

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, February 8, 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 George Cone were also present. There were approximately 31 persons present in the audience.

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

At the beginning of the meeting Council Member Buckner stated, Mr. Mayor if there is no objection from Council, I'd like to add to the agenda under Old Business, a motion to remove from the table the motion from our last meeting to hold the 2012 City Council Retreat in Colleton County. The Mayor asked if there were any objections. Council Member Parker objected, stating that his reason is 'because I will not be running for Council, and I think the new person on Council should have some input as to where the meeting may transpire.' There were no further objections, and the Mayor announced that this item would be added to the agenda.

Under Old Business - Add: **Item No. 2: Consideration of Removing from the Table the motion to have the 2012 retreat in Colleton County.**

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were received.

PUBLIC HEARING:

The Mayor announced a public hearing to receive public comments on the following proposed ordinance:

1. Ordinance # 2011-02, 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.

No public comments were received. The Public Hearing was closed and the regular meeting began.

There were no Minutes before Council for approval.

OLD BUSINESS:

1. **Ordinance # 2011-02**, 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, was given Second Reading and Adoption on the motion of Council Member Lucas, with a second by Council Member Peters.

In discussing the motion, Council Member Buckner stated, originally when we did first reading on this, I opposed this ordinance because I think that it is imperative or important that a Council Member be able to seek assistance from the City Attorney in being able to draft an ordinance, instead of first having to come to the Council to get approval for his or her proposed ordinance, and then go to the City Attorney to have that proposed ordinance drafted. So, I will be voting against this ordinance for those reasons.

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Mayor Young pointed out the change in the ordinance is to prohibit the spending of City money unnecessarily and duplication of work for the City Attorney. As the ordinance is written now, one Council Member can go to the City Attorney and ask him to start drafting the ordinance, and the legal bills start being incurred. I don't know of any other area in City government where one Council Member can decide to expend taxpayers' money without the approval of a majority of Council, and that is the reason for the change in the ordinance.

The motion 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 for adoption.

2. Consideration of Removing from the Table the Motion to have the 2012 Retreat in Colleton County - Ad-on Agenda Item

Council Member Buckner then made the motion to remove from the table the motion to have the 2012 Retreat in Colleton County. Council Member Lucas seconded the motion. In discussing the motion, Council Member Buckner said, I proposed this motion because I really believe that we as a city, we have been marketing to keep our Bucks in the Boro. However, we hold the City retreat in the Isle of Palms and are spending money in Charleston County, spending money in their hotel and restaurants and I think we ought to practice what we preach and spend the money here locally in Colleton County. So, that's why I made the motion to move the 2012 retreat, which would be the next one, to Colleton County instead of the Isle of Palms.

Mayor Young stated, I believe that the Council's planning sessions are very important, one of the most important things that we do during the year. Over the 22 years that I have been on Council, the planning sessions have been very productive. While it is important to keep our "Bucks in the Boro," I do think that it is also important for that one weekend a year that Council Members make a commitment to leave their businesses and their other distractions at home and to concentrate totally on the City business, and to think totally on the planning for the coming year. We have had as many people come to us and say "I think you should continue your planning process the way you have been doing it," as we've had criticisms on it, and there hasn't been a lot of either. They say if it isn't broke, don't fix it and I don't think it's broken. I don't think it looks particularly good in terms of keeping your Bucks in the Boro, but I think that the product that comes out of those planning meetings is so important to our citizens and so important to our city that I am going to vote to continue to have the retreat offsite, if that's what Council wants to do. I am not going to tie us into it tonight.

Council Member Lohr commented that former Mayor Sweat, who had been on Council for many years, made a good presentation during the public session at the last meeting as far as his experience. I think he made a good point and I have also had retreats in the education field. A lot of times when we try to have retreats here in town, we'd have principals called away from schools, we'd have teachers called away. It's not that we are trying to get away, and you are certainly welcome to come. I realize that not everybody can get off to go out of town. I think there is a matter not of privacy, because it is an open session. So, I do think there are advantages. I am very aware that we have been reminded negatively, rightly so, everybody is entitled to their opinion. Perhaps this is not a good time economically speaking. There is one other thing I'd like to bring out about the meals - who is going to handle this locally, and we are bound to make somebody angry there. So, there are some other sides to it. I have thought it out thoroughly and there are good arguments on both sides, but I think right now we have to support continuing that because of my experience with those types of things in my field of education.

