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# City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

**Walterboro City Council  
Public Hearing and Regular Meeting  
February 22, 2011  
City Hall  
6:15 P.M.**

## **A G E N D A**

### **I. Call to Order:**

1. Invocation.
2. Pledge of Allegiance.

### **II. Public Input on Agenda Items:**

### **III. Public Hearing:**

1. CDBG Needs Assessment Hearing - Michelle Knight, LCOG.
  - a. Discussion of Potential Uses of CDBG Funds.

### **IV. Presentation:**

1. Annual Retreat Report - Jeff Lord, City Manager.

### **V. Approval of the Minutes:**

1. Minutes of the January 25, 2011 Regular Meeting (Minutes attached).
2. Minutes of the February 8, 2011 Public Hearing and Regular Meeting (Minutes attached).

### **VI. Old Business:**

### **VII. New Business:**

1. **Ordinance # 2011-03**, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Nuisance and Procurement Appeal Procedures and to Encourage Women and Minority Owned Businesses to Submit Bids and Qualifications to City Request, **First Reading** (Ordinance attached).
2. **Resolution No. 2011-R-05**, A Resolution to Recognize and Honor Floyd Buckner of Walterboro, SC for His Exceptional Years of Dedicated Service to the Walterboro Community and Colleton County (Resolution attached).
3. Review and Consideration for Approval of the Comprehensive Park Master Plan - Wood+Partners, Inc.
4. Review and Consideration for Approval of the I-95 Business Loop Streetscape Conceptual Plan.

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**VII. New Business (Cont):**

5. Request to Close Street for Cubmobile Race on March 12, 2011,  
Chris Cook (Letter attached).

**VIII. Committee Reports:**

**IX. Executive Session**

1. Personnel Matter - Boards & Commissions.

**X. ADJOURNMENT.**

**CDBG Notice of Public Hearing Concerning Needs Assessment****NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, February 22, 2011 at 6:15p.m. in the Council Chambers, 242 Hampton Street, Walterboro, SC, the City of Walterboro will hold a public hearing to solicit public input on community needs and priorities for housing, public facilities, and economic development in the City of Walterboro and areas adjacent to the City within a two (2) mile radius. At this public hearing the City of Walterboro will provide the results of its needs assessment and the activities which might be undertaken to meet identified needs, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income.

This public hearing and the matters to be discussed are subject to the provisions of the City's Citizen Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of the city in the planning and implementation of community and economic development projects which will involve CDBG funds. The Citizen Participation Plan is available for review at the above address, between the hours of 8:30AM to 5:00PM. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, , Yemassee, SC 29945, (843) 726-5536.

The City of Walterboro does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Jeff Lord, 242 Hampton Street, Walterboro, SC 29488, (843)549-2545 has been designated to coordinate compliance with the nondiscrimination requirements contained in the U. S. Department of Housing and Urban Development's regulations.

*Note: Assistance will be provided to accommodate the special needs of handicapped persons upon request.*

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Walterboro City Council  
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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 attending 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 to work 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 potential 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 Cessey Creek, down to the Ashepoo River into St. Helena Sound.

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St. Helena Sound has 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 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 I kept coming back to the slogan we use in medicine that "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 we look past the health prospective of this, which I can't look pass it. 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 somebody 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 want 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, very important to you and to the city. I know we talk about it as team building. It is, it helps you to understand you other fellow Councilmen. It does say that everybody is going to vote the same way on every thing. Everybody have their own ideas and needs to express them. What this allows you to do is to work together much more closer 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

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budget session and is very important. Having looked at the possibility of even having it here in Colleton County is not an option. There just isn'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 seem 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. 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 is 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 dollars in cash, and of that \$6 million dollars, almost \$3.7 million dollars 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 dollars in the general fund at the end of the year, and of it \$3.3 million dollars 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 dollars in revenues, the operating expenses were around \$2 million dollars, giving about \$1.5 million dollars 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 are transferring out of your water and sewer 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

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non-compliance 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 currently Plant Manager at the Cannady's Station, located in the northern part of Colleton County. We appreciate your comments and concern from the people in our community regard 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 Cannady's 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 1500 coal fired units. These 1500 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 as our ash as possible. We haul ash from our ash pond 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 Cannady 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, surramects, 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,

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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 is 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 Cannady 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 a 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 the 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 for only for Cannady's ash. As permitted, no other ash from our other plants or from any other businesses will be brought to the Cannady's 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 have come up recently is the radiation of coal ash. According to the U.S. geological survey, the concentration of uranium and other is 10-30 parts per million which is still in the range of some granites, phosphate rocks and shells. 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 Cannady 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. Everyday 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 Cannady station the health risks that have been pointed out so some people associated with coal ash and coal dusk.

