

Telephone: 843-549-2545

Fax: 843-549-9795

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
Public Hearing and Regular Meeting
January 8, 2013
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. Ordinance # 2012-18, to Change Zoning on a Parcel of Land (approx. .33 acres located at 214 Carn Street), Tax Map # 163-11-00-025, from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD).
2. Ordinance # 2012-19, to Change Zoning on a Parcel of Land (approx. .15 acres located on Sanders Street), Tax Map # 163-15-00-026, from Industrial District (ID) to General Commercial District (GCD).
3. Ordinance # 2013-01, An Ordinance to Amend the Code of Ordinance, Chapter 8, Article II. Business and Professional Licenses, So As to Clarify and Strengthen Portions Thereof and to Provide for an Annual Classification Update.

IV. Presentation:

1. 2011-2012 Comprehensive Annual Financial Report - Baird & Company, CPAs, LLC. - Mr. Rep E. Whiddon.

V. Approval of Minutes:

1. Minutes of the October 23, 2012 Public Hearing and Regular Meeting (Minutes attached).
2. Minutes of the October 31, 2012 Special Called Meeting (Minutes attached).
3. Minutes of the November 13, 2012 Public Hearing and Regular Meeting (Minutes attached).

V. Approval of Minutes (Cont.):

4. Minutes of the November 27, 2012 Regular Meeting (Minutes attached),
5. Minutes of the December 11, 2012 Regular Meeting (Minutes attached).

VI. Old Business:

1. **Ordinance # 2012-18**, An Ordinance to Change the Zoning on a Parcel of Land on Carn Street, Tax Map # 163-11-00-025, from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD), **Second Reading and Adoption** (Ordinance attached).
2. **Ordinance # 2012-19**, An Ordinance to Change the Zoning on a Parcel of Land on Sanders Street, Tax Map # 163-15-00-026 from Industrial District (ID) to General Commercial District (GCD), **Second Reading and Adoption** (Ordinance attached).
3. **Ordinance # 2013-01**, An Ordinance to Amend the Code of Ordinance, Chapter 8, Article II. Business and Professional Licenses, So As to Clarify and Strengthen Portions Thereof and to Provide for an Annual Classification Update, **Second Reading and Adoption** (Ordinance attached).

VII. New Business:

1. Consideration of a Motion to Hire an Expert on Public Safety and Crime Prevention Who Will Conduct an Independent Study of Our City and the Public Safety Department and to Report His/Her Findings and Recommendations to Council.
2. Consideration of Canceling or Rescheduling the February 12, 2013 and the March 12, 2013 City Council Meeting.
3. Notice of 2013 City Council Retreat, Location and Time (Notice attached).

VIII. Committee Reports:

IX. Executive Session:

1. Discussion of Negotiations Incident to Proposed Contractual Arrangements.

X. ADJOURNMENT.

AFFIDAVIT OF PUBLICATION IN

The Press and Standard

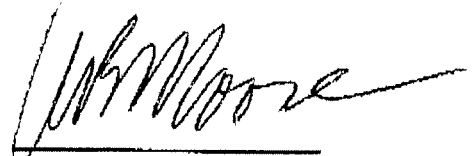
PERSONALLY appeared before me, William B. Moore, who being duly sworn, says that he is the publisher of The Press and Standard, published on Tuesday and Friday of each week in Walterboro, County of Colleton, State of South Carolina; that the notice, of which a printed copy is hereby attached, was published in The Press and Standard for One(1) issues, said publication commencing on December 21, 2012, and ending on December 21, 2012.

SWORN to before me

this 3 day of Jan, 2013
Ratnammal (L.S.)

Notary Public for South Carolina

Commission expires 6-4-22



William B. Moore



PUBLIC HEARING NOTICE

Walterboro City Council will hold a public hearing on Tuesday, January 8, 2013 at 6:15 P.M. in City Hall Council Chambers to receive public comments on the following proposed ordinances:

Ordinance # 2012-18, to Change the Zoning on Parcel of Land (approximately .33 acres located at 214 Carn Street, Tax Map # 163-11-00-025), from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD).

Ordinance # 2012-19, to Change the Zoning on Parcel of Land (approximately .15 acres located on Sanders Street, Tax Map # 163-15-00-026), from Industrial District (ID) to General Commercial District (GCD).

Ordinance # 2013-01, An Ordinance to Amend the Code of Ordinances Chapter 8, Article II, Business and Professional Licenses So As to Clarify and Strengthen Portions Thereof and to Provide for an Annual Classification Update.

Copies of the proposed ordinances are available in the City Manager's Office at City Hall, 242 Hampton Street or on the City's website (www.walterborosc.org). Written comments may be mailed to the City Manager, P.O. Box 709, Walterboro, SC 29488 and must be received prior to the public hearing. Please call the City Manager's Office (782-1000) for additional information or for disabled persons needing auxiliary aids. Please give at least 24 hours notice if auxiliary aids are required.

Walterboro City Council
Public Hearing and Regular Meeting
October 23, 2012

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, October 23, 2012 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone, were also present. Council Member Thomas Lohr was absent. There were 21 persons present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were given on agenda items.

PUBLIC HEARING:

1. Authorization and Issuance of Public Finance Authority, State of Wisconsin, Multifamily Housing Mortgage Revenue Bonds Series, Not to Exceed \$30,000,000 to Finance Acquisition, Rehabilitation and equipping of Residential Rental Facilities for Families Low-to-Moderate Income in States of Texas, Mississippi, Georgia, South Carolina and North Carolina. A Portion of the Bonds in the Amount of Approximately \$3,900,000 to be Used to Make Loan to CHG-Druid Hills, LLC, to Finance the Acquisition, Rehabilitation and Equipping of an 80-Unit Facility Known as Druid Hills Apartments Located at 300 Sniders Highway, Walterboro, SC.

The Mayor then acknowledged that Ms. Caitlin Lanctot was present on behalf of the Public Finance Authority. Ms. Lanctot addressed Council and stated that her organization will be the issuer of the bonds for Druid Hills Apartments. She stated that she just wanted to be present to answer any questions anyone may have. She stated, by approving the financing tonight, the City is under no obligation or any sort for financing with respect to the bonds. The developer is responsible if anything happens and to pay back the bonds. She then asked if there were any questions.

City Manager Lord then offered a brief explanation of this agenda item. He stated that the Public Finance Authority has a joint venture between the National League of Cities and the National Association of Counties to provide tax exempt bonds to projects such as this to provide new and low-income public housing. The private entity, Chisom Housing Group is proposing to buy eleven different developments, one of which is in the City of Walterboro. As part of that, they are also committing to do some improvements. In their application, they submitted to do some ADA improvements, ground faults' interrupters in the kitchens and baths, work in the parking lot, new windows, new roofs, doors, security, locking hardware, cabinets and counter tops and plumbing improvements. The net effect of what they have applied for is to acquire the Druid Hills Apartment Complex and improve it. I believe the current owner is in bankruptcy, and so we will have somebody not in bankruptcy running it, and also doing some improvements. Mr. Lord further stated, when we received this request, I communicated with Mr. Hans Juhle (of Chisom Housing Group), and I mentioned to him some other improvements, which I recommended that he consider, which are security related. He has sent a letter committing to do basically everything that I recommended, which were: repair all existing exterior lighting fixtures, install a minimum of three (3) new wall-or pole-mounted exterior lights, install

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a security camera system and install a minimum of five hundred linear feet of perimeter fencing.

Mr. Lord stated that the letter from Mr. Juhle committing to this is in the agenda packets, as well as a resolution. So, basically, we have a nonprofit entity that is applying for bonds to buy a development that is currently in bankruptcy with the commitment to do improvements to it. In addition to that, they have also agreed to do some other improvements recommended. Again, the City does not have any liability in this, and I believe this is because of the National League of Cities participation that they are required to come to you for approval.

Ms. Lancetot clarified by stating, this is actually a requirement if you are using TEFRA bonds that we would need to have a public hearing.

There were no comments or questions from the public. The public hearing was closed and the regular meeting began.

Next, City Manager Lord introduced Mr. Drew Page, the new Economic Development Director, who started yesterday. Mr. Page is from Athens Clark County, Georgia, where he started their economic development organization and worked there for several years. Mr. Lord noted that Mr. Page has vast experience in Economic Development and we are looking forward to working with him.

APPROVAL OF MINUTES:

The Minutes of the August 28, 2012 Public Hearing and Regular Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Lucas and passed with all members in favor, except Council Member Lohr was absent and did not vote.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2012-16**, An Ordinance Amending the Business License Ordinance Provisions for Insurance Companies, **First Reading**.

Mr. Lord stated that the Dodd-Frank Act, which is a federal legislation in response to a financial crisis, required some changes to the way insurance brokers are taxed. Those federal changes were then adopted in state law recently, and this requires a change in the way that we collect this tax. Basically, the biggest difference is where before the tax was assessed at the location of the site's insured, but now it goes to the home state of the entity involved. So, if you have a corporation that has multiple locations, the tax is paid to the state of the home office, not the individual locations. So, this is basically a "HAVE TO," because of the Dodd-Frank Act and state law. It incorporates the changes that they did into our business license ordinance so that what we are doing matches with what we have to do. Also, associated with it is a new agreement with the Municipal Association. Basically the new setup would be that the state is going to charge a 6% tax. Before, the state charged 4% and we collected 2%. Now, it's going to be that the state will collect 6%.

