

Telephone: 843-549-2545

Fax: 843-549-9795

TTY Relay: 1-800-735-2905

City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

Walterboro City Council

Regular Meeting

November 11, 2014

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. Old Business:

IV. New Business:

1. Consideration of State Issued Certificate of Franchise Authority - Comcast Cable Communications Management, LLC. (Certificate attached).
2. Consideration of Lease Proposals for a 2015 Freightliner Garbage Truck \$204,957.00 (Memorandum attached).
3. Resolution # 2014-R-10, Approving the Financing Terms for 2015 Freightliner Garbage Truck (Resolution attached).
4. Proclamation # 2014-09, A Proclamation in Honor of the South Carolina Artisans Center on the 20th Anniversary of its Creation (Proclamation attached).
5. Request to Use Downtown Waterfall on First Thursday each Month for DJ with Beach and Oldies Music, by Downtown Merchants, Colleton Museum and Farmers Market, and Artisans Center.

V. Committee Reports:

VI. Executive Session:

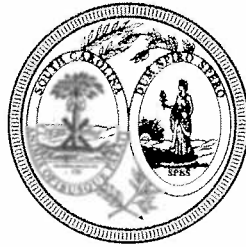
1. Receipt of legal advice related to a construction project.
2. Personnel Matter: Appointment of Associate Judge.
3. Personnel Matter: Tourism Director Search.

VII. ADJOURNMENT.

State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

1205 PENDLETON STREET, SUITE 525
COLUMBIA, SC 29201

803-734-2170
www.sos.sc.gov



October 9, 2014

William T. Young, Jr., Mayor
City of Walterboro
242 Hampton Street
Walterboro, SC 29488

RE: Application for a State-Issued Certificate of Franchise Authority

Dear Mr. Young:

Enclosed please find a Notice of Application for a State-Issued Certificate of Franchise Authority and Request for Information. This Notice is in regards to an Application for a State-Issued Certificate of Franchise Authority filed with this office by Comcast Cable Communications Management, LLC, a copy of which is attached.

S.C. Code Ann., Section 58-12-310(C) requires that, within five days of receipt of an application or amended application, the Secretary of State must notify each affected municipality and county of its receipt of the application and request certain information. Section 58-12-310(D) provides that the county or municipality must respond to the request issued by the Secretary of State within sixty-five (65) days of the date of such request. Please return the Notice, completed, dated and signed, to the address on the filing instructions.

If you have any questions, please contact me at (803) 734-0367.

With kindest regards,

Cindy S. Durst
Cable Franchising Coordinator

/csd

Enclosures

STATE OF SOUTH CAROLINA
SECRETARY OF STATE



NOTICE OF APPLICATION FOR STATE-ISSUED CERTIFICATE
OF FRANCHISE AUTHORITY AND REQUEST FOR INFORMATION

Pursuant to S.C. Code Section 58-12-310(C), the Secretary of State hereby notifies you that: On October 9, 2014, Comcast Cable Communications Management, LLC filed an application with this Office for a state-issued certificate of franchise authority or an application to amend a certificate of franchise authority to provide cable or video service in your area. Attached is a copy of the application including a description of the area(s) to be served.

You must complete and return this form to the Office of the Secretary of State within sixty-five (65) days from the date of this request. This form must be received by the Secretary of State's Office no later than December 13, 2014.

1. What is the franchise fee rate imposed on the incumbent cable or video service provider, if any, as of the date of the application or amended application?

2. How many public, educational, and governmental (PEG) access channels does your municipality or county have activated under the incumbent cable or video provider's franchise agreement on the date of the application or amended application?

3. Does your municipality or county consent to the state-issued certificate of franchise authority sought in the application or amended application?

Yes.

No.

If your municipality or county does not consent to the authority sought, you must provide an explanation of the reasons for the denial of the requested consent.

