

Telephone: 843-549-2545

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City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

**Walterboro City Council
Public Hearing and Regular Meeting
October 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 # 2013-10**, An Ordinance to Amend Ordinance # 2013-04, So As to Correct the Local Option Sales Tax Credit Factor in the Fiscal Year 2013-2014 Budget.

IV. Approval of Minutes:

1. Minutes of the September 24, 2013 Regular City Council Meeting and Special Called Joint Meeting with Colleton County Council (Minutes attached).

V. Old Business:

1. **Ordinance # 2013-10**, An Ordinance to Amend Ordinance # 2013-04, So As to Correct the Local Option Sales Tax Credit Factor in the Fiscal Year 2013-2014 Budget, **Second Reading and Adoption.**

VI. New Business:

1. **Ordinance # 2013-11**, An Ordinance Authorizing the City of Walterboro to Join with the Walterboro - Colleton County Airport Commission and the County of Colleton in Declining a Right of First Refusal to Purchase Eight (8) Acres, More or Less, of Land in Connection with the Sale of the Land by Marketing Services International, LLC to Universal Distributors, LLC, **First Reading by Title Only.**
2. Request to Close Streets and Place Temporary Signs for 5th Annual Palmetto Classic Stride 5K Run and Walk on November 16, 2013 by Band of Blue Booster Club (Letter attached).

3. Veterans Day Parade Permit Request, Nov. 9, 2013 - Veterans Council (Permit Request attached).
4. Acceptance of Resignation of David Evans from the Accommodations Tax Advisory Board (Letter attached).
5. Consideration of Canceling or Rescheduling the November 12, 2013 City Council Meeting.

VII. Committee Reports:

VIII. Executive Session:

1. Personnel Matters:
 - a. Discussion of Appointments.
 - b. Discussion of Hiring City Manager.
2. Contractual Matter - Discussion of negotiations incident to proposed contractual arrangements.

IX. 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 September 20, 2013, and ending on September 20, 2013.

SWORN to before me

this 23 day of Sept, 2013
Ratricia McCaw (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, October 8, 2013 at 6:15 P.M. in City Hall, 242 Hampton Street, to receive public comments on the following proposed ordinance:

Ordinance # 2013-10, An Ordinance to Amend Ordinance # 2013-04, So As to Correct the Local Option Sales Tax Credit Factor in the Fiscal Year 2013-2014 Budget,

A copy of the proposed ordinance is available in the City Manager's Office at City Hall, 242 Hampton Street. 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 (782-1011) for additional information or for disabled persons needing auxiliary aids. Please give at least 24 hours notice if auxiliary aids are required.

DRAFT

Walterboro City Council
Regular Meeting & Joint County Council Meeting
September 24, 2013

MINUTES

A Regular Meeting of City Council and a Joint Meeting with Colleton County Council was held at City Hall on Tuesday, September 24, 2013 at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds and James Broderick. (NOTE: Vacant seat remains due to passing of Councilman Randy Peters). City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present for the City. County Council Members present were: Council Members Steve Murdaugh, Gene Whetsell, Dr. Joseph Flowers, and Phillip Taylor (Chairman). County Council Member Evon Robinson was absent. County Administrator Kevin Griffin, County Administrative Services Director Dennis Averkin and Clerk to County Council Ruth Mayer were also present. There were approximately 31 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and recognized that candidates for City Council were present at the meeting - Tony Hamilton, Mack Thomas and Judy Bridge. He then gave the invocation, and Council Member Broderick led the pledge of allegiance to our flag.

The Mayor announced that we are glad to have our County Council Members present tonight. Of course, we will be having a joint meeting with them at the conclusion of this meeting tonight.

PUBLIC INPUT ON AGENDA ITEMS:

Former Mayor Charlie Sweat, a city resident, told Council that he wanted to address agenda item No. 3, "Consideration of Purchasing 100 South Jefferies Boulevard with HUD Grant Received for Great Swamp Sanctuary Discovery Center and Associated Streetscape." He said, having been on Council for a long time and having worked with the Great Swamp Sanctuary, now known as the Walterboro Wildlife Sanctuary, I think the purchasing of this property (the Carter building) is a remarkable improvement over where we started to build for many years. It costs considerably less than the four million dollars for the Interpretive Center that is scheduled for the Sanctuary. I think this would be a marked improvement, and I encourage Council to vote to purchase it.

No further comments or questions were received.