A motion was then made by Council Member Peters giving First Reading Approval to Ordinance # 2012-16, An Ordinance Amending the Business License Provisions for Insurance Companies. Council Member Lucas seconded the motion that

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passed with all members voting in favor, except Council Member Lohr was absent and did not vote. In discussing the motion, Council Member Lucas asked what is the end result money wise, is it an increase or decrease?

City Manager Lord responded, that's a great question and I will tell you that nobody knows the answer. My thought is that it's going to be a decrease. There are no corporations with their headquarters in Walterboro. So, there's a possibility there could be some loss there. However, this does make it easier to find people who haven't been paying taxes when they should have been. So, there could be some benefits there.

Mayor Young then stated that the Municipal Association has worked to get this law passed in such a way that when this money is collected, it is set aside as separate from other state funding. It does not go into a pot with everything else. It is set aside for this purpose. In that way, municipalities are protected so that when it's divided back up, then you can get what you are supposed to get. It does not go somewhere else.

Council Member Buckner then said, to make sure I understand this. He then asked Mr. Lord why is the Municipal Association collecting this tax? Why are they serving as a middle man? Mr. Lord responded, this is a service that they have provided for the cities since this tax was created as far as I understand. The Municipal Association serves several functions like this. They collect the insurance tax and serve as an insurer for the cities. They serve as a vehicle for the cities to be able to work together.

Council Member Buckner then asked, why can't we just get this money ourselves? The Mayor noted that this money actually goes to the state. This is required, and we do not have a choice.

The motion then passed unanimously, except Council Member Lohr was absent and did not vote.

2. **Consideration of Agreement between the City of Walterboro and the Municipal Association of South Carolina for Collection of All Business License Taxes from Insurance Companies and Administration as Municipal Agent of Municipal Brokers Premium**

At this point, Attorney Cone pointed out that there was no need to act on this agenda item. This agreement has already been authorized when Council acted on the previous agenda item to approve first reading of the **Ordinance # 2012-16**. This is noted in the last paragraph of the ordinance.

3. **Ordinance # 2012-17, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Procurement Procedures So As to Provide for a Local Preference in the Evaluation of Bids, Proposals, and Qualifications, First Reading.**

Mayor Young said that he started looking at this several weeks ago and spoke with the City Manager about it. He said, I had an idea of how to go forward with creating a local preference ordinance. I asked Mr. Lord to look into it and he looked at what some of the other places were doing, and we came up with this ordinance. Mayor Young further stated, my idea behind it is that I don't feel like Council needs to be sitting here deciding if \$50,000 is close enough to the low bid to give it to the local bidder or is \$80,000 enough. This ordinance would give some preferences to our

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local vendors, give them an opportunity to get the business, and would give us some rules to go by so that they aren't just arbitrary from bid to bid.

City Manager Lord then pointed out that this ordinance has two major affects. I think it is to protect both concerns when you are talking about local preference. First, it sets the standards, so it's not arbitrary. You have set rules so that everybody understands the rules when going into a bid process. It also provides that you have that buffer so that the local vendor has its own features to get the contract. The second thing is that it takes into consideration trying to preserve taxpayer money and not paying more for something than you have to. This ordinance sets different demands of 5% and 2% depending on the size of the project and the location of the company claiming local preference by which they can qualify for local preference. If they qualify for local preference, then they have the option of matching the low bid. So, here you have extra protection for local vendors. It also preserves taxpayer monies where you can get the bid, but you have to match the low bid.

A motion was then made by Council Member Lucas giving First Reading Approval to Ordinance # 2012-17, being: An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Procurement Procedures, So As to Provide for a Local Preference in the Evaluation of Bids, Proposals, and Qualifications. Mayor Young seconded the motion.

In discussing the motion, Council Member Buckner asked for further clarification. He asked if the local bidder could bid and then if their bid was higher than someone outside of the City who had a lower bid, they now can come back and match that lower bid? Mayor Young clarified that the local vendor can come back, not the vendor out of town. Council Member Buckner further asked, so the local vendor can come back and bid lower or match the bid of the outside person who bid lower then he did after the first initial bid. City Manager Lord responded, it's not another round of bidding. It's just a simple bid process, you are done and then you look at it and say according to the chart and you do qualify as a local company, then if your bid is within 3% of the bid, then you have the option of getting the contract if you agree to match that low bid. The purpose of having both the percentage and the match is because if you were to just say the local bidder could just match the bid, then you would not have anybody bidding on projects because there would be no competition. So, if the people who are not from the City or County know that they have to beat the local bidder by 3%, then they know they have a shot, which means we've got competition. To preserve competition, you preserve the taxpayer's money by making them match the lower bid and you also give that preference so that they have the option of matching that low bid.

Council Member Buckner then stated, but they have to come within 3% of the lower bid which may have come from the outside. Mayor Young explained that it's not just 3%, it depends on how much the bid is, it changes. It's 5% up \$5,000 and then it changes as it goes up. \$5,000 - \$25,000 is 4%, above \$25,000 is 3% and within the City it's a little bit lower than within the County, but the County also gets a preference.

Council Member Buckner stated, this is a good first step in the right direction. This is just first reading. However, in addition to that I was wondering if Mr. Lord explored the preference for women and minority owned businesses so that we can also include that in this ordinance? Mr. Lord responded that the Council before had negative results on this. Council Member Buckner then said, but we have two new Council Members. He then asked if anyone had any problem with including in this preference for local vendors a preference also for women and minority owned businesses?

Council Member Siegel then stated, they are qualified automatically.

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Council Member Peters then said, I have a problem with them automatically getting a preference. They should get treated like everybody else.

Council Member Buckner responding to Council Member Peters then stated, with all due respect, women and minority owned businesses have historically been discriminated against in terms of receiving government contracts. So, that's why I am proposing to put this in place to try and level the playing field, so if we are going to do a preference for local vendors, then my hope would be that we would include a preference also for **qualified** women and minority owned businesses, who can also have a clear shot at getting contracts.

City Manager Lord reminded that Council recently adopted a change in a similar ordinance to add language to encourage women and minority owned businesses.

Mayor Young then said, this has been brought up before and gone before Council and I understand that it can continue to be brought up.

Council Member Bonds then said, let's say that a minority owned business out of Charlotte and they have a bid against a local vendor, who is a non-minority, then what do you do under this type situation?

Council Member Buckner then said, as Councilman Siegel has pointed out, this would be for local women and minority owned businesses. So, I guess they would have a double take at it.

Council Member Siegel then said, that seems to be redundant because qualified minority vendors locally, if qualified, they get the same break as any other local vendor. Mayor Young stated, they get the break and we have language that encourages considering women and minority businesses in our procurement policy already.

In concluding, Council Member Buckner stated, it would be my hope if we were to move forward with second reading, that the ordinance would include a preference for women and minority owned businesses. Mayor Young then said, let's get the local preference first. I don't want us to be weighed down, because we put something else in there.

Council Member Lucas then asked, what happens if we get a City business that's within the 3% and a County business that's within the 5% range, who gets the preference between those two? City Manager Lord responded, it's going to be the one that comes the closest. Basically, you take the original value, then you are going to change them according to the chart. If the County comes in and they have less preference, but because their price was more competitive, they end up being the lower bid, then they would get the opportunity.

After further questioning, Council Member Lucas told the City Manager, I had a hard time understanding exactly what you were saying in this ordinance. I don't understand how any business would be able to understand what you are trying to say in there. I mean, I understand from talking to you what the intent is, but it's confusing to me.

Further discussion was held and Council Member Bonds agreed that the percentage language was cumbersome. Mayor Young said, basically if the low bid on something was \$100,000 and a local vendor bid \$103,000, then they would have the option of matching the \$100,000 bid. I mean that's it in a nutshell.

Council Member Peters then asked, will the \$5,000 rule still stand that we have where the City Manager can spend up to \$5,000 without coming before Council. City Manager responded that this figure is actually up to \$25,000. Mayor Young responded

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that this does not change that, this would be for things that are put out for bid. Mr. Lord responded, we are required to get prices and bids on anything more than \$5,000, and anything more than \$25,000 comes to Council.

Council Member Buckner stated, now I have been on this Council going on over 4 years and I can say that at least the contracts that have come before this Council while I have been here to vote on, I can't recall one minority owned business that we have awarded a contract to. There may be one woman minority owned business which is the contract we just approved with BES, who is doing our parks. If we dig deeper, we would find, when was the last time we awarded a contract to a woman or minority owned business. I think we need this. I would hope that we could look into placing that information, some type of preference along with the local preference, in this ordinance so that we can address both issues at the same time. That would be my position, but I am going to approve first reading of this ordinance as it stands, in hopes that when we get to second reading, we can include the preference for women and minority owned businesses.