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Council Member Peters then asked for clarification. He asked, we are just voting on Tabling the motion, aren't we? The Mayor then answered, I think you're right, we need to vote on whether or not to take it off the table. The Mayor reminded everyone that the vote to remove it from the table is not debatable.

The motion to remove the motion from the table passed with a vote of 4/3 with Council Members Buckner, Smalls, Peters and Lucas voting in favor, and Council Members Parker, Lohr and Mayor Young voting against the motion.

Council Member Lucas then expressed concern that he was unsure which way Council is really going. City Attorney Cone explained that a vote to take from the table is a vote to consider the motion. That's all it does. It's on the table now. If you vote to take it from the table, you vote to consider the motion or the resolution and vote on it yea or nay.

Mayor Young then explained that the vote then was whether or not to remove the motion from the table. If you want to leave it on the table, you would vote "no," but if you want to remove it from the table and discuss tonight, you would vote yes.

Council Member Buckner then called for the Point of Order. He said, I think we have already voted to remove it from the table, and now we should call for the Question, whether or not we will hold the 2012 retreat in Colleton County.

Attorney Cone then said, I think he just moved for the Previous Question, which would mean no debate on the motion until you vote on the Call to the Question.

Council Member Buckner responded, I apologize Mr. Mayor, if I may, I Call for the Question. The Mayor then announced Mr. Buckner has moved the Previous Question, which means now we are voting on whether or not to end debate.

Mayor Young explained that once it was removed from the table, there was no opportunity for discussion after that. Attorney Cone responded, so, if you vote this motion down, then you will have an opportunity for discussion.

The Mayor clarified what Council would be voting on. He explained, we are voting on whether or not to end debate. If you vote yes, we are **not** going to discuss this anymore, then we have to go back and vote on that. So, if you vote no to this, then we can go back and debate it.

The Mayor then asked for the vote on the Previous Question (to end debate). **The motion passed with all members voting in favor.**

Attorney Cone then said, Council Member Lucas then asked a question regarding parliamentary procedure. I think he voted to take it from the table, and if you wanted to reconsider, being in the majority, you could. Nobody on the side that had three votes can move to reconsider, but Council Member Lucas could, if that is what you were asking about.

Council Member Lucas then moved to reconsider the motion to hold the 2012 retreat in Colleton County. Council Member Buckner seconded the motion. Attorney Cone explained, if you don't vote to reconsider, then the next vote will be on the resolution to hold the 2012 retreat in Colleton County.

The Mayor then announced, so now we are back to voting whether or not to have the reetate for 2012 in Colleton County. He asked for a discussion of the matter.

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Council Member Peters stated that he would like for the Mayor to appoint a committee to look into the feasibility of holding the retreat in Colleton County, so that Council can consider more in depth, in detail, as to where and why and all the facts of holding the retreat in Colleton County versus going out of Colleton County. I don't care whether it's at the Isle of Palms, or whatever. The Mayor then stated, that being the case, then we need to vote. If you want to do that, then we need to vote this down and then you could go back. Council Member Lucas added, we have to do that in a motion not in discussion. Attorney Cone clarified, you can move to refer it to a committee, and I don't know what committee you've got unless you appoint an ad hoc committee. Mayor Young asked the City Attorney, don't we have to deal with the motion that's before the body? Attorney Cone stated that a motion to refer it to a committee would take precedence over the original motion if you voted it down, then you can go ahead, but he has not had a second.

Council Member Buckner pointed out that he had seconded the motion. He added, I want to see us go ahead and vote on this. Councilman Lucas then clarified, but if we vote it down, then there would be no need for a committee.

On a question by Mayor Young, the City Attorney stated, he can move to amend the motion, but I don't know if it doesn't change the motion entirely if you amend it. Mayor Young explained, he wants to amend the motion to have a committee study the feasibility of having it in Colleton County. Council Member Peters further explained, actually before we vote yea or nay to have it here, I'd like to get the details on what we would like to have versus having it somewhere else.

Attorney Cone then said, actually you just have to move to refer it to the City Manager and staff.

Mayor Young then said, so if we vote this motion down, then we could go back and appoint a committee and have someone bring us back the information on how it would work. Don't we need to deal with this motion?