APPROVAL OF THE MINUTES:

The following minutes were approved as submitted upon the motion of Council Member Lohr, seconded by Council Member Broderick, with all members voting in favor:

- 1) Minutes of the September 3, 2013 Special Called City Council Meeting.
- 2) Minutes of the September 10, 2013 Public Hearing and Regular Meeting.
- 3) Minutes of the September 18, 2013 Special Called City Council Meeting.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

DRAFT

Walterboro City Council
Regular Meeting & Joint County Council Meeting
September 24, 2013

MINUTES/Page II

1. **Ordinance # 2013-10**, An Ordinance to Amend Ordinance # 2013-04, So As to Correct the Local Option Sales Tax Credit Factor in the Fiscal Year 2013-2014 Budget, **First Reading**.

City Manager Lord explained that in the original budget, there was a Tax Credit Factor of .001900. We have updated this and received additional information on the Local Option Sales Tax for last year which changes the calculation. So, the correct credit factor is .001506.

A motion was made by Council Member Bonds, seconded by Council Member Broderick giving First Reading Approval to Ordinance # 2013-10 as submitted. The motion passed unanimously.

2. **Resolution # 2013-R-09**, A Resolution Authorizing the City Manager and City Clerk to Execute Forms Pursuant to USDA Facilities Grant Application in the Amount of \$50,000 for Walterboro Public Safety Radio System Replacement.

A motion was made by Council Member Siegel, seconded by Council Member Lohr to adopt Resolution # 2013-R-09 as submitted. The motion passed with all members voting in favor. A copy of said resolution is attached as part of these minutes.

The Mayor then recognized that Ms. Nicky Toomes of the local USDA Rural Development Office was present tonight. Ms. Toomes is responsible for helping the City to receive this grant. Ms. Toomes then addressed Council. She stated that she was glad to be here on behalf of Rural Development. She stated that the City put in an application for a Community Facilities Grant in the amount of \$50,000 to assist with the purchasing of the emergency radio to allow the City to be able to connect to the new County system. This is part of the whole project which costs \$362,000, and the Rural Development portion is a grant for \$50,000. We are glad to help and partner with the City again to help you obtain some needed equipment for the City. That's what we are here to vote on tonight. The Mayor then said, we appreciate Rural Development's help on all the other projects, too. The City of Walterboro and Colleton County appreciate that very much.

3. **Consideration of Purchasing 100 S. Jefferies with HUD Grant Received for Great Swamp Sanctuary Discovery Center and Associated Streetscape**.

A motion was made by Council Member Broderick to purchase the property at 100 S. Jefferies Blvd. and to authorize the Mayor (William T. Young, Jr.) to sign the closing documents on the property. Council Member Bobby Bonds seconded the motion that passed with a vote of 6/0 with Mayor William T. Young Jr., and Council Members Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds and James Broderick voting in favor. In discussing the motion, Council Member Siegel asked what was the purchase price. The City Manager, Jeffrey V. Lord, responded that the City has a HUD grant for the Great Swamp Sanctuary Discovery Center and the amount available is \$297,000. The purchase price is \$240,000, and there were two appraisals made. Council Member Siegel then asked if only grant funds would be used at this time for the purchase. City Manager Lord noted that this was correct. Council Member Siegel then asked what is the deadline for the closing on this transaction. Mr. Lord responded that we can draw down the money immediately, so it should be coming in.

4. **Request to Use the Downtown Waterfall Plaza for Salkehatchie Stew's Fifth Annual Mystery Stroll on Friday, October 25, 2013, 5:00 P.M. to 10:00 P.M.**

DRAFT

Walterboro City Council
Regular Meeting & Joint County Council Meeting
September 24, 2013

MINUTES/Page III

A motion was made by Council Member Siegel to grant the request to use the Downtown Waterfall Plaza for the Salkehatchie Stew's Fifth Annual Mystery Stroll on October 25 from 5:00 to 10:00 p.m. as submitted. Council Member Lohr seconded the motion that passed unanimously.

COMMITTEE REPORTS:

1. There were no Committee Reports given.

Before entering an Executive Session, the Mayor announced that this is Mr. Jeff Lord's last City Council Meeting with us. He then said, Jeff, I just want to say thank you for all you have done for the City and for all of the accomplishments that we have made over the time you have been here. I think that we will forever see your work here and we wish you the best going forward. Hope everything works out well for you.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter an Executive Session, and Council Member Lohr So Moved. Council Member Syfrett seconded the motion that passed unanimously. The Mayor announced that the meeting will convene into an executive session for a personnel matter on Boards and Commission appointments. He stated that this would be a brief executive session and at the end of that Executive Session, we will meet jointly with County Council.

The meeting then convened into Executive Session.

The meeting reconvened to Open Session for a joint meeting with Colleton County Council.

Chairman Phillip Taylor officially opened the meeting with a roll call of County Council (Council Members Gene Whetsell, Dr. Joseph Flowers and Steven Murdaugh in attendance).

Mayor Young announced that the City Council Meeting was now in an open session.

A motion was then made by County Councilman Murdaugh, seconded by Dr. Joseph Flowers, to go into an executive session to discuss appointments to the Colleton County Capital Project Sales Tax Commission. The motion passed unanimously.

A motion was made by City Council Member Lohr, seconded by Council Member Bonds, to enter an executive session to discuss the appointments to the Colleton County Capital Project Sales Tax Commission. The motion passed unanimously.

The meeting convened into an Executive Session.

The meeting returned to Open Session and a motion was made by County Councilman Steve Murdaugh, seconded by Dr. Joseph Flowers to appoint Joseph Hamilton, Lawton Huggins and Grahame Holmes to the Colleton County Project Capital Sales Tax Commission.

DRAFT

Walterboro City Council
Regular Meeting & Joint County Council Meeting
September 24, 2013

MINUTES/Page IV

A motion was made by Mayor Young to appoint David Evans and Charles Lucas to the Colleton County Project Capital Sales Tax Commission, representing the City of Walterboro. Council Member Lohr seconded the motion that passed unanimously.

There being no further business to consider, a motion to adjourn was made by City Council Member Bonds, seconded by Council Member Broderick and passed unanimously. Upon motion by County Councilman Dr. Flowers, seconded by Councilman Murdaugh and passed unanimously, the meeting was adjourned. The Mayor adjourned the meeting at 7:35 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 # 2013-10

AN ORDINANCE TO AMEND ORDINANCE #2013-04, SO AS TO CORRECT THE LOCAL OPTION SALES TAX CREDIT FACTOR IN THE FISCAL YEAR 2013-2014 BUDGET.

WHEREAS, the fiscal year 2013-2014 budget was adopted with the passage of Ordinance #2013-04 on June 25, 2013; and,

WHEREAS, City Council has determined that a need exists to amend said budget to correct the local option sales tax credit factor for the fiscal year 2013-2014 budget.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WALTERBORO, SOUTH CAROLINA, IN COUNCIL ASSEMBLED, that the Fiscal Year 2013-2014 Budget be amended as follows:

1. A local option sales tax credit factor of .001506 shall be established.

This ordinance shall be effective July 1, 2013.

ADOPTED, this 8th day of October, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: September 24, 2013
Public Hearing: October 8, 2013
Second Reading: _____

ORDINANCE # 2013-11

AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO JOIN WITH THE WALTERBORO - COLLETON COUNTY AIRPORT COMMISSION AND THE COUNTY OF COLLETON IN DECLINING A RIGHT OF FIRST REFUSAL TO PURCHASE EIGHT (8) ACRES, MORE OR LESS, OF LAND IN CONNECTION WITH THE SALE OF THE LAND BY MARKETING SERVICES INTERNATIONAL, LLC TO UNIVERSAL DISTRIBUTORS, LLC

ADOPTED, THIS ____ DAY OF _____, 2013.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading By Title Only: _____
Public Hearing: _____
Second Reading: _____



Susan M. Gaddy

260 W. Coleman Blvd, Suite B
Mt. Pleasant, SC 29464
Tel: (843) 388-7062
Fax: (843) 971-9966

SGaddy@sgfirm.com
www.sgfirm.com

September 10, 2013

Memo to Bert Duffie, Attorney for Walterboro-Colleton County Airport Commission

From: Susan M. Gaddy, Attorney for Universal Distributors, LLC and Universal Products, Inc.

RE: Sale of 360 Anderson Road, Walterboro, South Carolina

This memo constitutes a Bona Fide Offer to Purchase for Waiving Right of First Refusal as background information relevant for consideration by the Walterboro-Colleton County Airport Commission at its Special Meeting scheduled for September 12, 2013.

Universal Distributors, LLC, desires to purchase the business located at 360 Anderson Rd, Walterboro, SC, 29488. Universal Distributors, LLC is a duly-organized and existing limited liability company under the laws of the State of Maryland. Universal Distributors, LLC is a wholly-owned subsidiary of Universal Products, Inc., a corporation organized and existing under the laws of the State of Maryland.

Marketing Services International, LLC desires to sell the business located at 360 Anderson Rd. Marketing Services International, LLC is a limited liability company organized and existing under the laws of the State of South Carolina.

The "Purchaser" and "Seller" have entered into an Asset Purchase Agreement dated August 29, 2013, the terms of which are proprietary in nature.