Finance Director Bill Floyd then said, of course I have not been here for the last 20 months, but I can recall previously for the installation of the a/c system in the annex, that was through a minority owned business out of Charleston, SC.

Mayor Young then asked Council Member Buckner, do you want us to lose the opportunity to give local people a preference by adding other things to it that might cause it to be defeated, because that's what might happen? I want to make sure that our local vendors get this local vendor preference. If you weigh it down with other things to try to get it done at the same time, you may cause the whole ordinance to be defeated. So, I think you should think about that, too.

The discussion concluded and the motion to approve Ordinance # 2012-17 on First Reading was approved with all members voting in favor, except Council Member Lohr was absent and did not vote.

4. **Resolution # 2012-R-06**, A Resolution Approving the Issuance by the Public Finance Authority of Bonds on Behalf of (Chisom Housing Group) CHG-Druid Hills, LLC .

A motion to adopt Resolution # 2012-R-06 as submitted was made by Council Member Peters, seconded by Council Member Lucas.

In discussing this motion, Council Member Buckner asked, is there in the application that these apartments will remain low-to-moderate income housing? Mayor Young responded it is my understanding that this is Section 8 Housing.

Council Member Bonds asked if any additional units were being added? City Manager Lord responded, No. Council Member Bonds then asked if the buffering requirements for the housing would be in compliance with our new Zoning Ordinance? What are they going to do about buffering?

City Manager Lord responded, they are not required to do buffering. If they were building on this tract, then they would be required to do buffering. What they have agreed to do is put in a fence, which will be part of the property. The fence would come down between the two units, between Druid Hills I and II.

City Manager Lord further stated, the units back up to each other and there is a swell between the two. The fence is intended to go where that swell is, to provide a separation between the two developments.

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On a question by the Mayor, City Attorney Cone agreed that this resolution does not in any way obligate the City financially.

The motion to adopt Resolution # 2012-R-06 then passed unanimously, except Council Member Lohr was absent and did not vote. A copy of said Resolution is attached as part of these minutes.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for a discussion of appointments and receipt of legal advice.

The meeting then entered into an Executive Session.

The meeting returned to Open Session, and a motion was made by Council Member Peters to reappointment George Cone as City Attorney for another one year term. Council Member Lucas seconded the motion that passed with all members voting in favor, except that Council Member Lohr was absent and did not vote.

A motion to reappoint R. Clenton Campbell as City Prosecutor for another term was made by Council Member Lucas and seconded by Council Member Peters. Council Member Bonds, Siegel and Buckner recused from voting on this matter due to a potential conflict of interest in that their law firms might appear from time to time in City court. Mayor Young then asked what happens when 3 Council Members abstained from voting and there are only 3 members left? Does this still constitute a majority? City Manager Lord responded, there is still a quorum, two votes could get it.

The motion then passed with a majority vote with Mayor Young, Council Members Lucas and Peters voting in favor. Council Members Buckner, Bonds and Siegel recused themselves from voting. Council Member Lohr was absent and did not vote.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Peters, seconded by Council Member Bonds and passed unanimously. The meeting adjourned at 7:20 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

Walterboro City Council
Special Called Meeting
October 31, 2012

MINUTES

A Special Called Meeting of Walterboro City Council was held at City Hall on Wednesday, October 31, 2012 at 12:00 noon with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson, and City Attorney George Cone were also present. Council Member Tom Lohr was absent. There were approximately 7 persons present in the audience. The purpose of the Special Called Meeting was to discuss the development of security personnel or devices related to the recent increase in break-ins and attempted break-ins in the City in an Executive Session.

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

At this point the Mayor made the following statement.

The Mayor stated that this meeting was called today to receive a briefing from our Chief of Police and City Manager. Over the past few weeks, we have had several break-ins and several attempted break-ins in the City where some items have been taken, and this has caused a number of our citizens a great deal of concern. I want to assure everyone that we take these incidents very seriously and that we believe that it is everyone's right to feel safe in their own homes. Everyone associated with the City of Walterboro, from the Mayor and Council, to the City Manager and Police Chief and every Public Safety Official in the City is dedicated to protecting our neighborhoods and apprehending those responsible. That being said, we need the public's help. We ask that you remember to keep your doors and windows locked, keep your cars locked even at home in the driveway, and don't leave keys or valuable items in your cars. Keep an eye on your neighbor's property, as well as your own. Report suspicious individuals to the Public Safety Department. Check on your elderly neighbors and those who live alone to make sure that they follow these suggestions and that they are safe. A lot of our elderly people may not have e-mail or do Facebook, and so they may not get some of the e-mails that the rest of us get. If people come to your house that is asking for work and you don't know them, you probably should decline the work and call City Hall or notify them, or you can ask if they have a City business license or a contractor's license. You can call the City to find out if they are legitimate. Several of these incidents have occurred in the daytime, so if you should return home and discover a break-in, call the police immediately from your cell phone or phone from a neighbor's house and do not enter your home until they arrive. It's just a matter of time until we catch these people, and we will catch them.

Mr. Leonard Hulquist then addressed Council regarding a recent break-in on his property. He said that one of his rental properties was broken into a week ago Saturday. He stated that he immediately called in and reported the break-in to the Police Department. The tenants were out of town. I called immediately and pressed the numbers I was told by dispatch. The officers came and were very concerned about our problem and what we could do to get it solved. They came back a couple of times since then. I am interested in what the City can do to keep this from happening again.

Mayor Young stated, this is frustrating for all of us, and our people are working on it and gathering information. You know, we do this every day. There are discussions every day about how we solve these kinds of crimes. The public does not always see what's going on, but we want to assure everyone that we are working on this. It's a matter of time, but we will get these guys.

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OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

There was no New Business before Council.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Lucas, seconded by Council Member Bonds, and passed with all members voting in favor. The Mayor then announced that the meeting will enter an Executive Session for a discussion of the development of security personnel or devices related to the recent increase in break-ins and attempted break-ins in the City.

The meeting then convened into an Executive Session.

The meeting returned to Open Session, and there being no further business, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The Mayor adjourned the meeting at 1:30 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

Walterboro City Council
Public Hearing and Regular Meeting
November 13, 2012

MINUTES

A Public Hearing and Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 13, 2012 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone, were also present. Council Member Thomas Lohr was absent. There were 8 persons present in the audience. The Mayor also recognized that Jimmy Syfrett, who serves on one of our committees, was also present at the meeting.

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

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were given on agenda items, however, former Mayor Charlie Sweat invited the public to attend the Annual Christmas Parade on Sunday, December 2, at 6:00 P.M., after the Christmas Tree Lighting Ceremony to be held at 5:00 P.M. The Grand Marshall for this year's parade will be former City Councilman Ted Parker.

Mr. Jimmy Syfrett congratulated City Council on the ordinance to be adopted tonight # 2012-17, regarding providing a preference for local vendors. He said, I think that is a really good idea to show city residents that you do want to keep the "Bucks in the Boro." Thanks for what you are doing for the City in helping it to grow.

PUBLIC HEARING:

The Mayor then opened a public hearing to receive comments on two proposed ordinances, duly advertised:

1. Ordinance # 2012-16, An Ordinance Amending the Business License Ordinance Provisions for Insurance Companies.
2. Ordinance # 2012-17, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Procurement Procedures So As to Provide for a Local Preference in the Evaluation of Bids, Proposals, and Qualifications.

No comments or questions were received from the public, and the public hearing was closed. The regular meeting began.

APPROVAL OF MINUTES:

The Minutes of the September 25, 2012 Regular Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Lucas and passed with all members in favor, except Council Member Lohr was absent and did not vote.

OLD BUSINESS:

There was no Old Business before Council.

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NEW BUSINESS:

1. **Ordinance # 2012-16**, An Ordinance Amending the Business License Ordinance Provisions for Insurance Companies, **Second Reading and Adoption.**

A motion was made by Council Member Peters giving Second Reading and Adoption to Ordinance # 2012-16. Council Member Bonds seconded the motion. In discussing the motion City Manager Lord reminded Council that changes in federal law transferred responsibility for collecting the local percentage 4% of business licenses from insurance companies to the state. This changes our business license ordinance to meet those changes. Last time you heard the first reading and you also approved the contact from the Municipal Association, which now receives the money from the state to do this.

The motion then passed with all members voting in favor, except Council Member Lohr was absent and did not vote. A copy of a contract agreement between the City and the Municipal Association of SC, approved as part of this Ordinance for collection of these taxes, is also attached and made a part of these minutes.

2. **Ordinance # 2012-17**, An Ordinance to Amend the Code of Ordinances of the City of Walterboro, So As to Clarify and Strengthen the Ordinance as Related to Procurement Procedures, So As to Provide for a Local Preference in the Evaluation of Bids, Proposals, and Qualifications, **Second Reading and Adoption.**

A motion was made by Council Member Lucas, seconded by Council Member Siegel giving Second Reading and Adoption to Ordinance # 2012-17.

