

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
October 23, 2012
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. 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 (Public Hearing Notice attached).

IV. Approval of Minutes:

1. Minutes of the August 28, 2012 Public Hearing and Regular Meeting (Minutes attached).

V. Old Business:

VI. New Business:

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

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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** (Ordinance attached).
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, (Resolution attached).

VII. Committee Reports:

VIII. Executive Session:

1. Discussion of Appointments.
2. Receipt of Legal Advice.

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 October 9, 2012, and ending on October 9, 2012.

SWORN to before me

this 10 day of OCT, 2012
Richard McCall (L.S.)

Notary Public for South Carolina

Commission expires 6-4-22



William B. Moore

NOTICE OF PUBLIC HEARING MULTIFAMILY HOUSING MORTGAGE REVENUE BONDS

Notice is hereby given that a public hearing will be held by the City Council of the City of Walterboro, South Carolina (the "Host") on Tuesday, October 23, 2012, at 6:15 p.m. at the City Council Chambers on the second floor of City Hall, 242 Hampton Street, Walterboro, SC 29488. This hearing is for the purpose of considering the authorization and approval of the issuance by Public Finance Authority, a commission duly organized under the laws of the State of Wisconsin (the "Issuer") of its Multifamily Housing Mortgage Revenue Bonds (CHG Section 8 Assisted Housing Pool Project) in one or more series, pursuant to a plan of finance, in an aggregate principal amount not to exceed \$30,000,000 (the "Bonds"). The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended. If the Bonds are approved, the proceeds of the Bonds will be used to finance the acquisition, rehabilitation and equipping of residential rental facilities for individuals and families of low and moderate income in the states of Texas, Mississippi, Georgia, South Carolina and North Carolina. A portion of the Bonds in the amount of approximately \$3,900,000 will be used by the Issuer to make a loan to CHG - Druid Hills, LLC, a South Carolina limited liability company, or its successors or assigns (the "Borrower") to finance the acquisition, rehabilitation and equipping of an 80-unit facility known as Druid Hills Apartments and located at 300 Sniders Highway, Walterboro, South Carolina 29488 (the "Project"). The initial owner, operator or manager of the Project is expected to be the Borrower.

THE BONDS SHALL NOT REPRESENT OR CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE ISSUER, THE CITY OF WALTERBORO, SOUTH CAROLINA, THE COUNTY OF COLLETON, SOUTH CAROLINA, OR THE STATE OF SOUTH CAROLINA OR ANY OF ITS POLITICAL SUBDIVISIONS.

Interested persons are invited to attend this public hearing and will be given the opportunity to express their views concerning the approval by the Host of the issuance of the Bonds by the Issuer for the purpose of financing the Project.

Anyone desiring to make written comments may give them to the Clerk of Council of the Host at 242 Hampton Street, Walterboro, SC 29488 on or before the date and time of the aforementioned hearing. This notice is given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

/s/ William T. Young
Mayor
City of Walterboro, South Carolina

PUBLIC HEARING
Attachment



PECK, SHAFFER & WILLIAMS LLP
ATTORNEYS AT LAW
201 EAST FIFTH STREET, SUITE 900
CINCINNATI, OHIO 45202

TEL 513 621 3394
800 927 2663
FAX 513 621 3813
WWW.PECKSHAFFER.COM

Alysse E. Hollis
Attorney
513 639 9213
Fax 513 621 3813
ahollis@peckshaffer.com

September 24, 2012

Ms. Betty Hudson
City Clerk
City of Walterboro
242 Hampton Street
Walterboro, South Carolina 29488

Re: Public Hearing and Approval Request for Druid Hills Apartments

Dear Ms. Hudson:

We have been retained to serve as Bond Counsel in connection with the proposed issuance of bonds (the "Bonds") by the Public Finance Authority (the "Authority") to assist CHG-Druid Hills, LLC (a single member South Carolina limited liability company wholly owned by Chisom Housing Group ("CHG")) (the "Borrower") in acquiring Druid Hills Apartments, located at 100 Sniders Highway, Walterboro, South Carolina 29488 (the "Project"). The Borrower intends to make significant improvements to the Project as more particularly described in a letter from the Authority dated September 17, 2012.

CHG is a nonprofit corporation and a charitable entity recognized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The Borrower is considered a "pass through" entity of CHG for income taxation purposes, and thus is treated the same as CHG. Both the Borrower's and CHG's charitable purpose is to own and operate quality, affordable rental housing. We are a national law firm with offices in several cities, specializing in the issuance of tax-exempt bonds to finance communities such as the Project.

The Authority was established by the National League of Cities (NLC) and the National Association of Counties (NACo) to serve as a national bond issuer for developments such as the Project. The Authority is designed to offer a financing vehicle for borrowers nationwide to cost-effectively access the tax-exempt bond market for projects that provide a public benefit to the communities in which they are located. Because of its ability to standardize the documentation process and streamline the issuance of bonds, the Borrower has requested the Authority to serve as the issuer of its bonds.