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 animal and natural vegetation. The area is inhabited by many deer, wild turkey, beavers, rabbits and birds of a every kind. There are times that as many as three bald eagles nest on the property of the ash pond. The fresh



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water ponds that are adjacent to the ash ponds are homes to many fish. I have no reason to believe that the proposed disposal site will be any different.

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 Cannady's 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 Cannady 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 in 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 those 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 Cannady who complained about "black stuff" flying in his water. The concern was that he felt those black specks were coming from your facility in Cannadys. 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 alright to drink. How can someone with black stuff floating in their water, if they had 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 gentlemen'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

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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 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 a 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 Cannady's 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 management it as a hazardous waste. The other alternative that EPA is considering right now is to management it as a non-hazardous 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.

Mr. 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 the other options where you might could 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 Cannady site, this site would not be permitted for any other site other than the Cannady 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 sights. 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 Cannady 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

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

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and/or any Council Member may propose an ordinance. A proposed ordinance may be 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 wish 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 assist 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 the 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 reasons 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 taxpayer’s dollars. The way this is currently written, any Council Member can put the lawyers to work who get paid on an hourly basis, and the meter starts running, and it may be an ordinance that comes back to us that does not have a chance of passing at all. So, we 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 on 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 real quick 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

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own. I am just as guilty of doing it. It costs the city money when 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 Cannadys, 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 Cannadys. After hearing what Mr. Wicker said, it really made it clear to me that they are doing the right things at Cannadys 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 like at this juncture

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tonight, 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 presentations, perhaps the some 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 things 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, 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 Chewning, David Dodd and himself and based on the scores, experience and proposed fee, he 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 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 were the only

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one who come within the grant budget amount? Mr. Lord affirmed this as true. 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 our "Bucks in the Borro". 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 be 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 ad 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.

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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 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 me 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 unfortunately thing is that we do want to keep our "Bucks in the Borro". 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, folks are struggling. We are arguing and promoting keeping our "Bucks in the Borro". By going to Isle of Palms we are not leading by example. So, that's what my motion is that the next retreat, the 2012 retreat that it be 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



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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

Walterboro City Council  
Public Hearing and Regular Meeting  
February 8, 2011

**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 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**

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 Borro. 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 Burro", 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 ain'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 Borro, 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, you are certainly welcome to come. I realize that no 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 anger 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 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 table, you would vote "no", but if 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 will all members voting in favor.**

Attorney Cone then said, Council Member Lucas then asked a question regarding paramentarian procedure. I think he voted to take it from the table, and if you wanted to reconsider, being in the majority, you could. No body 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 reateat 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 Isle of Palms, or whatever. 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 add, 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 move to have it referred 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 Borro" 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 tax payers 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 set foot 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 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 the City of Walterboro, or his Designee, to Sign an Agreement with Coastal Electric Corpative, 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 Manager 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 if that would be a 100% pay back loan. City Manager Lord, responded, no 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 Henson, 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 his 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) Close 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 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



ORDINANCE # 2011- 03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WALTERBORO, SO AS TO CLARIFY AND STRENGTHEN THE ORDINANCE AS RELATED TO NUISANCE AND PROCURMENT APPEAL PROCEDURES AND TO ENCOURAGE WOMEN AND MINORITY OWNED BUSINESSES TO SUBMIT BIDS AND QUALIFICATIONS TO CITY REQUEST.