In discussing the motion, Council Member Buckner reminded Council that on First Reading of this ordinance, he had expressed concern about extending this provision to allow for a preference for women and minority owned businesses. We are here now on second reading, and I am going to support this ordinance, because I do believe we should have a local preference for vendors. However, I do think we have not gone the next step to protect the women and minority owned businesses, which have been historically discriminated against in terms of government contracts. So, I am disappointed that we didn't take it to the next step, but this is a step in the right direction. It is my hope that Council will continue to explore a preference for women and minority owned businesses, so that we can make sure that they too have a level playing field in being awarded government contracts.

Council Member Lucas then asked for clarification. He asked, if a City and a County are both within 5% of the low bid, explain how this would be handled? Does it go to the lowest one?

City Manager Lord confirmed that the bid would go to the lowest one. He also stated, for the 5% example, it would be 5% for the City and 4% for the County. The County has to still beat the City by another percentage point. If there is a tie between local vendors, the award would be determined by a lottery. Council Member Lucas then asked, can't we change that so if there is a tie that the award goes to the City? City Manager Lord said, that would be a rare situation for a tie. It would have to be a to-the-penny tie. So, I would expect that not to ever happen. It has never happened in the past.

Council Member Peters then asked the City Attorney, since I will be participating in the bids as a business owner here, can I vote in this matter or do I have to recuse?

MINUTES/Page III

City Attorney Cone answered, I think you can vote on this particular matter even though you make bids on the contracts with the City, but you could not vote on any particular contract where this system is in force. I believe that you should be able to vote.

The motion to adopt Ordinance # 2012-17 then passed with all members voting in favor, except Council Member Lohr was absent and did not vote.

3. Consideration of Bids Received for the Birch Street Lift Station Improvement Project.

Utilities Director Wayne Crosby told Council that seven bids were received for improvements to be made to the Birch Street Pump Station. The bids received were as follows:

McClam & Associates, Little Mountain, SC	\$85,950.00
Tri County Utilities, Pacolet Mills, SC	\$89,800.00
MJL, Inc., Moncks Corner, SC	\$93,201.00
Green Construction Co., Summerville, SC	\$123,000.00
Anson Construction, Ravenel, SC	\$130,000.00
Wateree Construction, Sumter, SC	\$135,063.00
James F. Pederson, Hollywood, SC	\$147,934.80

Mr. Crosby reported that the low bidder was McClam & Associates, Inc. from Little Mountain, SC. During our investigation of this company, they seem to have a good reputation and they seem to provide everything that they would need in order to accomplish this job. Mr. Crosby recommended acceptance of the low bid at \$85,950.00.

A motion was made by Council Member Lucas to accept the low bid of \$85,950 by McClam & Associates. Council Member Peters seconded the motion. Council Member Peters asked what is the location of the Birch Street Pump Station? Mr. Crosby responded that the pump station is located on the bypass. You can actually see the pump station as you are driving on the new section of the bypass, just before Rivers Street. The motion then passed with all members voting in favor, except Council Member Lohr was absent and did not vote.

4. Consideration for Bids Received for the Doodle Hill Demolition and Cleanup Project

Mr. David Dodd told Council that the City accepted bids for the demolition and cleanup of the Doodle Hill Project Area. The low bid was submitted by Target Contractors for \$154,421.00.

The bids received were as follows:

Abdella Services	\$290,112.00
BES Engineering	\$266,465.00
International Public Works	\$165,677.85
Target Contractors	\$154,421.00

A motion was made by Council Member Bonds, seconded by Council Member Siegel to accept the low bid of \$154,421.00 from Target Contractors for the Doodle Hill Demolition and Cleanup Project. In discussing the motion, Council Member Buckner asked for the names of the other bidders on the list. He asked if the BES Engineering firm was the same firm we are using for the parks? He also asked if they were a local bidder? Mr. Dodd responded that the firm is a local bidder, but their bid is way above

MINUTES/Page IV

any 5% to be considered. City Manager Lord also pointed out that since this involves grant money, we would need to accept the low bidder.

Council Member Lucas noted that there is a meat packing plant on Rivers Street which is also included in the demolition project. He stated, I cannot support this because that building is occupied with the owner's property, and he still uses it as a storage building. I won't vote to tear down something someone is still using.

Council Member Peters then asked what is he using the building for? City Manager Lord pointed out if he is actively using it for storage, he is using it illegally. I know he has been trying to work on it, but it's been several years and it (the building) hasn't come to code yet. If between now and the time we can get to it, he can bring it to code or bring somebody in who wants to do something with the building, it won't be demolished. It's still condemned property and will need to come down. Mayor Young added, and we have a deadline on the funding sources we have to accomplish the demolition, so it makes this a time sensitive matter.

The motion to approve the low bid from Target Contractors for the demolition and cleanup project then passed with a vote of 5/1 with Mayor Young and Council Members Siegel, Peters, Buckner and Bonds voting in favor and Council Member Lucas voting against the motion for adoption. Council Member Lohr was absent and did not vote.

5. Certification of November 6, 2012 Municipal Referendum Results (Resolution # 2012-R-07)

City Manager Lord reported on the Municipal Referendum Results held November 6, 2012 on the following question:

"Shall the South Carolina Department of Revenue be authorized to issue temporary permits in the City of Walterboro for a period not to exceed twenty-four hours to allow the possessing, sale and consumption of alcoholic liquors by the drink to bona fide nonprofit organizations and business establishments authorized to be licensed for consumption-on-premises sales and to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?"

The voting results were as follows:

	<u>Votes</u>
Yes	1,372
No	686

The referendum was adopted and certified by the County Election Commission and the Municipal Election Commission.

City Attorney Cone reminded Council that the ordinance contained an effective date, which is December 1, 2012, to allow time for the administrative portion of it.

A motion was made by Council Member Peters, seconded by Council Member Bonds to adopt Resolution No. 2012-R-07, certifying and ratifying the November 6, 2012 Municipal Referendum Results.

In discussing the motion, Council Member Buckner asked what would be the fee for restaurants to sell alcoholic beverages. Mayor Young noted that this information was sent out earlier to all Council Members. City Manager Lord said he was not sure, but believed the fee was around \$1,200. Mr. Buckner asked if the City would get any of this revenue? Mr. Lord responded, that the state would set the amount, collect it and then would distribute the revenue to the City. Mr. Buckner asked if the City had

MINUTES/Page V

a projected amount for this revenue? Mr. Lord responded that the City would not know these amounts until after the first of the year.

Council Member Buckner then stated, this was a hard decision to make, but the people of Walterboro have spoken. They have told us they would like to have the option of being able to buy beer, wine and alcohol on Sundays. My hope is that we can continue to utilize this in our economic development efforts in recruiting restaurants that may have not wanted to come to Walterboro because of the prohibition against Sunday sales. Now, since that prohibition is lifted, it is my hope that we will continue to drink responsibly. To those people who voted against it, we heard your voice and your concern, and we will do everything to respect the vote against the alcohol sales as well.

No further discussion was held and the motion to approve Resolution # 2012-R-07 passed unanimously, except Council Member Lohr was absent and did not vote. A copy of said Resolution is attached as part of these minutes.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Buckner, seconded by Council Member Lucas and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for receipt of legal advice.

The meeting then entered into an Executive Session.

The meeting returned to Open Session, and Council Member Lucas stated, I'd like to bring up something for thought. Someone presented it to me and I feel it's a good idea to come up with a name for the downtown area, other than the Old Main Street or the Old Downtown, whether or not we could use the Washington Street Plaza or Red Rocker, etc. This would be something to use for advertising.

There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The meeting adjourned at 7:15 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

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 27, 2012 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. There were 12 persons present in the audience.

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

The Mayor announced that the Tree Lighting Ceremony will be held at City Hall on Sunday, December 2, 2012 at 5:00 P.M., followed by the Annual Christmas Parade at 6:00 P.M.

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were made on agenda items.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2012-18**, An Ordinance to Change the Zoning on a Parcel of Land on Carn Street, Tax Map # 163-11-00-025, (property located at 214 Carn Street, owned by Newington Properties, LLC/Sandra Katchuk), **First Reading**.

Planning Director David Dodd reported that the Planning Commission had reviewed and approved a request to rezone this property. The property is located right across from City Hall on Carn Street. There are apartment units on the property. They own the lots that goes all the way through, that lot and the one on Sanders Street. The owner made a request to the Planning Commission to have the property rezoned from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD). The intent is to increase the parcel size by subdividing a Sanders Street property, adjacent behind 214 Carn Street. They (the owners) want to resize the Carn Street lot, so that they will have room to build a storage unit behind the apartments.

Mr. Dodd told Council by moving the lot line and increasing the Carn Street lot, we would need to change the district zoning line, so that we don't have rules on parking.