Council Member Lucas then said, I personally feel like a year out is a little early to be making a decision. I would rather wait until we get to the planning stage of the retreat, 3 months out and make this decision as to whether to hold it out of the county, in the county or in the city. A lot can change in a year.

Council Member Buckner then said, again I think in these economic times that we need to practice what we preach. We have billboards, we have ads saying "Keep our Bucks in the Boro" and I do think we need to do what we say we are encouraging other folks to do, which is to spend money locally. I think that we can accomplish the same thing right here in Colleton County. I think that it's just time for a change really, and I don't think we need to wait months in order to be able to determine that. I think we have a hospitality industry right here in Colleton County that can hold our retreat and be happy to work with us in order to get it done.

The Mayor then stated, the other side of that is the amount of taxpayers' dollars that we spend as a result of the planning we do at the retreat far exceeds anything that we spend on the retreat. It's just a very important planning session. It's important for the Council, as a group. You know, I have been to 22 of these, and it's not a vacation (as Mr. Lohr said). It's a problem to leave your business, to get somebody to take care of your animals, get everything in line in Walterboro, so that you can leave for a couple of days.

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Council Member Lucas, then said, I have been to six retreats and I have yet to see the beaches and walk on the beaches in six trips there.

Council Member Smalls then asked, if we vote it down, then where do we go. Mayor Young answered, if we vote it down, then we can come back and do whatever we want to do. If we vote it up, it's going to be locked in for here. If we vote it down, we can do the study and see how it would work here.

The Mayor then asked, all in favor of the motion to have the 2012 retreat in Colleton County. The motion was defeated by a vote of 1/6 with Council Member Buckner voting in favor and Council Members Peters, Lucas, Parker, Smalls, Lohr and Mayor Young voting against the motion.

Council Member Peters then said, as we get closer, I am agreeing with Councilman Lucas, as we get a little closer, cause we will know economically what kind of shape we are in after we do the budget. I don't know what the calendar looks like for us planning our budget and where the money needs to be planned, it might not be less money to go out of the county, we don't know.

Mayor Young then asked, if there is no objection, would you like to get Jeff, as we get a little bit closer, to look at the possibility of having the retreat locally, and the cost and facilities involved. Council Member Smalls then added, as we intend the committee to study and bring back a report to us. Mayor Young, I can appoint a committee, but I think Jeff and his staff can do it. He normally makes all the retreat arrangements. There were no objections from Council.

Attorney Cone then said, I'd just like to clarify this for the press. The defeat of that motion doesn't prevent the retreat from being held in Colleton County. It only does not require it to be held in Colleton County.

NEW BUSINESS:

1. **Proclamation No. 2011-02**, designating Guardian Ad Litem Child Advocate Day was approved on the motion of Council Member Peters, seconded by Council Member Lucas and passed with all members voting in favor. Mayor Young read the entire proclamation into the records. A copy of said proclamation is attached as part of these minutes. Present on behalf of Guardian Ad Litem were Ms. Kohler and Ms. Brodie. Mrs. Butler stated that the Guardian Ad Litem Program is a volunteer program that represents children who have been abused and neglected. The month of April is Child Abuse Prevention Month.

2. **Resolution No. 2011-R-03**, a Resolution to Recognize and Partner with the Eat Smart, Move More Colleton County Let's Go Campaign, was adopted on the motion of Council Member Peters, seconded by Council Member Lucas, and passed unanimously. The Mayor then read the resolution in its entirety into the records. A copy of said resolution is attached as part of these minutes. Present on behalf of Eat Smart, Move More Campaign was Stacy Price and Ms. Melissa Buckner.

3. **Resolution No. 2011-R-04**, a Resolution to Authorize the Mayor of th City of Walterboro, or his Designee, to Sign an Agreement with Coastal Electric Cooperative, Inc. for the Purpose of Construction of Infrastructure and/or Other Qualifying Projects Within the I-95 (Exit 53) and S.C. Highway 63 Water Project, was approved unanimously as submitted. The motion for approval was made by Council Member Lucas, seconded by Council Member Parker.

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City Manger Lord explained that this is money that the Co-op has to give for infrastructure projects dealing with commercial and industrial development. They have in the past, used the same money to help us fund some sewer improvements in the area. This is for a water line loop to feed the exit 53 area, so it can support commercial and industrial development.