In order for private borrowers to take advantage of the low interest rates afforded them through the issuance of federally tax-exempt revenue bonds, they must first demonstrate that a governmental entity having jurisdiction over the project has held a public hearing and approved of the issuance of the bonds. The process, named after the federal Tax Equity and Fiscal Responsibility Act of 1986 ("TEFRA"), is simply a means to provide the public the opportunity

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PECK, SHAFFER & WILLIAMS LLP

Ms. Betty Hudson
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to comment on the bond issuance and does not in any way make the government entity holding the TEFRA hearing liable in any way for the bonds or their issuance. In fact, all bonds issued by the Authority are considered limited debt obligations of the Authority, and payment of the bonds being the sole responsibility of the Borrower.

The City of Walterboro (the "City") has no legal responsibility whatsoever to the repayment of the indebtedness created by the issuance of the Bonds. Furthermore, the City will not be a party to any of the financing documents relating to the issuance of the Bonds, nor will the City be named in any of the disclosure documents describing the Bonds.

Because the Project is located in an unincorporated area within the City, the City holds the most direct jurisdictional oversight over the Project. For those reasons, it appears that the City would be the most appropriate entity to engage in the TEFRA process and we respectfully request that the City consider doing so.

The TEFRA process consists of a publicly noticed hearing and a subsequent approval for the Authority to issue the bonds. A TEFRA hearing must be noticed fourteen (14) days prior to the date of the hearing and may be held in coordination with a regularly scheduled meeting of the City or by an individual authorized by the City to do so.

Enclosed herewith is a notification of public hearing (the "TEFRA Notice") which has been drafted to meet the requirements of the Code. We are prepared to publish the TEFRA Notice, which must be published in a newspaper of general circulation at least fourteen (14) days prior to the public hearing described in the notice (the "TEFRA Hearing"). During the TEFRA Hearing interested persons must be given an opportunity to participate. The TEFRA Hearing may be conducted together with a regularly scheduled meeting of the City's legislative body or held separately. Also included with this letter is a draft resolution which is intended to evidence the City's approval of the issuance of the Bonds by the Authority.

The Borrower is also seeking to acquire rental housing communities in Aiken County, South Carolina and several other states and will be seeking approval from appropriate local governments in those jurisdictions as well.

If you have any questions regarding the Bonds, the TEFRA Notice, the TEFRA Hearing or the draft resolution, please do not hesitate to contact me at 513-639-9213 or Hans Juhle with the Borrower at 415-359-7096.

Very truly yours,



Alysse E. Hollis
Attorney

cc: James Hamill (PFA)

MINUTES

A Regular Meeting and Public Hearing of Walterboro City Council was held at City Hall on Tuesday, August 28, 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 approximately 45 persons present in the audience.

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

PUBLIC INPUT ON AGENDA ITEMS:

No public comments were made on agenda items.

PUBLIC HEARING:

The Mayor opened a public hearing, duly advertised, to receive public comments on Ordinance # 2012-13, being: An Ordinance Relating to the Licensing and Regulation of Residential Rental Properties within the City of Walterboro.

Ms. Lynn Rhode of Round O, South Carolina, asked Council what would be the actual fee as a result of this ordinance. She pointed out that the ordinance did specify an inspection fee of \$15.00. City Manager Lord responded that the inspection fee of \$15.00 will be the only fee charged.

Mr. Leonard Hultquist, a City resident on Webb Street, was in favor of the passage of the rental ordinance. He said, I am in favor of it, because I think it puts a level playing field for all of us.

Mr. Darrall Altman, a property owner on Culpepper Lane, spoke against the approval of the ordinance. He told Council that he has seen insurance companies require that people do things to maintain and upgrade their homes. So, it sounds like this ordinance is trying to do something that the insurance company is already doing. I submit that if you are going to inspect my residence as rental, and I do everything I can to maintain my houses, then I proposed that you inspect every house in the City of Walterboro, because there is a tremendous amount of homes which are degrading and affects my home that I rent and maintain. I submit that probably a lot of other folks here have the same kind of situation. I question the valid values of what you are doing here.

Mr. Altman told Council that he appreciates the community's leadership efforts in the last two or three years to try to improve the image of Walterboro. He said, I think what we are doing (with the ordinance) is a big mistake and we are singling out a very few folks. It's all downhill. Most of us here have enough rentals, and we are going to be able to withstand this financially, but there are a lot of folks out there, that this cost is going to be relayed to them. It's not going to hurt each of us individually, but this will affect some folks who cannot afford that extra money.

Mr. Mike Katchuk, a City resident and rental property owner, spoke in opposition to the passage of the ordinance. He told Council that he and his wife own quite a few rental properties. He said that it's a real chore trying to keep up with the tenants out there. The majority of the time, I believe, we are losing money when we have to go back and constantly repair things, and we have no way of recouping our money. Just on the simplest of things, most of the time we have to repaint it. We

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have to either put new doors or new windows in it. I just feel that this is a very costly thing, especially if you have more than 1 or 2 units. I believe that the people who are staying in our apartments/homes are safe. I have only seen improvements around here in the last 10 years on housing throughout the City. People who have quite a few run-down places have actually improved them quite a bit.