A motion was made by Council Member Siegel, seconded by Council Member Lucas giving First Reading Approval to Ordinance # 2012-18. In discussing the motion, Council Member Lucas asked what is on that lot, is it vacant? Mr. Dodd responded that the Sanders Street lot is vacant. This is the lot being decreased in size to increase the side of the Carn Street lot. Council Member Buckner then asked what is the permissible uses for Neighborhood Commercial. Mr. Dodd responded that this zoning allows apartments and other uses like offices facilities for personal and business. Mayor Young then added, this will not run all the way through to Sanders Street. Mr. Dodd added that Sanders Street will still remain a medium density zoning for the entire section there. He also noted that the adjoining properties to that lot will retain their residential uses.

MINUTES/Page II

Council Member Peters asked what is the size of the Sanders Street lot? Mr. Dodd stated he did not have these figures. Mayor Young identified that only part of the lot is being rezoned.

Council Member Bonds asked where were the zoning notices posted for the properties? Mr. Dodd stated that one notice was posted on Carn Street, and there may have been one posted on Sanders Street as well. Mr. Bonds asked if a notice was posted on Lucas Street, since it would directly affect the two parcels on that street? Mr. Dodd replied "no", the notice was only posted in front of the parcels which are being changed in zoning.

Council Bonds then stated, I have a real problem with this, because how will persons on Lucas Street supposed to know that the signs posted will affect their properties? The practical affect is that this will not put the property owners on notice when you have a sign only on Carn and Sanders Street. It's not reasonable that someone is going to think that what's here is going to affect them, and they are the ones who are directly behind it. I don't think we are giving the property owners adequate notice.

Mr. Dodd stated, we followed the state law requirement to post the properties and I would like to point out that before the Ordinance can be adopted, there is a requirement for a 15 day advertising period before a public hearing and final reading of the ordinance. Also, we will be glad to post the properties as well during that period before the Public Hearing and Second Reading. Mayor Young added, you can also contact the property owners for those two properties and tell them that this zoning has been applied for and make sure they are aware of it.

Council Member Bonds agreed and stated that he would appreciate it if the City would notify the other property owners about the zoning, or at least send them a letter.

Council Member Buckner then stated that he had a potential conflict of interest in this matter, since he is an owner of a piece of property, which is adjoining the piece of property that is requesting a change in the zoning. He recused himself from voting on this matter.

Council Member Lucas then asked, if somebody built a house in the medium density zoning, and built a storage building on that same piece of property, would it be zoned appropriately? Mr. Lord responded yes. Mr. Dodd stated, you would need to have the room to build a storage building.

The motion then passed with a vote of 6/0 with Mayor Young, Council Members Siegel, Lucas, Peters, Lohr and Bonds voting in favor. Council Member Buckner recused himself from voting due to a potential conflict of interest. The Mayor also noted that staff is to contact the adjacent property owners.

2. **Ordinance # 2012-19**, An Ordinance to Change the Zoning on a Parcel of Land on Sanders Street, Tax Map # 163-15-00-026, (property located on Sanders Street, owned by Danny Drain), **First Reading.**

Planning Director David Dodd reported that the request is to rezone this property from Industrial District (ID) to General Commercial District (GCD). Mr. Dodd gave a brief description of this zoning request.

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Mr. Dodd noted that a purchaser is interested in purchasing the property from the current owner to use it for a catering business, and catering is not an approved use in the Industrial Zone. It is an approved use in the General Commercial zone. Adjacent by being contiguous across the street is a General Commercial property located on the corner.

A motion was made by Council Member Siegel, seconded by Council Member Buckner, giving First Reading approval to Ordinance # 2012-19. In discussing the motion, Council Member Bonds questioned if the catering service would be held on-site or off site. Mr. Dodd responded that the intent is to build an on-site catering facility.

Council Member Lucas then asked, can this be approved based on them doing what they say they are going to do? Mr. Dodd stated, I think you have to approve it for General Commercial, and then any General Commercial use would be allowed.

Council Member Siegel then asked if the Lowcountry Office Supply building in the General Commercial Zone?. Mr. Dodd responded that this is correct.

Council Member Peters asked if they (the purchaser) will need to come up with the parking requirements. Mr. Dodd responded that they will need to comply or apply for a zoning variance.

Further discussion was held, after which the motion for First Reading Approval of Ordinance # 2012-19 passed unanimously.

3. Consideration to Cancel the December 25, 2012 City Council Meeting

Due to the Christmas holiday on December 25, a motion was made by Council Member Lucas, seconded by Council Member Peters, to cancel the regularly scheduled December 25, 2012 City Council Meeting. The motion passed unanimously.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for receipt of legal advice.

The meeting then entered into an Executive Session.

The meeting returned to Open Session, and there being no further business to consider, a motion to adjourn the meeting was made by Council Member Lucas, seconded by Council Member Peters and passed unanimously. The meeting adjourned at 7:15 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

Walterboro City Council
Regular Meeting
December 11, 2012

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, December 11, 2012 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord, City Clerk Betty Hudson and Attorney Thomas Howard, representing City Attorney George Cone, were also present. There were 20 persons present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were made on agenda items.

APPROVAL OF THE MINUTES:

The Minutes of the October 9, 2012 Regular Meeting were approved as submitted on the motion of Council Member Lucas, seconded by Council Member Buckner and passed with all members voting in favor.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2013-01**, An Ordinance to Amend the Code of Ordinance, Chapter 8, Article II. Business and Professional Licenses, So, As to Clarify and Strengthen Portions Thereof and to Provide for an Annual Classification Update, **First Reading.**

City Manager Lord briefly introduced this agenda item. He stated, from time to time, it is important for us to update our model ordinances, as produced by the Municipal Association of South Carolina. It is intended that all the municipalities that have this ordinance have the same ordinance. This creates a strong defense to it from unequal taxation and for economic development purposes. It makes sense to have something that is the same in each jurisdiction. This is just to update our ordinance to the model ordinance. Outlined in my memo are the nine basic changes that are in this ordinance. All of these are changes in the legal environment or with the updating of the classifications to make sure they are current with the current IRS data.

A motion was then made by Council Member Lucas, seconded by Council Member Bonds, giving First Reading Approval to Ordinance # 2013-01.

In discussing the motion, Council Member Buckner asked Mr. Lord if the new proposed ordinance would make it more difficult to do business in Walterboro or less difficult based on what we had prior to this? Mr. Lord responded that he felt that the ordinance would make it less difficult to do business because of a couple of things. One, it would again make us so that we are like the other jurisdictions. So, they would be under the same rules. There are some provisions which allows for partial payments for any fines, or a partial to be presented, so that you can make a partial payment to extend the fine for that amount. It just clarifies some things. It adds into the language requiring some franchise authority, so people would understand that.

MINUTES/Page II

Because it makes it clearer, and because it allows a person to make partial payments and stay the penalties on the parts that they pay, it would make it easier for them.

The motion then passed unanimously.

2. **Request for Street Closing for Martin Luther King, Jr. Day Parade, January 20, 2013**

A motion to approve the request for Street Closing for the Martin Luther King, Jr. Day Parade on January 20, 2013 as submitted was made by Council Member Buckner, seconded by Council Member Lucas and passed with all members voting in favor.

The Mayor acknowledged that several Boy Scouts were present at the meeting.

COMMITTEE REPORTS:

There were no Committee Reports given.

EXECUTIVE SESSION:

A motion to enter an Executive Session was then made by Council Member Lucas, seconded by Council Member Lohr and passed unanimously. The Mayor announced that the meeting will convene into an Executive Session for receipt of legal advice.

The Mayor also announced that this is Council's last meeting for 2012. He wished everyone a Merry Christmas and a Happy New Year, and we will look forward to seeing everybody in January.

The meeting then entered into an Executive Session.

The meeting returned to Open Session, and there being no further business to consider, a motion to adjourn the meeting was made by Council Member Peters, seconded by Council Member Lohr and passed unanimously. The meeting adjourned at 7:05 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 # 2012-18

AN ORDINANCE TO CHANGE THE ZONING ON A PARCEL OF LAND ON CARN STREET.

WHEREAS, the Walterboro Municipal Planning Commission has made its recommendation to rezone said property and a public hearing has been properly advertised and conducted.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Walterboro, in Council Assembled, that the Official Zoning Map is hereby amended to change the zoning on Tax Map Parcel # 163-11-00-025 from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD) as shown on the attached map.

DONE, this 8th day of January, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: November 27, 2012

Public Hearing: January 8, 2013

Second Reading: _____

163-11-00-025

214 Carn Street



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Attachment 1 to Ord. # 2012-18

LUCAS ST

SANDERS'S

RS ST

Attachment 2 to Ord. # 2012-18



Telephone: 843-549-2545

Fax: 843-549-9795

TDD 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

To: Mayor and Council
From: David B. Dodd, Planning Director 
Subject: Recommendation to rezone TMS# 163-11-00-025, 214 Carn Street
Date: November, 07, 2012

The Municipal Planning Commission recommends an amendment to rezone the above referenced property on Carn Street, belonging to Newington Properties, LLC/Sandra Katchuk, from Medium Density Residential (MDR) to Neighborhood Commercial District (NCD).