In discussing the motion, Council Member Lucas asked if that would be a 100% pay back loan. City Manager Lord, responded, there is no pay back. **The motion then passed unanimously.**

4. **The 2011-2012 Budget Calendar** was unanimously approved as submitted on the motion of Council Member Parker, second by Council Member Lucas.
5. Next, Council voted unanimously to accept with regret the **resignations** of the following members on its Boards and Commissions:
Paul Hinson, Board of Zoning Appeals
Virginia Saunders, City Appearance Board
Harris Beach, Municipal Election Commission
Fay Brooks, Historic Preservation Commission
John Brown, North Lemacks St. Revitalization Committee.

The motion to accept the resignations with regret was made by Council Member Buckner, seconded by Council Member Peters and passed with all members voting in favor.

6. A motion was made by Council Member Peters, seconded by Council Member Lucas and passed unanimously to approve the Street Closing Request and Use of the City Parking Lot for the **Annual Downtown Walterboro Criterium Pro-Cycling Classic** as submitted. This event will be held on May 4, 2011.
7. **Consideration of Eat Smart, Move More Colleton County Requests for March 5, 2011 Community Kickoff Event**

Ms. Stacy Price appeared before Council on behalf of Eat Smart, Move More with requests concerning the March 5 Community Event. She requested:

- 1) Use of the parking lot from 8-9 A.M.
- 2) Closing of one lane on the following streets for Fun Walk to begin at 9:00 a.m. to 10:00 a.m. -Washington, Wichman, Lucas, and Hampton Streets. Requested police escort during the walk to end at Pinckney Park.
- 3) 10:00 a.m.-3:00 p.m. events to be held at the Colleton Center. Requested continued police presence for this event.
- 4) Closure of one lane of Miller Street to offer exhibitors additional space for their displays.
- 5) Permission to place Let's Go Expo banner across Jefferies Blvd. February 28 - March 7, 2011.

Ms. Price also addressed Council for permission to place mile markers on designated walking routes in the city limits. She explained that the Eat Smart, Move More Colleton County has been chosen as a model county in the state of South Carolina for Eating Smart and Moving More. The program received a grant from Blue Cross Blue Shield. One of their main projects is to mark designated walking and running areas. We are asking in the near future to be able to place signage along this way, as markers to encourage people to use those areas.

City Manager Lord announced that staff had forwarded the request to place markers to SCDOT, and they told the City verbally that they could not allow those signage in the right-of-way. He said, I have asked them for that in writing, but have not gotten

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it as yet. Mayor Young stated, we really need them in the Great Swamp, but let's just deal with the March 5 event tonight, then we can deal with the signs later.

A motion was made by Council Member Lucas to approve the requests by Eat Smart, Move More as submitted (This did not include their request to place mile markers in the city limits). Council Member Smalls seconded the motion. At this point, Council Member Buckner recused himself from voting, since his wife is the Executive Director of Eat Smart, Move More.

At this point, Council Member Lucas then stated, should SCDOT deny the signage, you could check into the possibility of asking the individual property owners to let you do that. For the sidewalks, if possible, you could look into the possibility of painting the signs flat on the sidewalk so people will know where the route is. Ms. Price added that these are very attractive signs.

The motion then passed with a vote of 6/0, with Council Members Peters, Lucas, Smalls, Lohr and Mayor Young voting in favor, and Council Member Buckner abstaining from voting due to a potential conflict of interest in that his wife is the Executive Director of Eat Smart, Move More.

The Mayor then entertained a motion to enter an executive session. Council Member Lucas then moved to enter an executive session. Council Member Buckner seconded the motion. The motion passed with all members voting in favor.

The Mayor announced that the meeting will convene into an executive session for a personnel matter on Boards and Commissions Appointments and a discussion of negotiations incident to proposed contractual arrangements.

The meeting returned to Open Session and a motion was made by Council Member Lucas, seconded by Council Member Peters to appointment James Broderick to the Municipal Planning Commission, Harris Beach to the Tree Protection Committee and Charlie Sweat on the North Lemacks St. Revitalization Committee. The motion passed unanimously.

There being no further business to consider, a motion to adjourn was made by Council Member Parker, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at approximately 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: February 22, 2011