WHEREAS, the improvements have been identified that strengthen the Code of Ordinances; and,

WHEREAS, the following changes to the Code of Ordinances clarify portions of the Code.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Walterboro, in Council Assembled, that the following amendments to the Code of Ordinances will become effective upon passage of this ordinance:

Chapter 14. Environment, Article III. Nuisances is hereby amended by adding the following at the end of *Hearing Board* in Sec. 14-51. Definitions:

"The Building Board shall hear appeals of Sec 14-52 (d) (2)."; and,

By adding Sec. 14-58 (g) which shall state:

"Appeal procedures for violations of Sec. 14-52 (d) (2) shall be as set out in the International Property Maintenance Code, as amended by the City Code".

Chapter 2. Administration, Article X. Procurement is hereby amended by adding the following:

"SEC. 2-252 Right to protest; procedure; duty and authority to attempt to settle; administrative review; stay of procurement.

(a) Right to Protest; Exclusive Remedy.

(1) A prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the solicitation of a contract shall protest to the Director of Finance and Administration within three days of the date of issuance of the Invitation For Bids or Requests for Proposals or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue. An Invitation for Bids or Request for Proposals or other solicitation document, not including an amendment to it, is considered to have been issued on the date required notice of the issuance is given in accordance with this code. The written protest must set forth the

grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided.

(2) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest to the Director of Finance and Administration within three days of the date the award or notification of intent to award, whichever is earlier, is posted in accordance with this code; except that a matter that could have been raised pursuant to paragraph (1) above as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract. The written protest must set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided.

(3) The fee required for a vendor to protest the solicitation of a contract pursuant to paragraphs (1) above or (2) above is 1% of the estimated dollar amount of the contract or the recommended award, whichever is greater, up to a maximum of \$5,000. The fee must accompany the appeal documents. Only a check or money order will be accepted. The appeal fee will be returned if the appeal is found meritorious and relief is granted to the appellant. The appeal fee will not be returned if the appeal is denied.

(4) The rights and remedies granted in this article to bidders, offerors, contractors, or subcontractors, either actual or prospective, are to the exclusion of all other rights and remedies of the bidders, offerors, contractors, or subcontractors against the City.

(b) Duty and Authority to Attempt to Settle Protests. Before commencement of an action in court concerning the controversy, the Director of Finance and Administration may attempt to settle by mutual agreement a protest of an aggrieved bidder, offeror, contractor, or subcontractor, actual or prospective, concerning the solicitation or award of the contract. The City Manager has the authority to approve any settlement reached by mutual agreement.

(c) Decision. If, after reasonable attempt and within five days of receipt, a protest cannot be settled by mutual agreement, the Director of Finance and Administration shall issue a decision in writing within ten days of completion of the review. The decision must state the reasons for the action taken.

(d) Notice of Decision. A copy of the decision must be sent by certified mail to the protestor at the address provided in the protest or bid form first submitted.

(e) Finality of Decision. A decision is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests in writing a further administrative review by the City Manager within three days receipt of the notice of the decision or attempted delivery via certified mail of said notice of decision to the address on the bid form first submitted. The City Manager, after review of the documents and such other information as he shall request, shall provide a written decision sent to the protestor by certified mail. Notwithstanding any other provision of law, the decision of the City Manager is final as to administrative review and may be appealed only to the Circuit Court.

(f) Automatic Stay of Procurement During Protests. In the event of a timely protest the City shall not proceed further with the solicitation or award of the contract until five days after delivery of the notice of the decision or attempted delivery via certified mail of said notice of decision to the address on the bid form first submitted, or, in the event of timely appeal to the City Manager, until a decision is rendered by the City Manager except that solicitation or award of a protested contract is not stayed if the Director of Finance and Administration, after consultation with the City Manager, makes a written determination that the solicitation or award of the contract without further delay is necessary to protect the best interests of the City."; and,

**SEC. 2-236** is hereby amended by adding the following after the words "alternate bid" at the end of the second to last sentence in paragraph (d):

" and shall encourage women and minority owned business to submit a bid"; and,

**SEC. 2-237** is hereby amended by adding the following after the words "the project" in the second sentence in paragraph (c):

", encourage participation by women and minority owned businesses".