Date _____

Signature of Chief Executive of City or County

Type or Print Name

Address

Telephone Number

FILING INSTRUCTIONS

1. This completed form must be returned to the Secretary of State within sixty-five (65) calendar days of the date of the request.
2. If the space in this form is insufficient, please attach additional sheets containing a reference to the appropriate paragraph in this form.
3. Return to: **Secretary of State**
 Attn: Cable Franchise Division
 1205 Pendleton Street, Suite 525
 Columbia, SC 29201

SPECIAL NOTES

PURSUANT TO STATE LAW, A PERSON OR ENTITY SEEKING TO PROVIDE CABLE OR VIDEO SERVICE MUST HAVE A CERTIFICATE OF FRANCHISE AUTHORITY, EITHER AN EXISTING CERTIFICATE ISSUED BY A LOCAL GOVERNMENT UNDER PRIOR LAW, OR UPON EXPIRATION OF THAT CERTIFICATE ISSUED BY A LOCAL GOVERNMENT, A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY ISSUED BY THE SECRETARY OF STATE UNDER S.C. CODE OF LAWS §58-12-310(B).

PURSUANT TO S.C. CODE §58-12-310(B)(3), A HOLDER OF A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY MUST BEGIN TO DEPLOY SERVICE IN EACH OF THE MUNICIPALITIES AND IN EACH OF THE UNINCORPORATED AREAS OF COUNTIES DESCRIBED IN THE APPLICATION WITHIN ONE YEAR FROM THE DATE OF ISSUANCE OR THE CERTIFICATE BECOMES NULL AND VOID.

PURSUANT TO S.C. CODE §58-12-310(K), THE HOLDER OF A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY MUST GIVE WRITTEN NOTIFICATION TO A MUNICIPALITY OR COUNTY OF THE DATE IT WILL ACTUALLY BEGIN PROVIDING SERVICE IN ANY PART OF SUCH MUNICIPALITY OR COUNTY.

5. This application is accompanied by an affidavit signed by an officer or general partner of the applicant and fee as required by S.C. Code Section 58-12-310(B).

Date 10/6/14



Officer/General Partner's Signature

James A. Macke

Type or Print Name

2925 Courtyards Drive

Address

Norcross, GA 30071

(770) 559-2768

Telephone Number

EXHIBIT A

State of South Carolina Secretary of State Application for a State-Issued Certificate of Franchise Authority

4. The municipalities and unincorporated areas of counties that are proposed to be served by the applicant are to be described in the accompanying Affidavit in Support of State-Issued Certificate of Franchise Authority. For each of the municipalities and unincorporated areas of counties so described, provide the name, address and telephone number for the person to whom the Notice of Application for a State-Issued Certificate of Franchise Authority should be provided.

Municipality/Area	Name & Title	Address	Telephone No.	Expiration Date of Current Franchise
Town of Brunson	Terry Wright Mayor	686 N. Railroad Avenue Brunson, SC 29911	803-632-3633	03/04/2014
Colleton County	Kevin Griffin County Administrator	P.O. Box 157 31 Klein Street Walterboro, SC 29488	843-549-5221	04/22/2013
City of Folly Beach	Tim Goodwin Mayor	P.O. Box 48 21 Center Street Folly Beach, SC 29439	843-588-2447	04/28/2014
Town of Hampton	John Rhoden Mayor	608 First Street West Hampton, SC 29924	803-943-2951	03/08/2014
Jasper County	Andrew Fulgham County Administrator	P.O. Box 1149 358 Third Avenue Ridgeland, SC 29936	843-717-3690	01/31/2013
Town of Kiawah Island	Charles R. Lipuma Mayor	21 Beachwalker Drive Kiawah Island, SC 29455	843-768-9166	01/13/2012
City of North Charleston	R. Keith Summey Mayor	2500 City Hall Lane North Charleston, SC 29406	843-740-2504	02/28/2014
Town of Ravenel	Opal N. Baldwin Mayor	5962 Highway 165 Suite 100 Ravenel, SC 29470	843-889-8732	12/01/2012
Town of Rockville	Riley Bradham Mayor	P.O. Box 9 Wadmalaw Island, SC 29487	843-214-0539	02/19/2012
City of Walterboro	William T. Young, Jr. Mayor	242 Hampton Street Walterboro, SC 29488	843-782-1000	06/21/2014
Town of Yemassee	Jerry Cook Mayor	P.O. Box 577 101 Town Circle Yemassee, SC 29945	843-589-2565	04/19/2014