The owner made a request to the Planning Commission to have the property rezoned with the intent of increasing the parcel size by subdividing a Sanders Street property, the adjacent parcel behind the above referenced property, also owned by Newington Properties LLC, and combining the subdivided portion with the rear of 214 Carn. The two properties in question are zoned differently from each other, the one on Sanders Street being zoned Medium Density Residential (MDR) and the one on Carn Street being zoned Neighborhood Commercial Property (NCD). Without the requested rezoning, the subdivision would not be allowed because it would create a parcel with more than one zoning classification. This change in zoning classification will not allow any uses that are measurably different or incompatible with the existing land uses of any of the above referenced parcel's adjacent properties or other properties in the vicinity and the property is contiguous with other Neighborhood Commercial District (NCD) therefore eliminating any spot zoning concerns.

Public notice of the Planning Commission meeting was adequately advertised and conspicuous notice was posted on the property as is required. There was no opposition to the rezoning request and after discussion of the matter, the commission voted to recommend the rezoning to Neighborhood Commercial District (NCD).

ORDINANCE # 2012-19

AN ORDINANCE TO CHANGE THE ZONING ON A PARCEL OF LAND ON SANDERS STREET.

WHEREAS, the Walterboro Municipal Planning Commission has made its recommendation to rezone said property and a public hearing has been properly advertised and conducted.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Walterboro, in Council Assembled, that the Official Zoning Map is hereby amended to change the zoning on Tax Map Parcel # 163-15-00-026 from Industrial District (ID) to General Commercial District (GCD) as shown on the attached map.

DONE, this 8th day of January, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

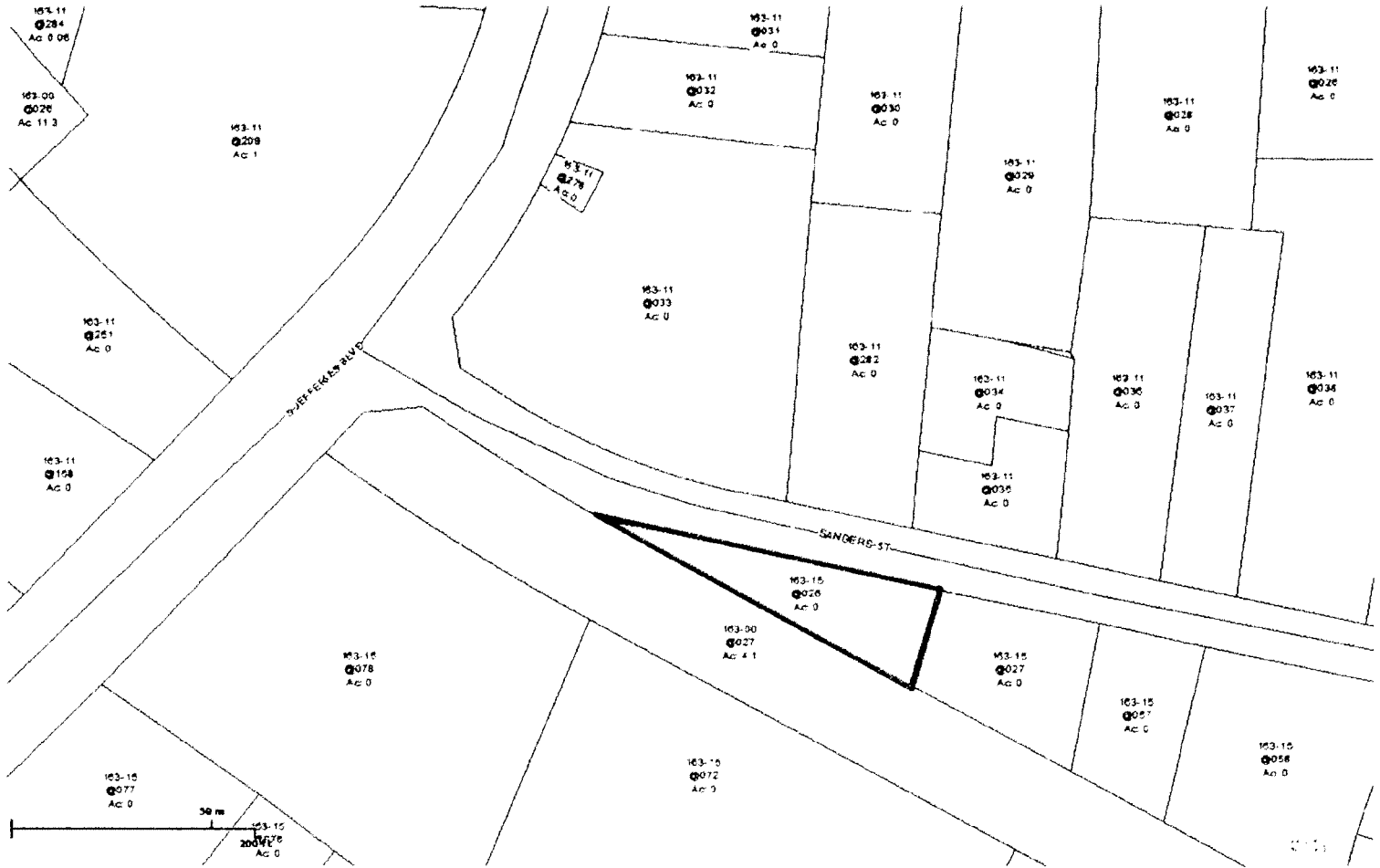
First Reading: November 27, 2012

Public Hearing: January 8, 2013

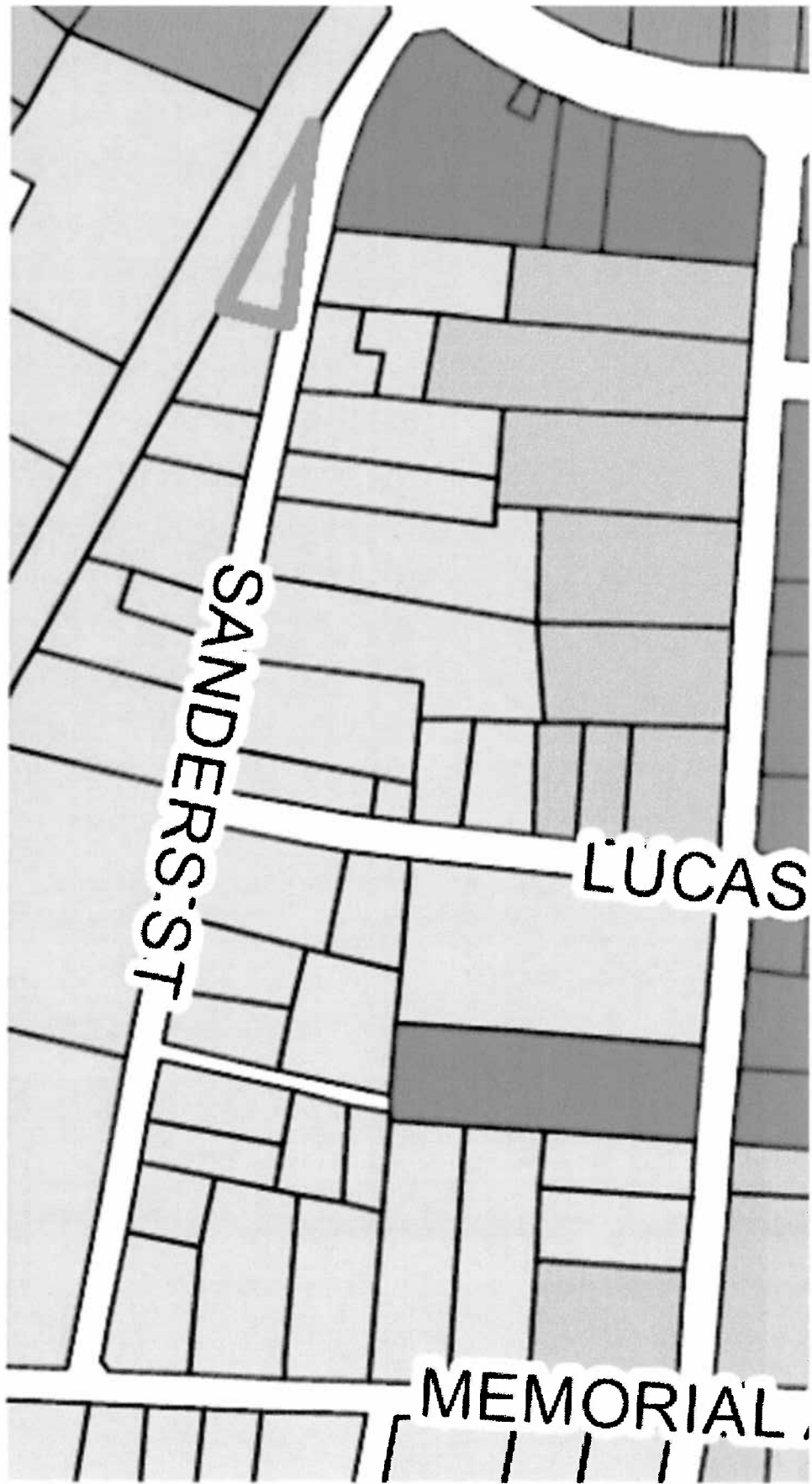
Second Reading: _____

163-15-00-026

Sanders Street



Attachment 1 to Ord. # 2012-19



Telephone: 843-549-2545

Fax: 843-549-9795

TDD 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

To: Mayor and Council
From: David B. Dodd, Planning Director 
Subject: Recommendation to rezone TMS# 163-15-00-026, on Sanders Street
Date: November, 07, 2012

The Municipal Planning Commission recommends an amendment to rezone the above referenced property on Sanders street, belonging to Danny Drain, from Industrial District (ID) to General Commercial District (GCD).