**DONE**, this day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

**RESOLUTION NO. 2011-R-05**  
**A RESOLUTION BY WALTERBORO CITY COUNCIL**  
**TO RECOGNIZE AND HONOR FLOYD BUCKNER OF WALTERBORO, SOUTH CAROLINA FOR HIS**  
**EXCEPTIONAL YEARS OF DEDICATED SERVICE TO THE WALTERBORO COMMUNITY AND**  
**COLLETON COUNTY.**

**WHEREAS**, born in Hampton County, South Carolina in 1943, Floyd Buckner has been a resident of Walterboro since 1973; and

**WHEREAS**, he began his career in education in 1964 after earning a bachelor's degree from Benedict College, he went on to receive a master's degree in Education from South Carolina State University in 1971 and quickly achieved professional success; and

**WHEREAS**, Floyd Buckner was an educator for almost 40 years, which included serving as principal of Jenkins Hill Middle School in the Dorchester School System, principal of Forest Hills Elementary School and Director of the Title 1 Federal Program for the Colleton County School District; and

**WHEREAS**, the Colleton County School District office building was named the "Floyd Buckner Building" in his honor and the "Floyd Buckner Title I Parent Center" is named in his honor as well; and

**WHEREAS**, he is involved in numerous professional and civic organizations including the National Association for the Advancement of Colored People of which he is a Lifetime member. He is also a member of the Hiram E. Mann Chapter of Tuskegee Airmen, Inc. Floyd Buckner worked to honor the achievement of Tuskegee Airmen by helping in the effort to bring 19 original Tuskegee Airmen to a celebration at the Walterboro Army Airfield which was the place where they took their last training before entering battle during World War II. He also contributed to making a monument in their honor; and

**WHEREAS**, he was the first African American to serve on a bank board of directors in Walterboro; and

**WHEREAS**, he was the owner of the first African American-owned newspaper in Colleton County; and

**WHEREAS**, Floyd Buckner served an incredible 28 years on the Colleton County Council from 1983 to the present. He served for several years as Chairman of County Council and was the first African American to serve in that capacity. He has also served on the Lowcountry Council of Governments Board, the Walterboro-Colleton County Regional Airport Commission, the Lowcountry Community Action Agency Board and the Old Jail Restoration Commission; and

**WHEREAS**, he is devoted to his family, including his two sons, the late B'wana Buckner and his son Dwayne Buckner who currently serves on the Walterboro City Council. He also has four grandchildren and one great-grandchild; and

**WHEREAS**, officials and employees of the City of Walterboro appreciate the dedication, passion and service that Floyd Buckner has provided for our hometown in improving the quality of life in Walterboro and Colleton County; and

**WHEREAS**, the Walterboro City Council takes great pride in pausing to honor this distinguished public servant of Walterboro and South Carolina.

**NOW, THEREFORE, BE IT RESOLVED**, BY WALTERBORO CITY COUNCIL, IN COUNCIL ASSEMBLED, by this resolution, to recognize Floyd Buckner of Walterboro, South Carolina for his exceptional years of service to his profession and community and honor him for his many years of tireless service, leadership and friendship to Walterboro, its Council and its citizens and to Colleton County, South Carolina.

**BE IT FURTHER RESOLVED**, that we extend our best wishes to Floyd Buckner for a job well done.

**ADOPTED**, this 22<sup>nd</sup> day of February, 2011.

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William T. Young, Jr. , Mayor

**ATTEST:**

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Betty J. Hudson, CMC, Municipal Clerk



Dear Council

I would like to ask The City of Walterboro Council if we could have permission to close Forest Hills Rd. between South Jefferies Blvd. and Ireland Creek Dr. on March 12, 2011 from 7:00am to 2:00pm for our Annual Cubmobile Race. This has been a very successful event for Scouting. Last year we had over 40 cars and 100 scouts and parents. I would like to thank the City of Walterboro for supporting The Boy Scouts of America.

Thanks  
Chris Cook  
Troop 678  
843-908-4476

**Boy Scout Oath or Promise**

**On my honor, I will do my best  
To do my duty to God and my country and to obey the Scout Law;  
To help other people at all times;  
To keep myself physically strong, mentally awake and morally straight.**

**Boy Scout Law**

A Scout is:

- Trustworthy,
- Loyal,
- Helpful,
- Friendly,
- Courteous,
- Kind,
- Obedient,
- Cheerful,
- Thrifty,
- Brave,
- Clean,
- and Reverent.