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY

PERSONALLY appeared before me the undersigned who being duly sworn according to law, deposes and says on oath:

My name is James A. Macke and my title/position is Vice President of Government Affairs of Comcast Cable Communications Management. This affidavit is based upon my personal knowledge of the facts contained in the Application for State-Issued Certificate of Franchise Authority and this affidavit. I certify and affirm that all such facts are true and correct. I affirm that the applicant agrees to comply with all applicable federal and state laws and regulations.

In this application the applicant seeks to provide cable or video services in the following areas:

<u>Town of Brunson</u>	<u>Town of Ravenel</u>
<u>Colleton County</u>	<u>Town of Rockville</u>
<u>City of Folly Beach</u>	<u>City of Walterboro</u>
<u>Town of Hampton</u>	<u>Town of Yemassee</u>
<u>Jasper County</u>	
<u>Town of Kiawah Island</u>	
<u>City of North Charleston</u>	

(Written description of the municipalities and unincorporated areas of the counties to be served in whole or in part. A map or other graphic representation may supplement, but not substitute for, the written description.)

The principal place of business for the applicant is located at 1701 John F. Kennedy Boulevard, Philadelphia, PA 19103

The principal executive officers of the applicant are:

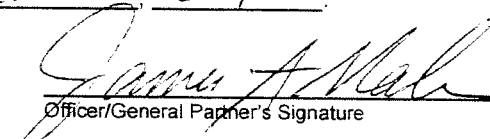
Name & Title	Address	Telephone No.
<u>Douglas R. Guthrie</u> Senior Vice President	<u>2925 Courtyards Drive, Norcross, GA 30071</u>	<u>(770) 559-2847</u>
<u>James A. Macke</u> Vice President of Government Affairs	<u>2925 Courtyards Drive, Norcross, GA 30071</u>	<u>(770) 559-2768</u>

Dated this 6th day of October, 2014.

SWORN to and subscribed before me, this 6 day of October, 2014:



Notary Public for
My Commission Expires: _____



Officer/General Partner's Signature
James A. Macke, Vice President of Government Affairs
Type or Print Name
2925 Courtyards Drive
Address
Norcross, GA 30071
(770) 559-2768
Telephone Number

KAYLA H. SCOTT
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires March 3, 2018



MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
DATE: November 5, 2014
SUBJECT: Consideration of Lease Purchase Bids – 2015 Freightliner Sanitation Vehicle (\$205,957)

The Finance Office solicited bids from seven (7) local financial institutions and received three (3) proposals for the financing of a 2015 Freightliner sanitation vehicle.

The following is a tabulation of the proposals:

<u>Financial Institution</u>	<u>Term</u>	<u>Rate</u>	<u>Fees</u>
BB&T	5 years	1.61% APR	None
South State Bank	5 years	2.24% APR	None
Enterprise Bank of SC	5 years	3.00% APR	\$750 (origination)

City staff respectfully requests City Council's favorable consideration of BB&T to finance the purchase of a 2015 Freightliner sanitation vehicle at an APR of 1.61% for a term of five (5) years. If you have any questions, comments or concerns, please do not hesitate to contact me or come by City Hall at your convenience.


Sincerely,

Jeffrey P. Molinari
City Manager

Attachments



MEMORANDUM

To: Jeffrey P. Molinari, City Manager
From: Amy J. Risher, Finance Office Manager 
Date: October 31, 2014
Subject: Consideration of lease purchase bids
2015 Freightliner garbage truck, (\$204,957.00)

We solicited seven (7) local financial institutions and received three (3) proposals for the financing of one 2015 Freightliner garbage truck (\$204,957.00) on October 15, 2014.