With the owner's permission, the applicant, Marcus Pinckney, made a request to the Planning Commission to have the property rezoned with the intent of purchasing the property and constructing a catering business. This zoning classification will not allow any uses that are measurably different or incompatible with the existing land uses of the adjacent property or other properties in the vicinity and the property is contiguous with the General Commercial District (GCD) therefore eliminating any spot zoning concerns.

Public notice of the Planning Commission meeting was adequately advertised and conspicuous notice was posted on the property as is required. There was no opposition to the rezoning request and after discussion of the matter, the commission voted to recommend the rezoning to General Commercial District (GCD).

ORDINANCE # 2013-01

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES CHAPTER 8
ARTICLE II. BUSINESS AND PROFESSIONAL LICENSES SO AS TO
CLARIFY AND STRENGTHEN PORTIONS THEREOF AND TO PROVIDE FOR
AN ANNUAL CLASSIFICATION UPDATE.**

WHEREAS, the Municipal Association of South Carolina (MASC) regularly updates the Model Business License Ordinance to incorporate improvements necessitated by changes in the legal and economic application of business license regulations; and,

WHEREAS, it is in the interest of the City and the operators of businesses within the City that the business license ordinance be revised and updated to be consistent with the statewide application of business license regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED,**

SECTION I

That Chapter 8 Article II is hereby deleted in its entirety and replace with the following:

"Article II. Business and Professional Licenses

Sec. 8-19. License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City of Walterboro South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Sec. 8-20. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

"*Business*" means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

"*Charitable Organization*" means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

"*Charitable Purpose*" means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a

sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

"*Classification*" means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

"*Gross Income*" means the total income of a business, received or accrued, for one calendar year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid to some other municipality or a county and fully reported to the Municipality. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency.

"*License Official*" means a person designated to administer this ordinance.

"*Licensee*" means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

"*Municipality*" means the City Walterboro, South Carolina.

"*Person*" means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Sec. 8-21. Purpose and Duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one calendar year ending December 31. The provisions of this ordinance and the

rates herein shall remain in effect from year to year as amended by the Council.

Sec. 8-22. License Tax.

(a) The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the 15th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

(b) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Sec. 8-23. Registration Required.

(a) The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

(b) Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

(c) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the Municipality have been paid.

(d) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Sec. 8-24. Deductions, Exemptions, and Charitable Organizations.

(a) No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

(b) No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

(c) A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Sec. 8-25. False Application Unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Sec. 8-26. Display and Transfer.

(a) All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

(b) A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Sec. 8-27. Administration of Article.

The License Official shall administer the provisions of this article, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Sec. 8-28. Inspection and Audits.

(a) For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

(b) The License Official shall make systematic inspections and random audits of all businesses within the Municipality to insure

compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Sec. 8-29. Assessments, Payment under Protest, Appeal.

(a) If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

(b) A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(c) A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to Council.

Sec. 8-30. Delinquent License Taxes, Partial Payment.

(a) For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for sixty (60) days after its due date, the License Official shall report it to the municipal attorney for appropriate legal action.

(b) Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Sec. 8-31. Notices.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due

date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Sec. 8-32. Denial of License.

The License Official shall deny a license to an applicant when the License Official determines:

- (a) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or
- (b) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens; or
- (c) The applicant, Licensee or prior Licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- (d) The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or
- (e) The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or
- (f) The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Sec. 8-33. Suspension or Revocation of License.

When the License Official determines:

- (a) A license has been mistakenly or improperly issued or issued contrary to law; or
- (b) A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or

(c) A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

(d) A Licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

(e) A Licensee has engaged in an unlawful activity or nuisance related to the business; or

(f) A Licensee is delinquent in the payment to the Municipality of any tax or fee,

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance..

Sec. 8-34. Appeals to Council.

(a) Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days after service by certified mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

(b) An appeal or a hearing on proposed revocation shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all

parties or their representatives and shall be the final decision of the Municipality.

Sec. 8-35. Consent, franchise or license required for use of streets.

(a) It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

(b) The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

Sec. 8-36. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

Sec. 8-37. Violations.

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

Sec. 8-38. Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Sec. 8-39. Classification and Rates.

(a) The Class Structure Model by the North American Industry Classification System code, designated as Appendix B to this ordinance, and the Class Structure Model by rate class, designated as

Appendix C to this ordinance, may be amended by the Council from time to time, and current copies shall be filed in the office of the municipal clerk. Appendices B and C are tools for classification and not a limitation on businesses subject to a license tax. The License Official shall determine the proper class for a business according to the applicable NAICS code.

(b) The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the Rate Schedule, designated as Appendix A to this ordinance, which may be amended by the Council from time to time and a current copy filed in the office of the municipal clerk.

Secs. 8-40---8-70. Reserved"

Section II

That Appendix B. Comprehensive Fee Schedule, Finance Department Fees be deleted in its entirety and the following inserted at the end of the Comprehensive Fees schedule:

"FINANCE DEPARTMENT FEES

Accommodations TaxesMunicipal Code Chapter 30, Article II
 Hospitality Taxes.....Municipal Code Chapter 30, Article II
 Audit/Budget Preprinted Book Fee\$15.00
 Returned Check Fee.....\$25.00
 Setoff Debt Collection Fee.....\$25.00

BUSINESS LICENSE FEES

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	MINIMUM TAX	Rate per Thousand or fraction thereof
1	\$40.00	\$1.00
2	\$45.00	\$1.15
3	\$50.00	\$1.30
4	\$55.00	\$1.45
5	\$60.00	\$1.60
6	\$65.00	\$1.75
7	\$70.00	\$1.90
8	See Individual Business in Class 8	

NON-RESIDENT RATES

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the municipality.

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

NAICS 230000 - Contractors, Construction, All Types

8	Having permanent place of business within the municipality	
	Minimum on first	
\$2,000	\$50.00
PLUS		
	Each additional \$1,000.....	\$1.10
9	Not having permanent place of business within the municipality	
	Minimum on first	
\$2,000	\$100.00
PLUS		
	Each additional \$1,000.....	\$2.20
	(non-resident double rates do not apply)	

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a calendar year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

209 NAICS 5171, 5172 - Telephone Companies:

(a) Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

(b) In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

(c) The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

(d) The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

(e) Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

(f) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.

(g) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

(h) As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

10 **NAICS 517110 - Television: Cable or Pay**
Services using public streets.....See Franchise

11 **NAICS 22112 - Electric Power/Natural Gas Distribution...** See Franchise

12 **NAICS 423930 - Junk or Scrap Dealers** [Non-resident rates apply - rate code 13]
Minimum on first \$2,000\$70.00
PLUS
Per \$1,000, or fraction, over \$2,000 \$1.60

14 **NAICS 4411, 4412 - Automotive, Motor Vehicles, Boats, Farm Machinery or Retail**
(except auto supply stores - see 4413)
Minimum on first \$2,000\$100.00
PLUS
\$2,000 - \$300,000.....\$0.70
Over \$300,000.....\$0.38

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership. Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

16 **NAICS 522298 - Pawn Brokers** - All Types
Minimum on first \$2,000..... \$70.00
PLUS
Per \$1,000, or fraction, over \$2,000.....\$1.60

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales direct retail sales of merchandise.

20 Peddlers - Ordinance 2009-02.....\$150.00 per 7 day period or portion thereof the permit period

21 Transient Merchant - Ordinance 2009-02

Minimum on first \$2,000\$250
 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$3.10

Applicant for a license to sell on private property must provide written authorization from the properly owner to use the intended location.

NAICS 5241 - Insurance Companies:

Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

NAICS 52411 - Life, Health and Accident 0.75% of Gross Premiums

NAICS 524126 - Fire and Casualty (Licensed in SC) 2% of Gross Premiums

NAICS 524127 - Title Insurance 2% of Gross Premiums

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each

year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina, by agreement with the municipality, is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

[The South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195. The act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax. The act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums.]

