypocritical. So, I am going to make a motion that the 2011 Annual Retreat for the City of Walterboro is held in Colleton County. Council Member Peters seconded the motion.

In discussing the motion, Mayor Young said, I would like to say a couple of things. One thing I would like to say is everybody on Council has had twelve months to voice their opinion on this had they wanted the retreat to be somewhere else, and no one has done it. So, we are going where we are going this year, and no one expressed any dissatisfaction with where we are going, or suggested that we not go there during the previous 12 months. Many multimillion dollar corporations have off site planning retreats. The City of Walterboro is a multimillion dollar, multifaceted business. Our offsite retreats have been effective over the time I have served on Council. Offsite retreats get us away from the distractions we would otherwise face. They provide us with fresh surroundings, which promote creativity. They allow Council Members to take meals together, to brainstorm, and to do intensive planning for the City. And, I think we have been very successful in our planning with the methods that we have used over the last 25 years or so. With the exception of meals and night time when we sleep, the entire time is spent at a conference table planning for the future of our City. We have been given outstanding competitive rates at the places where we meet, so we haven't taken this lightly. I would much prefer that Council had some time to discuss this.

Council Member Smalls then stated, my concern is that I think this is an item that needs to go to the retreat as a discussion item. That's this weekend, and that would be the proper place for us to make that decision. A motion was then made by Council Member Smalls to table this matter to the retreat. Council Member Parker seconded the motion.

Council Member Buckner then called for a point of order. He stated, we have a motion pending on the floor, and it is against the rules to offer another motion while a motion

MINUTES/Page XIII

is pending. He asked Attorney Pedon McLeod, as parliamentarian, if this were a correct understanding of the rules?

Attorney McLeod then stated, he can make a motion to table. Mayor Young added, you can make a motion to table, and it is not debatable.

Councilman Buckner argued, but we have a motion that is currently on the floor right now and a second. Mayor Young stated, a motion to table takes precedence.

Council Member Peters then stated, I seconded the motion simply because I wanted to get it into a discussion. I am not all that in favor of where we have the retreat. Whatever Council decides to do is what we need to do and what's best for the City. That was the reason for that. If this will help matters, I will withdraw my second to the motion, and do whatever we need to do to let's move on, but we are just spinning our wheels on this.

Council Member Lucas then stated, I would rather that we made this decision when we start planning for the 2012 meeting, not a year out. I am not ready to commit that we are not going to have it at point A. I would rather wait until within 3 months of the meeting and decide where we are going to go.

Mayor Young then stated, the unfortunate thing is that we do want to keep our "Bucks in the Boro." That is something that we want to do. We've got to find a good balance. I had a local restaurant owner say, you can eat at my restaurant while you're having it. And I said yes, the guy down the street that owns a restaurant told me the same thing, and the guy on Washington Street told me the same thing, and we've got three hotels that want us. So, I am wondering which of you we are going to make mad. That's another reason.

Councilman Lohr then stated what we did last year which was my first round, was no vacation.

Councilman Buckner then emphasized, I don't think the issue is whether or not we need to go on a retreat. I think that's established that we should go on a retreat, we should talk and debate the issues concerning the City. The issue is whether or not we need to go all the way to the Isle of Palms in Charleston County to be able to do. When we go out of town, we are spending money in their hotels, their restaurants, and their facilities. We are in a down economy right now, and folks are struggling. We are arguing and promoting keeping our "Bucks in the Boro." By going to the Isle of Palms we are not leading by example. So, that's why my motion is that the next retreat, the 2012 retreat is held here in Colleton County.

The Mayor then stated, I've been remiss here, because the motion to table is not debatable. I will say that we have had 12 months for everybody to express their desire to do something differently and nobody has until tonight.

The motion to table the discussion of the retreat to the retreat then passed with a vote of 6/1 with Mayor Young, Council Members Peters, Lucas, Parker, Smalls and Lohr voting in favor and Council Member Buckner voting against the motion.

There were no Committee Reports.

There being no further business to consider, a motion was made by Council Member Lucas to adjourn. Council Member Parker seconded the motion that 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.

Walterboro City Council
Regular Meeting
January 25, 2011

MINUTES/Page XIV

Respectfully,

Betty J. Hudson
City Clerk

APPROVED: February 22, 2011