The following is a tabulation of the proposals:

<u>Financial Institution</u>	<u>Term</u>	<u>Rate</u>	<u>Fees</u>
BB&T	5 years	1.61% APR	NO
South State Bank	5 years	2.24% APR	NO
Enterprise Bank of SC	5 years	3.00% APR	\$750 Origination

BB&T offered the lowest interest rate on the lease purchase financing of the Freightliner garbage truck.



Governmental Finance

P.O. Box 714
Columbia, SC 29202
(803) 251-1328
Fax (803) 251-1329

October 30, 2014

Mr. Bill Floyd
Finance Director
City of Walterboro
242 Hampton St.
Walterboro, SC 29488

Dear Mr. Floyd:

Branch Banking and Trust Company ("BB&T"), is pleased to offer this proposal for the financing requested by the City of Walterboro ("City").

- (1) **Project:** 2015 Freightliner Garbage Truck
- (2) **Amount To Be Financed:** \$204,957
- (3) **Interest Rates, Financing Terms and Corresponding Payments:**

<u>Term</u>	<u>Rate</u>
5 years	1.61%

Payments shall be annual in arrears, unless otherwise requested. See the attached amortization schedule(s) for information on payments. At closing, the proceeds will be placed in a Project Fund account with BB&T Governmental Finance until the equipment is delivered.

All applicable taxes, permits, costs of lawyers for the City and any other costs shall be the City's responsibility and separately payable by the City. The financing documents shall allow prepayment of the principal balance in whole on any scheduled payment date with a one percent penalty.

The interest rates stated above are valid for a closing not later than 45 days after today. Closing of the financing is contingent upon completing documentation acceptable to BB&T and upon the condition of the property being acceptable to BB&T.

The stated interest rates assume that the City expects to borrow less than \$10,000,000 in calendar year 2014 and that the financing shall qualify as qualified tax-exempt financing under the Internal Revenue Code. BB&T reserves the right to terminate its interest in this bid or to negotiate a mutually acceptable rate if the financing is not qualified tax-exempt financing.

(4) Financing Documents:

BB&T proposes to use its standard form financing contracts and related documents for this installment financing. We shall provide a sample of those documents to you should BB&T be the successful proposer. This financing shall be secured by a first lien security interest in all personal property acquired with proceeds.

* * * * *

BB&T appreciates the opportunity to make this financing proposal and requests to be notified within five days of this proposal should BB&T be the successful proposer.

BB&T shall have the right to cancel this offer by notifying the City of its election to do so (whether or not this offer has previously been accepted by the City) if at any time prior to the closing there is a material adverse change in the City's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the City or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to BB&T.

Should we become the successful proposer, we have attached the form of a resolution that your governing board can use to award the financing to BB&T. If your board adopts this resolution, then BB&T shall not require any further board action prior to closing the transaction.

Please call me at (803) 251-1328 with your questions and comments. We look forward to hearing from you.

Sincerely,


Branch Banking and Trust Company

Andrew G. Smith
Senior Vice President

Enclosure

Walterboro

Compound Period : Annual

Nominal Annual Rate : 1.610 %

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	10/30/2014	204,957.00	1		
2 Payment	10/30/2015	42,992.36	5	Annual	10/30/2019

AMORTIZATION SCHEDULE - Normal Amortization

Date	Payment	Interest	Principal	Balance
Loan 10/30/2014				204,957.00
2014 Totals	0.00	0.00	0.00	
1 10/30/2015	42,992.36	3,299.81	39,692.55	165,264.45
2015 Totals	42,992.36	3,299.81	39,692.55	
2 10/30/2016	42,992.36	2,660.76	40,331.60	124,932.85
2016 Totals	42,992.36	2,660.76	40,331.60	
3 10/30/2017	42,992.36	2,011.42	40,980.94	83,951.91
2017 Totals	42,992.36	2,011.42	40,980.94	
4 10/30/2018	42,992.36	1,351.63	41,640.73	42,311.18
2018 Totals	42,992.36	1,351.63	41,640.73	
5 10/30/2019	42,992.36	681.18	42,311.18	0.00
2019 Totals	42,992.36	681.18	42,311.18	
Grand Totals	214,961.80	10,004.80	204,957.00	

RESOLUTION NO. 2014-R-10

Resolution Approving Financing Terms

WHEREAS: The City of Walterboro ("City") has previously determined to undertake a project for a 2015 Freightliner Garbage Truck, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated October 30, 2014. The amount financed shall not exceed \$204,957, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.61%, and the financing term shall not exceed five years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 11th day of November, 2014.

William T. Young, Jr., Mayor

Betty J. Hudson, City Clerk

SEAL

PROCLAMATION

Presented By the City of Walterboro, South Carolina

*In Honor of the South Carolina Artisans Center on the
20th Anniversary of its creation*

WHEREAS, in 1994, a core group of neighborhood leaders – Denise Butler, Mary Hunt and Carole Mullis – formed a Steering Committee to give a new life to the Downtown Walterboro area. It was dying, so they formed a plan to give birth to the South Carolina Artisans Center; and

WHEREAS, the new Committee's initiative was to unite all sectors – business, schools, community and local government – in order to bring about positive change. Investors were found and Piggly Wiggly provided an unsecured, non-interest bearing loan of \$150,000; and

WHEREAS, the SC Artisans Center was founded as a one-stop location to meet the needs of the tourism business in Walterboro, with the mission of empowering the Walterboro community with a cultural, artistic center to improve the quality of life through its services; and

WHEREAS, the SC Artisans Center is a neighborhood-based organization that showcases and markets the hand-craft work of our state's leading artists, while ensuring that art inspired by tradition is protected and nurtured. This non-profit center utilizes a retail outlet, interpretive displays of Southern folk-life, live demonstrations, and educational and informational programs as venues to communicate South Carolina's culture to the public; and

WHEREAS, the Center has been the catalyst for the growing tourism industry in the City of Walterboro, since its inception. Tourists are shopping in our businesses, eating in our local restaurants and staying overnight, all of which provide an important economic boost to the Walterboro area; and

WHEREAS, the Center draws between 15,000 and 18,000 visitors a year to Walterboro, many of whom are traveling on the I-95 corridor; and

WHEREAS, since its humble beginnings, the SC Artisans Center has experienced incredible growth and now offers a gallery for juried artists across the state of South Carolina, which in most cases would not be able to have the customer base that the Center offers. The Center helps over 300 artists, representing 32 counties across South Carolina, earn a living; and

WHEREAS, the City of Walterboro is committed to recognizing and honoring those organizations which supports its vision of a safe, healthy and thriving community and the SC Artisans Center is one such worthy organization.

NOW THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Walterboro, South Carolina on this 11th day of November 2014 that we recognize the ***SOUTH CAROLINA ARTISANS CENTER*** on its 20th Anniversary and commend the Center for its outstanding service, leadership and commitment to the residents of the City of Walterboro and do hereby declare November 15, 2014 as the “***SOUTH CAROLINA ARTISANS CENTER DAY***” in the City of Walterboro.

DONE, this 11th day of November, 2014.

William T. Young, Jr., Mayor

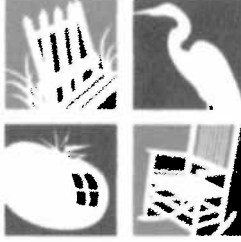
ATTEST:

Betty J. Hudson, City Clerk

Downtown Merchants Association



COLLETON
MUSEUM



& FARMERS
MARKET



Oct 22, 2014

Walterboro City Council
242 Hampton St.
Walterboro, SC 29488

Attn: Jeff Molinari, City Manager

Dear City Council,

The Downtown Merchants, Colleton Museum and Farmers Market and the South Carolina Artisans Center are asking your permission to have a DJ at the Waterfall, Washington St., from 6-8 on the first Thursday of each month. We are hoping that the addition of music (Beach and Oldies) will encourage people to come downtown for some entertainment and possibly some shopping.

If you have any questions regarding the above please do not hesitate to call me.

Thank you,

A handwritten signature in black ink, appearing to read "Gale Doggette".

Derek Rush DMA
Gale Doggette SCAC
Gary Brightwell CM-FM

217-0421