NAICS 713120 - Amusement Machines, coin operated (except gambling) -
Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) - **[Type I and Type II]**

25 Operator of machine.....\$12.50/machine
PLUS.....\$12.50 business license
 for operation of all machines (not on gross income).[\$12-21-2746]

208 Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] Minimum on first \$2,000\$50.00
PLUS
 Per \$1,000 or fraction over \$2,000.....\$1.20

NAICS 713290 - Amusement Machines, coin operated, non-payout

Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A) (3)
[Type III]

26 **NAICS 713290 - Bingo halls, parlors -**
 Minimum on first \$2,000.....\$50.00
 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$1.30

23 **NAICS 711190 - Carnivals and Circuses -**
 Minimum on first \$2,000\$200.00
 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$1.60

15 **NAICS 722410 - Drinking Places, bars, lounges, cabarets**
 (Alcoholic beverages consumed on premises)
 Minimum on first \$2,000.....\$200.00
 PLUS
 Per \$1,000, or fraction, over \$2,000\$1.60
 License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

22 **NAICS 713990 - Billiard or Pool Rooms, all types\$5.00**
 stamp/table PLUS
 Minimum on first \$2,000\$50.00
 PLUS
 Per \$1,000, or fraction, over \$2,000.....\$1.20

17 **NAICS 45421 - Vending Machines and all other coin-operated Automatic Merchandising Machines [Non-resident rates apply - #197]**
 (Not included in Business Gross Income):
 First \$2,000.....\$50.00
 Over \$2,000.....\$1.20

NAICS 48531 - Taxicabs - Public Service Commission certificates A and B are exempt from business license. License required for holders of certificate E and F if the business is located within city limits. Holders of certificate C are required to obtain a license once the application, inspection and insurance is approved by the Walterboro Public Safety Police Chief

Business License Class Schedule, by NAICS Code and by Rate Class

These schedules shall be updated annually based on the latest available IRS statistics as published by MASC.

2012 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
110000	Agriculture, forestry, hunting and fishing	2
210000	Mining	6
221100	Electric Power Generation, Transmission and	8.0
221200	Natural Gas Distribution	8.0
220000	Utilities	1
230000	Construction	8.1
31-33	Manufacturing	3
311000	Food manufacturing	2
313000	Textile and textile product mills	1
315000	Apparel	2
316000	Leather and allied products	3
321000	Wood products	1
322000	Paper products	3
323000	Printing and related support activities	2
324000	Petroleum and coal products	3
325000	Chemical manufacturing	5
327000	Nonmetallic mineral products	2
331000	Primary metal industries	1
332000	Fabricated metal products	2
333000	Machinery	3
334000	Computer and electronic products	4
335000	Electrical equipment, appliances, and components	2
336000	Transportation equipment	1
337000	Furniture and related products	2
339000	Other miscellaneous manufacturing	3
420000	Wholesale trade	1
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	2
444000	Building material and garden equipment and	2
445000	Food and beverage stores	1
446000	Health and personal care stores	2
447000	Gasoline stations	1
448000	Clothing and accessories stores	2

NAICS Code	Industry Sector	Class
451000	Sporting goods, hobby, book, and music stores	1
452000	General merchandise stores	2
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	2
454390	Other Direct Selling Establishments (Peddlers)	8.6
48-49	Transportation and warehousing	2
482000	Rail Transportation	8.2
486000	Pipeline transportation	1
493000	Warehousing and storage facilities	3
510000	Information	4
511000	Publishing industries (except internet)	4
512000	Motion picture and sound recording	2
515000	Broadcasting (except internet) and	3
517000	Telecommunications	4
517100	Wired Telecommunications Carriers	8.3
517110	Cable, DSL, VoIP, etc.	8.4
517200	Wireless Telecommunications Carriers (except Satellite)	8.3
518000	Internet service providers, web search portals, and	4
519000	Other Information Services	5
520000	Finance and insurance	7
522000	Credit intermediation and related activities	5
522298	Pawnshops	8.4
523000	Securities, commodity contracts, and other	7
524000	Insurance agents, brokers, and related activities	2
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance	8.7
530000	Real estate and rental and leasing	3
531000	Real estate	3
531100	Lessors of real estate (including miniwarehouses and self storage)	5
532000	Rental and leasing services	2
540000	Professional, scientific, and technical services	6
541600-541900	Other professional, scientific, and technical	7
550000	Management of companies	6
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	3
610000	Educational services	5

NAICS Code	Industry Sector	Class
620000	Health care and social assistance	5
623000	Nursing and Residential Care Facility	1
710000	Arts, entertainment, and recreation	3
711190	Other Performing Arts Companies (Carnivals and	8.9
712000	Museums, Historical Sites and similar institutions	1
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
713290	Bingo Halls	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.1
721000	Accommodation	1
722000	Food services and drinking places	2
722410	Drinking Places (Alcoholic Beverages)	8.9
810000	Other services	4
811000	Repair and maintenance	2
811100	Auto repair and maintenance	3
812000	Personal and laundry services	5
813000	Religious, grantmaking, civic, professional, and similar organizations	6

Note: Class Schedule is based on 2009 IRS data.

2012 BUSINESS LICENSE CLASS SCHEDULE BY RATE CLASS

NAICS Code	Industry Sector	Class
220000	Utilities	1
313000	Textile and textile product mills	1
321000	Wood products	1
331000	Primary metal industries	1
336000	Transportation equipment	1
420000	Wholesale trade	1
44-45	Retail trade	1
441000	Motor vehicle and parts dealers	1
445000	Food and beverage stores	1
447000	Gasoline stations	1
451000	Sporting goods, hobby, book, and music stores	1
486000	Pipeline transportation	1
623000	Nursing and Residential Care Facility	1
712000	Museums, Historical Sites and similar institutions	1
721000	Accommodation	1
110000	Agriculture, forestry, hunting and fishing	2
311000	Food manufacturing	2
315000	Apparel	2
323000	Printing and related support activities	2
327000	Nonmetallic mineral products	2
332000	Fabricated metal products	2
335000	Electrical equipment, appliances, and components	2
337000	Furniture and related products	2
442000	Furniture and home furnishing stores	2
443000	Electronic and appliance stores	2
444000	Building material and garden equipment and supplies dealers	2
446000	Health and personal care stores	2
448000	Clothing and accessories stores	2
452000	General merchandise stores	2
453000	Miscellaneous store retailers	2
454000	Nonstore retailers	2
48-49	Transportation and warehousing	2
512000	Motion picture and sound recording	2
524000	Insurance agents, brokers, and related activities	2
532000	Rental and leasing services	2
722000	Food services and drinking places	2

NAICS Code	Industry Sector	Class
811000	Repair and maintenance	2
31-33	Manufacturing	3
316000	Leather and allied products	3
322000	Paper products	3
324000	Petroleum and coal products	3
333000	Machinery	3
339000	Other miscellaneous manufacturing	3
493000	Warehousing and storage facilities	3
515000	Broadcasting (except internet) and	3
517000	Telecommunications	4
530000	Real estate and rental and leasing	3
531000	Real estate	3
560000	Administrative and support and waste management and remediation services	3
561000	Administrative and support services	3
562000	Waste management and remediation services	3
710000	Arts, entertainment, and recreation	3
811100	Auto repair and maintenance	3
334000	Computer and electronic products	4
510000	Information	4
511000	Publishing industries (except internet)	4
518000	Internet service providers, web search portals, and	4
810000	Other services	4
325000	Chemical manufacturing	5
519000	Other Information Services	5
522000	Credit intermediation and related activities	5
531100	Lessors of real estate (including miniwarehouses and self storage)	5
540000	Professional, scientific, and technical services	6
610000	Educational services	5
620000	Health care and social assistance	5
812000	Personal and laundry services	5
210000	Mining	6
550000	Management of companies	6
813000	Religious, grantmaking, civic, professional, and similar organizations	6
520000	Finance and insurance	7
523000	Securities, commodity contracts, and other financial investments	7

NAICS Code	Industry Sector	Class
541600-541900	Other professional, scientific, and technical	7
221100	Electric Power Generation, Transmission and	8.0
221200	Natural Gas Distribution	8.0
230000	Construction	8.1
482000	Rail Transportation	8.2
517100	Wired Telecommunications Carriers	8.3
517200	Wireless Telecommunications Carriers (except	8.3
423930	Recyclable Material Merchant Wholesalers (Junk)	8.4
517110	Cable, DSL, VoIP, etc.	8.4
522298	Pawnshops	8.4
441100	Automobile Dealers	8.5
441200	Other Motor Vehicle Dealers	8.5
454390	Other Direct Selling Establishments (Peddlers)	8.6
524100	Insurance Carriers	8.7
524210	Insurance Brokers for non-admitted Insurance	8.7
713100	Amusement Parks and Arcades	8.8
713200	Nonpayout Amusement Machines	8.8
711190	Other Performing Arts Companies (Carnivals and	8.9
713290	Bingo Halls	8.9
722410	Drinking Places (Alcoholic Beverages)	8.9
713990	All Other Amusement and Recreational Industries (pool tables)	8.10

Note: Class Schedule is based on 2009 IRS data."

DONE, this 8th day of January, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: December 11, 2012
Public Hearing: January 8, 2013
Second Reading: _____

NOTICE OF ANNUAL RETREAT

Walterboro City Council

Walterboro City Council will conduct its 2013 City Council Planning Retreat beginning **Friday, January 25, 2013** and running **through Saturday, January 26, 2013** to be held at 520 North Jefferies Boulevard, Walterboro (SCB&T). No formal action will be taken on any item at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration.