

## **MINUTES**

A Public Hearing and Regular Meeting of City Council was held at City Hall on Tuesday, October 8, 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). Interim City Manager Jim Duckett, City Clerk Betty Hudson, City Attorney George Cone along with Attorney Clenton Campbell were also present. There were approximately 21 persons present in the audience.

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

The Mayor recognized that five of the candidates in the upcoming Special Election were present at the meeting tonight. Present were Judy Bridge, Tony Hamilton, Nicole Holmes, Mack Thomas and Karen Hinen.

### **PUBLIC INPUT ON AGENDA ITEMS:**

No comments or questions were received.

### **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.

The Mayor opened a public hearing, duly advertised to receive public comments and questions on proposed Ordinance # 2013-10. The Mayor explained that the LOST Credit Factor reflected in the original 2013- 2014 Budget was incorrect. We need to amend the ordinance to reflect the correct credit factor. This number should be changed from .001900 to .001506.

No further comments were made and the public hearing was closed.

### **APPROVAL OF THE MINUTES:**

The Minutes of the September 24, 2013 Regular City Council Meeting and Special Called Joint Meeting with Colleton County Council were approved as submitted on the motion of Council Member Lohr, seconded by Council Member Broderick and passed with all members voting in favor.

### **OLD BUSINESS:**

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

A motion was made by Council Member Bonds, seconded by Council Member Siegel giving Second Reading and Adoption to Ordinance # 2013-10 as submitted. The motion passed unanimously.

### **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

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Colleton in ~~Declining~~ **(Waiving)** 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.**

Attorney Cone explained that they are selling a chemical mixing plant to somebody who was buying the entire outfit. Mr. Cone stated that he had the ordinance partially drafted, but we have received letters from the Gaddy Law Firm about it. Mr. Cone stated that he wanted to change a word in the title of the ordinance, specifically change "Declining" to "Waiving." He explained that the law firm has really not given us enough information to decline. The company they were supplying to is buying the company, which is out in the Industrial Area. He then suggested first reading by title only with changing the word "Declining" to "Waiving." Mr. Cone wanted the opportunity to call the law firm to clarify whether they wanted the city to waive the right of first refusal as to this transaction only or to waive it entirely for the 60-year period. He said, I think it is only for this transaction.

Mayor Young stated that normally we would do whatever the Airport Commission recommends. He asked, who sent this? Did they (the law firm) send this to us to be on the agenda tonight? The Mayor also told Attorney Cone that the Airport Commission was waiting to hear from him about whether or not we wanted this to be just for this one transaction or not. He said, we were looking for guidance from you since you had written the original language in there. Nobody on the Airport Commission knew why that was put in there to start with, and we haven't met since I talked with you about it. Attorney Cone responded that he had explained to Mr. Duffy why that was in there. I have not gotten anything from the Airport Commission recommending this. I am doing it by title because I think that you (the Airport Commission) are going to recommend it.

Mayor Young felt that if the Airport Commission recommended it, it would have to be just for this transaction, for this one transaction and not to eliminate the 60 years.

Council Member Siegel said, this is by title only and we are trying to expedite it so that they can do their deal, but I agree with you, I don't think we should give it up. We should waive it for the transaction. Mayor Young then said, I don't know what the Airport Commission is going to say. That's my point, and I don't think that they are going to give it up.

Attorney Cone said, I have proposed this by title only, I will check with Mr. Duffy and others later, but I didn't want to slow up the transaction. He recommended that Council approve the ordinance by title only changing the word "declining" to "waiving" and then he will have the ordinance written by Second Reading, provided that the Airport Commission put off Second Reading for a meeting.

A motion was made by Council Member Lohr, seconded by Council Member Siegel giving **First Reading by Title Only** to Ordinance # 2013-11, being: An Ordinance Authorizing the City of Walterboro to Join with the Walterboro - Colleton County Airport Commission and the County of Colleton in **Waiving** 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.

The motion passed unanimously.

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2. Request to Close Streets and Place Temporary Signs for 5<sup>th</sup> Annual Palmetto Classic Stride 5K Run and Walk on November 16, 2013 by Band of Blue Booster Club

A motion granting this request as submitted was made upon motion of Council Member Siegel, seconded by Council Member Broderick and passed unanimously.

3. Veterans Day Parade Permit Request, November 9, 2013, by Veterans Council

A motion was made by Council Member Broderick, seconded by Mayor Young, to approve the Veterans Day Parade Permit Request as submitted. The motion passed with all members voting in favor.

4. Acceptance of Resignation of David Evans from the Accommodations Tax Advisory Board

A motion was made by Council Member Bonds to accept the resignation of Mr. David Evans from the Accommodations Tax Advisory Board. Council Member Lohr seconded the motion that passed unanimously. It was noted that Mr. Evans had resigned from this committee in order to serve on the Capital Projects Sales Tax Commission.

5. Consideration of Canceling or Rescheduling the November 12, 2013 City Council Meeting

Mayor Young explained that the National League of Cities will hold a conference during the same time as our regular November 12, 2013 Council Meeting. He stated that if Council wished, we could cancel our meeting at this time and if the need arises to hold a meeting, we can call a special meeting. Council Member Broderick then made a motion to cancel the November 12, 2013 City Council Meeting. Council Member Siegel seconded the motion that passed unanimously.

**COMMITTEE REPORTS:**

1. There were no Committee Reports given.

**EXECUTIVE SESSION:**

The Mayor then entertained a motion to enter an Executive Session, and Council Member Syfrett So Moved. Council Member Bonds seconded the motion that passed unanimously. The Mayor announced that the meeting will convene into an executive session for two personnel matters: 1) Discussion of appointments, and 2) a discussion of Hiring a City Manager, and 3) a contractual matter to discuss negotiations incident to proposed contractual arrangements.

The meeting then convened into Executive Session.

The meeting returned to Open Session and a motion was made by Council Member Lohr to authorize the City Manager to bring our public safety consultant (ICMA) in for a public presentation of their report. Council Member Bonds seconded the motion that passed unanimously.

There being no further business to consider, a motion to adjourn was made by Council Member Broderick, seconded by Council Member Lohr and passed unanimously. The Mayor adjourned the meeting at 7:55 P.M. Notice of this meeting was distributed

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to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson  
City Clerk

**APPROVED: October 22, 2013**