The Indenture Deed for the real property located at 360 Anderson Rd., Walterboro, SC (Tax Map # 132-00-00-247) contains a deed restriction from the Grantors for a sixty (60) year period from February 23, 2009 that the "Grantors" have a first right of refusal.

The "Grantors" are the Walterboro-Colleton County Airport Commission, the City of Walterboro and the County of Colleton.

Marketing Services International, LLC constructed an industrial building on the subject property during 2009 within all of the recorded reservations and restrictions that run with the land to operate a chemical and blending business and continues to operate such business on the subject property.

Since 2009, Universal Products, Inc. has purchased all of the chemical products that Marketing Services International, LLC has made at 360 Anderson Rd and desires to continue to purchase all of the chemical products that its subsidiary Universal Distributors, LLC will produce after consummation of the sale of the real property.

Universal Distributors, LLC does not conduct any retail sales and will not conduct retail sales at 360 Anderson Rd.

The Purchaser and Seller desire that the "Grantors" approve the sale of the real property as provided for in the Indenture Deed dated February 23, 2009 on record in the public records of Colleton County in Volume 1728 at Page 231.

The scheduled real estate closing will take place upon approval from each of the Grantors. It was initially scheduled for September 11, 2013 but has been postponed because of the cloud on the title that will be cleared after the Grantors execute a Waiver of Right of First Refusal.

We appreciate an expedited review. The principal of the Seller forgot about the restriction and has personally moved to Maryland. The principal of the Purchaser lives in South Carolina.

33127

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

WAIVER OF RIGHT OF FIRST REFUSAL

COMES NOW, the undersigned Walterboro-Colleton Airport Commission, City of Walterboro and County of Colleton (collectively "Grantors") who issued an Indenture Deed into Marketing Services International, LLC, a South Carolina limited liability company (hereinafter "Grantee") dated February 23, 2009, which was then recorded in the Colleton County Register of Deeds on March 9, 2009 in Deed Book 1728 at Page 231, and in the Indenture Deed the Grantors retained a Right of First Refusal in this said Indenture Deed; and

WHEREAS, Grantee now desires to sell the property conveyed in the afore-described Indenture Deed to a third party; and

WHEREAS, Grantors do not desire to exercise their collective Right of First Refusal as reflected in the afore-described Indenture Deed;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Grantors, also known as Walterboro-Colleton Airport Commission, City of Walterboro and County of Colleton, hereby WAIVE their collective Right of First Refusal reserved in the Indenture Deed recorded in Deed Book 1728 at Page 231, permitting Grantee, Marketing Services International, LLC, to freely sell the property described therein that Indenture Deed without encumbrance by the afore-mentioned Right of First Refusal.

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

COLLETON-WALTERBORO
AIRPORT COMMISSION

Witness

By:
Its:

Witness/Notary

By:
Its:

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

ACKNOWLEDGEMENT

PERSONALLY APPEARED BEFORE ME, a Notary Public in the State afore-mentioned, Colleton-Walterboro Airport Commission, by and through it agents and/or assigns, identified positively or known personally to me, and acknowledged as its/his/hers/theirs act and deed, delivering this Waiver of Right of First Refusal for the uses and purposes described herein.

Notary Public for South Carolina

My Commission Expires: _____ -

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

CITY OF WALTERBORO

Witness

By:
Its:

Witness/Notary

By:
Its:

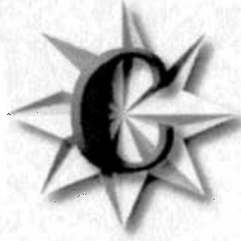
STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

ACKNOWLEDGEMENT

PERSONALLY APPEARED BEFORE ME, a Notary Public in the State afore-mentioned, City of Walterboro, by and through it agents and/or assigns, identified positively or known personally to me, and acknowledged as its/his/hers/theirs act and deed, delivering this Waiver of Right of First Refusal for the uses and purposes described herein.

Notary Public for South Carolina

My Commission Expires: _____ -



To the Mayor and City Council:

The Colleton County Band of Blue requests your approval for our 5th Annual Palmetto Classic Stride 5K Run and Walk to be held on November 16, 2013. We were pleased with the turn out last year for the walk and hope for it to be bigger and better this year.

The Run/Walk will begin at 8am on November 16, 2013. The route will begin in the county parking lot with registration. The route will go through part of the beautiful Great Swamp Sanctuary, Forest Hills and finish up in the county parking lot. The run/walk will be finished by 10 am. We would also ask for approval to put up four temporary signs for the event. We would like to put them up three weeks before the event. The signs will be small and neat.

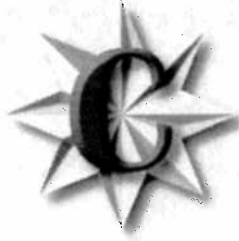
Thank You for your time and consideration of our event to raise money to support the Colleton County High School Band of Blue.

Linda Breland, Lindsay Breland

(843) 908- 0319

1839 Bethel Road

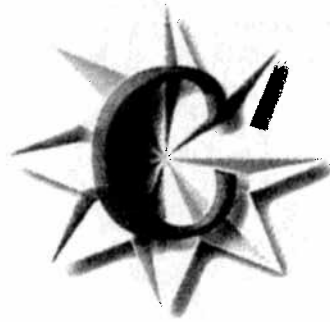
Ruffin, SC 29475



To the Mayor and City Council:

The Band Of Blue Palmetto Classic Stride 5K Run/ Walk Route will be as follows, the race will begin at the Great Swamp entrance on Washington Street. The route will carry us to the second bridge of the Great Swamp, come out onto Ivanhoe Road then take a right follow the gravel path to the intersection of Washington Street and Ivanhoe Road, take a left on Washington Street, going into Forest Hills. At the intersection of Washington Street and Woodlawn Street take a right, go up to first street on right which is Center Street follow that to stop sign. Take right onto to Ireland Hills Drive and then take right on Lakeside Drive by park. Then take Underhill Road to the right go to stop sign, turn right on Forest Hills Road at intersection turn right on Ivanhoe Road. At intersection of Washington Street and Ivanhoe Road take a left on Washington Street, finish line will be on Washington Street at the entrance to the Great Swamp.

The 5K Run/ Walk will begin at 8:00am and should be finished by 10:00am. For more information please call Linda Breland (843) 908-0319. Thank You



**5K Run & Walk
Come Join the
"Band of Blue"**

**5th Annual
Palmetto Classic Stride
November 16, 2013**

**Registration Starts at 6:30am
Hargo Hill County Parking Lot
Run/Walk Starts at 8:00am**

**Registration Forms
Download from www.bandofblue.org
or
Call 843-908-0319 or 843-908-1197**

**CITY OF WALTERBORO
PARADE/PROCESSION PERMIT REQUEST**

(PLEASE PRINT INFORMATION REQUESTED)

Application Date: Sept 2, 2013

- 1. Person submitting application: Robert Tiegs
Address: 120 Azalea Dr. Walterboro
Telephone: 549-1097

- 2. Name of Organization: Colleton County Veterans Council
Chairperson/President: Johnny Halmes
Address: 824 Wesley Grove Rd. Cottageville
Telephone: 835-2235

- 3. Parade Chairman: Bob Tiegs
Address: 120 Azalea Dr.
Telephone: Walterboro SC

- 4. Date/Time of Parade: Nov. 9th. 11:00 AM Start time

- 5. Parade Route requested (Attach Sketch) on back

- 6. Number of Vehicles/Floats: 20 Number of Animals: 0

- 7. Portion (width) of street parade will occupy: whole street

- 8. Additional Information (Upon Request): Street needs to be closed off to traffic at 10:00 AM

Robert J. Tiegs
Signature/Parade Chairman

Johnny Halmes J.H.
Signature/Organization Chairperson

Approval Disapproval

[Signature]

Otis L. Rhodes, Chief of Police
Kew DASen

[Signature]
Jeff Lord, City Manager
Jim Duckett

NOTE: >>> Call Police Dept. (549-1811) to confirm Parade/Procession Route three days prior to parade.

Starting at St. Anthony's Catholic Church
going North on Jefferies Blvd., turning
left on Forest Hills Rd. ending at
Ivanhoe Plaza.

David Evans
307 Savage Street
Walterboro, SC. 29488
843-599-1365

09/27/2013

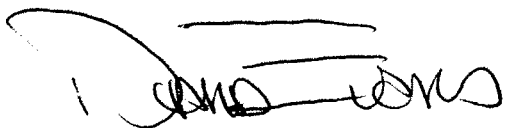
Bill Young
Mayor
City Of Walterboro
242 Hampton Street
Walterboro, SCX. 29488

Dear Mayor Young,

I would like to inform you I am resigning from my position on the accommodation tax board effective 09/27/2013

I sincerely want to thank you for the opportunity to be a part of this board and should the time come when I am again eligible

I would like very much to be considered.

A handwritten signature in black ink, appearing to read 'David Evans', with a large, sweeping flourish at the beginning.

David Evans