Mr. Katchuk pointed out that there are laws or ordinances on the books already, such as specified in the 2006 International Building Code about being safe, usage and etc. I mean that the words are almost taken right out of the book here as to the purpose and the intent. A lot of time was spent in preparing and making this presentation, when we have already got it, if we enforce it and stick to it. We don't need new laws and new taxes, and I oppose it.

Mr. Mark Metts, a City resident on Maplewood Drive, said, I would just second what he has said. I don't have many rental properties, just a couple. After we pay insurance and taxes, it just doubles it. Recently, we had somebody ready to move in our rental, but we put it off a month to fix up the property ourselves. We had to fix it up and paint it. I had to put in \$3,000 for two drain fields and we are in the City limits. I could not even tie into the City sewer. We have to waive deposits a lot of the time, so we can get tenants. We know they are good people, but they are struggling, or they are just young and getting on their feet. We had to go up on our rent. It's got to stop somewhere. We take care of our properties, and if we don't, the market will take care of it.

Mr. Paul Walker, a rental business owner, addressed Council to oppose the passage of the ordinance. He stated, I have been told by the City that you have received very little complaints from tenants or landlords in the past several years on this issue. Therefore, I do not understand the need to create an ordinance for a problem that doesn't seem to exist. I have asked the City for an explanation why it would create such an ordinance that would implement additional government intrusion into an area for which the public is not complaining or asking for assistance. I was told there were two reasons:

- 1) The City is seeking grant money.
- 2) To determine who owns residential rental property in the City and where it is located.

Mr. Walker then addressed both of the above reasons:

- 1) The City is seeking grant money.

If this is the reason, then the City is wanting this ordinance strictly for monetary purposes, rather than wanting what is in the best interest of the people that live in the City. The citizens of Walterboro will pay for this grant.

- 2) To determine who owns residential rental property in the City and where it is located.

The City already has access to this information through its current business license ordinance. If you currently own rental property in the City, you are required to file and pay an annual business license application and fee based on the gross rental receipts for the property. Along with this annual application, you are required to list the address and gross receipts of each individual rental property. Also, on this application the City asks for detailed information regarding the property owner as far as name, address and contact information. If it's the City's purpose to truly determine where the rental properties are and

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who owns them, then the City needs to do a better job of enforcing the existing ordinance. Requiring landlords to register rentals under a new ordinance will only affect the ones of us who are currently complying, which the City says is not the problem. The only ones of us who will register are the ones already complying with the current Business License Ordinance. The landlords, not complying with the business ordinance, are not going to comply with the new ordinance either. They just won't register their properties.

If nothing else, the timing of this ordinance is horrible. This economy, especially real estate is the worst we have ever seen. Tenants are struggling to pay their rent and we, as landlords, are seeing the highest vacancies and most challenging situations, since I have been in the real estate business. Everybody is struggling to survive and this is not the time to impose additional and unnecessary costs on the tenants or landlords.

Mr. Walker told Council that the tenant loses when their additional costs are passed on in the form of rental increases, which in turn forces tenants to either vacate or increase the number of people living in their household in order to pay the rent. This, in turn, creates the housing problems which you state you are trying to prevent. The City ordinance will definitely affect the profit on residential rental housing in this City, and therefore investors will not be willing to pay a comparable price for a house in the City versus a house in the county or other municipalities for their return on their investment will be higher outside the City.

In conclusion, Mr. Walker said the ordinance itself is too intrusive and is a prime example of too much government intervention. This ordinance is too expensive and I am not talking about the inspection fee, but the enforcement part of it. This ordinance is subject to too much interpretation by the code enforcer. There is no clear guidance. We will all be at the mercy of the code enforcer's interpretation or opinions. We are afraid that the code enforcer will use this ordinance to nitpick our properties and enforce upon us petty issues. This ordinance will require too much administration and demand on landlords' time and resources. There are already extensive state and federal housing laws already in place. Tenants have many available options. This ordinance is not needed. It does not benefit and is not in the best interest of the people of Walterboro. Therefore, I ask the Council and the Mayor to not pass this ordinance.

The public hearing was then closed and the regular meeting began.

APPROVAL OF THE MINUTES:

The Minutes of the July 16, 2012 Public Hearing and Regular Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Buckner and passed with all members voting in favor.

OLD BUSINESS:

1. **Ordinance # 2012-13**, An Ordinance Relating to the Licensing and Regulation of Residential Rental Properties within the City of Walterboro, Second Reading and Adoption.

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No motion was made to approve Second Reading of Ordinance #2012-13; therefore, this ordinance failed for lack of a motion.

NEW BUSINESS:

1. **Consideration of Bids Received for Parks Improvement Project**

City Manager Jeff Lord informed Council that three bids were received for the Parks Improvement Project. This is the project which was funded through GO bonds borrowing last year. We have a park master plan and this is the plan to implement that. It was bid out with 9 different alternates with the ability to be able to choose which alternate(s) to be used. He informed Council that the low bid for the total project was \$1,251,729.64 from BES.

The bids received were as follows:

	<u>Total</u>
BES	\$1,251,729.64
Carolina Contracting Solutions	\$2,018,000.00
Wildwood Contractors	\$1,329,286.92

Mr. Lord told Council that in order for the City to come within the available funding, the recommendation is to approve the low bidder without Alternate 6 (which is resurfacing of tennis courts 3-6) and Alternate 8 (which is the Mayfield Terrace Expansion Project). The total for the low bid would then be \$1,074,321.46. In further explaining this figure, Mr. Lord said this would be the (new) amount for the low bid, if you leave out Alternate 6 and Alternate 8.

A motion was made by Council Member Peters to approve the low bid from BES without Alternate 6 and Alternate 8 for a total of \$1,074,321.46. Council Member Lohr seconded the motion.

In discussing the motion, Council Member Peters asked if staff had received a detailed scope of work from the companies as to what they are going to do and how they are going to do it? Mr. Lord responded, we have detailed plan sheets and there is a program of work that they are going to have which the engineers drew up. So, they will have to follow that. Mr. Peters then asked, so do we know the exact scope of work for the two tennis courts? Mr. Lord responded that the contractor will have to mill down and resurface those two tennis courts.

Mayor Young reminded that the contractors bid on the scope of work. Mr. Lord agreed that everybody bid on the scope of work.

Attorney Cone then asked the City Manager, do we require a performance bond? Mr. Lord answered affirmatively. To further answer Mr. Peters' question, Attorney Cone said that a bonding company will assure that the City receives the scope of work described in the bidding documents.

Council Member Lucas then questioned the bid received in the amount of \$1,251,729.64 (submitted by BES), which was the low bid. He asked in relation to this same bid for \$1,074,321.26, what is the difference between those two amounts? Mr. Lord responded that the difference is not doing Alternate 6 and Alternate 8. Mr. Lucas then asked, now, does this affect any of the other bids when that adjustment was made to the low bid? Mr. Lord responded, yes, it would mean that all of the other bids would be adjusted accordingly. There is a \$77,000 difference either way.

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Council Member Peters disagreed that the difference was \$77,000. He explained his calculation of this amount. He believed there was a \$13,000 difference between the local bid and the low bid just on two items. Mr. Lord responded, I had a \$77,000 difference, and if you take that into account, it's still going to be about a \$69,000 - \$70,000 difference.

Further discussion was held, and City Manager Lord said, I don't know of any combination of selecting different alternates that would change the low bidder.

Council Member Buckner then asked, Mr. Lord in doing a background check on this company BES, was this the company that did the parks project for the county? When Mr. Lord answered affirmatively, Mr. Buckner asked what was the outcome of that? City Manager Lord responded, my understanding was there were questions over their licensing through the LLR. However, I do know we checked on their license now and they are properly licensed.

Mr. Buckner then said, so at that time with the county, they did not have the proper license. Mr. Lord responded, yes, that's my understanding.

More comments were made on whether BES was considered a local company. Council Member Peters pointed out that this company has a man who works for them who live in Colleton County. Mayor Young said, I just don't want there to be any confusion about when you say local when both companies identify themselves as local.

Council Member Buckner then said, I am going to be voting against BES, because of the fact that I believe we should support our local businesses. We advertised and we promote, "Keep your Bucks in the Boro," and I think we need to send a message to all of the business community that we support our local businesses. Even though it's a little extra money, we will get it back. So, I am going to be voting against BES for that reason.

Council Member Lucas then said, how much money do we have funded for this project right now that's available? City Manager Lord responded that the available funding including what we are going to need for the balance of the design fees is \$1,211,304.81, which is GO bonds and the Municipal Association rebate. Of that amount, \$74,881.49 will have to go to design fees.

Mayor Young then explained that the City had issued a GO Bond to do the Parks Improvements Project. So this is borrowed money. We have already decided to take \$140,000 of rebates from the Municipal Association and apply it to the Parks Improvement Project in order to come in under budget, and as I understand it, we have also cut the Mayfield Park expansion. We have also cut off the paving of four tennis courts to make it come in under budget, and now there is discussion about not accepting the low bid. Is that what I am hearing, in spite of all of that?

Council Member Lohr then told the City Manager that he needed further clarification. He said, we have utilized about all of the monies that you mentioned and now if I am hearing it correctly, we are going to be looking for \$77,000 more dollars' in cuts from somewhere else that we haven't identified yet? Is that correct? Mr. Lord responded, yes, you would either have to cut something or go into your fund balance.

Mr. Lohr then asked the Council Members, do you have any thoughts about what else you are going to cut worth \$77,000?

Council Member Buckner then said, my concern has been the prior dealing with this company in the county. So, now looking back at their prior dealings with the

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county and now looking forward with possible dealings with us, I have some concerns about that. So, the default would be the next low bid, which is the Wildwood Contractors, which is a local company. I understand that it's \$77,000 more extra dollars, but at the end of the day, we will get that money back by those individuals utilizing the services in Walterboro as they complete the project. The fact that they are a local company would mean they have more pride in making sure that the parks they are riding by every day are going to be done professionally. So, therefore, I will be voting against BES for these reasons.

Mayor Young then asked the City Manager whether BES has done work for the City before?

City Manager Lord responded that BES has done work for the City before. In 2010, they did a very expensive water line project. It was a good experience for us and we did not have any complaints about how they pursued that project. Additionally, our consultants have done a thorough background check and talked to other jurisdictions where they have done some parks work, and they too reported a good experience with them (BES).

Mr. Lohr then said, with all due respect, I never really heard anybody reply to the question I asked. I am saying, what are we going to cut for \$77,000, because I would like to know and perhaps these folks would like to know, I mean, it sounds wonderful to say we are in favor of cutting something, but I want to know what? I probably could have made a very good case, which would have put us further in the hole to pave all 6 tennis courts. I generously said, let's not worry about 4 of them. So, again, you can't pin me to the wall to say that I don't want to do things locally, but I want to get all the cards on the table. So, if you don't answer tonight, then I would probably say, let's table it and think about it. I know there is another motion on the floor, but I am not satisfied with generalities, I want to hear what you've got on your minds.

Council Member Lucas answered, we are not looking at what we are going to cut. We've already cut what we wanted to cut. Now, the point is, are we going to take the low bid or are we going to go into the general fund and pay more for the same thing? That, I think is the question. We've already made cuts.

Mayor Young then said, I agree, I'd like to know if we are not going to accept the low bid and we are going to cut improvements to our parks in order to accept the low bid, then I'd like to know what we are going to cut, too?

Council Member Lohr stated, one of the things that I have been the proudest of are the parks where families and folks could go out and enjoy things, and they are all over town. So, I think if we want to do the parks right, then we ought to do them as closely as we can to what has been proposed. I have already recommended that you leave 4 courts alone. I think we are not going to be really popular if we start cutting somewhere else. Mr. Lucas is right, we are not there yet, but we are going to have to get there, and I don't like to hold anything back.

Council Member Buckner then commented, if I was going to cut any proposal on these parks, it would be the resurfacing of the tennis courts. Number one, we (the City) don't even own the tennis courts. Is that correct? Mr. Lord responded, yes. Mr. Buckner further said, so I would have a problem investing in something that we don't even own, that's the first thing, based on a prior agreement with the county that was supposed to do a job and they didn't do it, and now we are talking about going back and spending another \$90,000 on property we don't even own. So, if I were to cut \$77,000, it would be the resurfacing of these two tennis courts.

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Mr. Buckner further stated, the bottom line is what's in the best interest of the citizens in the City of Walterboro? We just approved one last contract with a company to do the downtown that wasn't from Walterboro and we said, we would choose an outside company, with a pigeon hole based on getting grant money. That's one project that did not go local. So now, we have an opportunity to get a local company with local people to do our parks for an additional \$77,000, which I think is worth the message that we are sending that we are keeping our "Bucks in the Boro" and not going outside of Walterboro, when we have capable people here within the City who can do this job for us.

The motion to approve the low bid of \$1,074,321.46 from BES Construction for the Parks Improvement Project then passed with a vote 4/3 with Mayor Young, Council Members Lucas, Lohr and Siegel voting in favor. Council Members Buckner, Peters and Bonds voted against the motion for approval.

The Mayor then commented, I would like to say that all of us sitting up here know the people at Wildwood and they are our friends. It would have been great if their bid had been the low bid, but we are charged with the public trust to spend the public's money wisely. Sometimes, we have tough decisions to make and this is one of those times. I feel like we are spending money that we borrowed and that you, the taxpayers, are going to be paying back, and it behooves us to accept the low bid.

2. **Request for Street Closing for 4 P.M. for the Annual Christmas Parade at 6 P.M. on December 2, 2012 by the Rice Festival Board**

A motion to approve the request as submitted was made by Council Member Lucas, seconded by Council Member Bonds and passed unanimously.

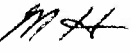
There being no further business to consider, a motion to adjourn the meeting was made by Council Member Bonds, seconded by Council Member Lucas and passed unanimously. The meeting adjourned at 7:05 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson
City Clerk

Date: September 25, 2012

To: Mayors, Managers, Administrators, Attorneys, Clerks and
Insurance Tax Collection Program Primary Contacts

From: Miriam Hair, Executive Director 

Re: Insurance and Brokers Tax Collection Programs – IMMEDIATE ACTION REQUIRED

As a result of legislation passed in the 2012 session of the South Carolina General Assembly, all cities must immediately amend their business license ordinance for insurance companies and non-admitted insurance brokers. Cities must also renew their agreement with the Municipal Association of South Carolina to collect these taxes on their behalf.

The state legislation was necessary and supported by cities and towns because of a recent change in federal law known as the “Dodd-Frank” Act. Within the Act is a provision, The Non-admitted and Reinsurance Reform Act of 2010, which states that the “placement of non-admitted insurance is subject to the statutory and regulatory requirements solely of the insured’s home state.” It goes further to state only the “home state” may require the payment of premium tax for non-admitted insurance.

In response to this change in federal law, on June 29, 2012, Governor Nikki Haley signed into law legislation that designates a single tax rate of 6 percent for the broker’s premium tax in South Carolina. The new state law fully complies with the new federal regulations while preserving the designation and collection of a 4 percent state tax and a 2 percent municipal broker’s premium tax. The law further states that a municipality may not impose any additional license fee or tax based upon a percentage of premium.

The new law requires the South Carolina Department of Insurance to collect the brokers’ premium tax and deposit all revenue collected into a special fund, separate and distinct from the General Assembly’s general fund. The law also authorizes the Municipal Association of South Carolina to serve as the municipal agent to receive the funds from the Department of Insurance and distribute the funds to municipalities. The Department of Insurance is required to give the Association a full accounting, including, but not limited to, the name and address of the broker, amount collected from each broker, and information as to the location of the risk covered by the insurance.

In order to comply with the new state law, it is imperative your municipality adopt the enclosed ordinance and agreement exactly as written. It can be found on the Association’s website (www.masc.sc – keyword: collections ordinance) in Word or PDF format. You may also call (803.933.1229) or email Myan Jencks (MJencks@masc.sc) to have it emailed directly to you.

The Association must have the original signed agreement and a certified copy of your amended ordinance by Wednesday, December 12, 2012. We will send you a copy of the final agreement with my signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Association.

Please let me bring to your attention that changes also appear in the amended ordinance with regard to the administration of the business license tax for insurance companies. The changes are only made to clarify the intent of your current ordinance. If you have any questions concerning the amended ordinance or agreement, please contact Gail Hampton, Collection Programs Manager, at 803.933.1213.

MOH/mw

Encl:as

ORDINANCE # 2012-16
An Ordinance Amending the Business License Ordinance
Provisions for Insurance Companies

WHEREAS, the South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the act authorizes the Municipal Association of South Carolina to act as the municipal agent for purposes of distributing to municipalities the municipal broker's tax collected by the South Carolina Department of Insurance; and

WHEREAS, it is necessary to amend the Business License Ordinance to conform to the State law as amended;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Walterboro, South Carolina, that the Business License Ordinance is amended by changing the provisions for insurance companies as follows:

SECTION 1.

<u>SIC</u>	<u>NAICS</u>
<u>CODE</u> or <u>CODE</u>	
63	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.

631-632	52411	<u>Life, Health and Accident</u>	0.75% of Gross Premiums
633-635	524126	<u>Fire and Casualty</u>	2% of Gross Premiums
636	524127	<u>Title Insurance</u>	2% of Gross Premiums

SECTION 2.

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.

SECTION 3.

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.

SECTION 4.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina 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.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

William T. Young, Jr., Mayor

ATTEST:

Betty J. Hudson, City Clerk

First Reading: _____

Second Reading: _____

AGREEMENT

For Collection Of All Business License Taxes From Insurance Companies and Administration as Municipal Agent of Municipal Brokers Premium Tax

WHEREAS, the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA (hereinafter "the Association") has developed a program for statewide collection of all current and delinquent business license taxes due from insurance companies licensed in this state; and

WHEREAS, participating municipalities have adopted uniform rates and delinquent penalties for insurance companies and a uniform due date of May 31 for such license taxes; and

WHEREAS, municipalities are authorized to contract for assistance in collection of business license taxes pursuant to S.C. Code Ann. § 5-7-300; and

WHEREAS, the Association's collection of business license taxes from brokers for non-admitted surplus lines insurers is now governed by S.C. Code Ann. § 38-45-10, et seq., which is incorporated herein by reference; now therefore,

WITNESSETH

THIS AGREEMENT is made between the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA and the City of Walterboro, South Carolina.

It is agreed between the parties as follows:

I. BUSINESS LICENSE TAXES FROM INSURANCE COMPANIES

1. The Association will make the necessary investigations, develop a database for the Municipality, establish procedures for determining the amount of business license taxes due, communicate with insurance companies subject to the taxes, and collect all current and delinquent business license taxes due from insurers on an annual basis.
2. The Association will bear all expenses incurred in connection with the services rendered.
3. The Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes collected for the municipality, less the service charge herein agreed to, will be disbursed to the Municipality as collections permit.

4. The Association is hereby designated as the exclusive agent of the Municipality for assessment and collection of the said business license taxes and penalties utilizing all procedures and actions authorized by ordinance or State law, and such procedures and actions may be invoked in the name of the Municipality without further approval by the Municipality.
5. The Association will notify all insurance companies licensed in the State of this agreement and the requirement that all business license taxes be paid to the Association.
6. The Municipality acknowledges that it is an essential element of the programs for all such taxes to be paid to the Association, and no such taxes will be accepted, waived or compromised by the Municipality directly from or with an insurer. All communications from insurance companies will be sent to the Association. Payments accepted by the Municipality will be included in the computation of compensation to the Association.
7. The Municipality agrees that the Association shall retain 4 percent of all funds collected for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

II. Municipal Brokers Premium Tax

1. On behalf of its municipalities, the Association will communicate with brokers for non-admitted insurance companies subject to the tax in S.C. Code Ann. § 38-45-10, et seq. and will communicate with the South Carolina Department of Insurance on all issues related to the taxes due from brokers per S.C. Code Ann. § 38-45-10, et seq.
2. The Association will bear all expenses incurred in connection with the services rendered.
3. Per S.C. Code Ann. § 38-45-10 and ordinance adopted by the Municipality, the Association is designated as the municipal agent to act on behalf of the municipality for the purposes set out in S.C. Code Ann. §38-45-10, et. seq.
4. S.C. Code Ann. § 38-45-10, et seq., governs the Association's receipt from the South Carolina Department of Insurance ("DOI") and distribution to the municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, the Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the municipality, less the service charge herein agreed to, as collections permit.

5. The Municipality agrees that the Association shall retain 4 percent of all funds collected or received by the Association for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

III. TERM AND LEGALITY

1. The Municipality represents that this agreement has been approved by ordinance duly adopted pursuant to S.C. Code Ann. § 5-7-300.
2. This Agreement is effective until December 31, 2022, and shall continue from year to year thereafter until terminated by either party upon 90 days notice in writing given prior to December 31.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: _____
Miriam O. Hair
Executive Director

CITY OF WALTERBORO, SOUTH CAROLINA

By: _____
William T. Young, Jr., Mayor

DATE: _____, 20__

ATTEST:

Betty J. Hudson, City Clerk

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 PROCURMENT PROCEDURES SO AS TO PROVIDE FOR A LOCAL PREFERENCE IN THE EVALUATION OF BIDS, PROPOSALS, AND QUALIFICATIONS.

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

WHEREAS, City Council has determined that it is in the City of Walterboro's and its citizen's best interest to promote the use of local companies.

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

Chapter 2. Administration, Article X. Procurement is hereby amended by deleting Sec.2-251 "Local purchases preferred" and replacing it with the following:

"SEC. 2-251 Local Preference Option

(a) This option allows the lowest local bidder (defined as a bidder whose business is physically located and operating within the limits of the City of Walterboro or Colleton County) to match the bid submitted by the non-local low bidder if they are within a set percentage and thereby be awarded the contract.

(b) Whenever the purchasing agent purchases services, supplies, materials, and/or equipment for the City through the use of competitive process, including quotes, bids and proposals, a percentage preference shall be used for evaluation purposes, according to the categories as set forth herein. When bid submissions are evaluated, a percentage from the local preference classification shall be deducted from the total dollar amount bid by local vendors on competitive quotes and bids, and from the total evaluated aggregate score obtained by local vendors on proposals. The total amount of local preference granted in a single bid shall not exceed an amount determined as set forth herein over a non-local vendor. The award shall be made at the price of the lowest

quote, bid or proposal. If the lowest bidder after application of the local bidder preference is the Local bidder, then that bidder shall have the option to match the lowest quote, bid or proposal. In the case of an absolute tie, an award will be made to the local vendor. In the case of a tie between local vendors, the award will be determined by lot.

Bid Amount	Within City Limits	Within Colleton County
Up to \$5,000.00	5% of Bid	4% of Bid
\$5,001.00 to \$25,000.00	\$250.00 plus 4% of amount between \$5,001.00 and \$25,000.00	\$200.00 plus 3% of amount between \$5,001.00 and \$25,000.00
\$25,001.00 and up	\$1050.00 plus 3% of the amount above \$25,000.00	\$800.00 plus 2% of the amount above \$25,000.00

- (1) When requesting the within City limits level of local preference, the vendor shall submit to the City sufficient evidence that such business has had a business license in the City of Walterboro for a period exceeding 90 days prior to bid opening date.
- (2) The local vendor preference does not apply to bids conducted jointly with other public agencies, nor when prohibited by state or federal statutes or regulations that require award to the lowest responsible bidder, or otherwise exempted from local preferences.
- (3) To qualify for the local vendor preference, the vendor must meet all of the following requirements:
 - a. The vendor must complete the application process as determined by the manager and affirm their qualifications.

- b. The vendor must have maintained a physical address and office as a principal place of business within the defined boundaries of the category sought for at least one year; and
- c. The vendor must submit evidence of their qualification for local vendor preference with their bid.
- d. The vendor must provide proof of payment of all applicable City of Waltherboro taxes and fees.

(4) An eligible business shall maintain such status throughout the term of any contract with the City. Failure to maintain such status or to keep current on all fees and taxes to the City shall be grounds to terminate the contract."

DONE, this _____ day of _____, 2012.

 William T. Young, Jr.
 Mayor

ATTEST:

 Betty J. Hudson
 City Clerk

First Reading: _____
 Public Hearing: _____
 Second Reading: _____

RESOLUTION # 2012-R-06
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WALTERBORO, SOUTH CAROLINA APPROVING THE ISSUANCE BY
THE PUBLIC FINANCE AUTHORITY OF BONDS
ON BEHALF OF CHG-DRUID HILLS, LLC

WHEREAS, CHG-Druid Hills, LLC (the “Borrower”), has requested that the Public Finance Authority (the “Authority”) issue bonds (the “Bonds”) in an amount not to exceed \$30,000,000, a portion of which in the approximate amount of \$3,900,000 will be used to finance the costs of the acquisition, rehabilitation and equipping of a residential rental facility for individuals and families of low and moderate income known as Druid Hills Apartments and located at 300 Sniders Highway, Walterboro, South Carolina 29488 (the “Project”); and

WHEREAS, the Facility will initially be owned and operated by the Borrower; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (the “Governing Body”) of the City of Walterboro, South Carolina (the “Council”) are the applicable elected representatives of the City of Walterboro, South Carolina; and

WHEREAS, the Borrower has requested that the Governing Body approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Exercise Agreement”) and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body or its designee has, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public hearing regarding the financing and refinancing of the Project and the issuance of the Bonds, and now desires to approve the financing and refinancing and the issuance of the Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE ABOVE-NAMED GOVERNING BODY AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The form and publication of the TEFRA Notice is approved.

Section 3. The Governing Body hereby approves the issuance of the Bonds by the Authority for financing the Facility. It is the purpose and intent of the Governing Body that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facility is located, in accordance with Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 4. The officers of the City of Walterboro, South Carolina are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

ADOPTED, by the City of Walterboro, South Carolina at a regular meeting of said body held on the 23rd day of October, 2012, by a majority vote.

By: _____

Name: William T. Young, Jr.

Title: Mayor

ATTEST:

Betty J. Hudson
City Clerk

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 October 9, 2012, and ending on October 9, 2012.

SWORN to before me

this 10 day of OCT, 2012
William Moore (L.S.)

Notary Public for South Carolina

Commission expires 6-4-22



William B. Moore

NOTICE OF PUBLIC HEARING MULTIFAMILY HOUSING MORTGAGE REVENUE BONDS

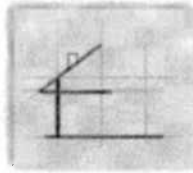
Notice is hereby given that a public hearing will be held by the City Council of the City of Walterboro, South Carolina (the "Host") on Tuesday, October 23, 2012, at 6:15 p.m. at the City Council Chambers on the second floor of City Hall, 242 Hampton Street, Walterboro, SC 29488. This hearing is for the purpose of considering the authorization and approval of the issuance by Public Finance Authority, a commission duly organized under the laws of the State of Wisconsin (the "Issuer") of its Multifamily Housing Mortgage Revenue Bonds (CHG Section 8 Assisted Housing Pool Project) in one or more series, pursuant to a plan of finance, in an aggregate principal amount not to exceed \$30,000,000 (the "Bonds"). The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended. If the Bonds are approved, the proceeds of the Bonds will be used to finance the acquisition, rehabilitation and equipping of residential rental facilities for individuals and families of low and moderate income in the states of Texas, Mississippi, Georgia, South Carolina and North Carolina. A portion of the Bonds in the amount of approximately \$3,900,000 will be used by the Issuer to make a loan to CHG - Druid Hills, LLC, a South Carolina limited liability company, or its successors or assigns (the "Borrower") to finance the acquisition, rehabilitation and equipping of an 80-unit facility known as Druid Hills Apartments and located at 300 Sniders Highway, Walterboro, South Carolina 29488 (the "Project"). The initial owner, operator or manager of the Project is expected to be the Borrower.

THE BONDS SHALL NOT REPRESENT OR CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE ISSUER, THE CITY OF WALTERBORO, SOUTH CAROLINA, THE COUNTY OF COLLETON, SOUTH CAROLINA, OR THE STATE OF SOUTH CAROLINA OR ANY OF ITS POLITICAL SUBDIVISIONS

Interested persons are invited to attend this public hearing and will be given the opportunity to express their views concerning the approval by the Host of the issuance of the Bonds by the Issuer for the purpose of financing the Project.

Anyone desiring to make written comments may give them to the Clerk of Council of the Host at 242 Hampton Street, Walterboro, SC 29488 on or before the date and time of the aforementioned hearing. This notice is given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

By: William T. Young
Mayor
City of Walterboro, South Carolina



Chisom Housing Group

Providers of Affordable Housing

October 2, 2012

Mr. Jeffrey V. Lord, ICMA-CM
City Manager, City of Walterboro
242 Hampton Street
Walterboro, SC 29488

RE: Druid Hills I TEFRA Request

Mr. Lord:

As you are aware, Chisom Housing Group is a 501(c)3 nonprofit dedicated to preserving and promoting affordable housing. We are attempting to acquire the Druid Hills I apartment community, which is currently restricted affordable housing with 100% of the units encumbered by a Section 8 Housing Assistance Payments contract with HUD. The property is unfortunately not a viable candidate for a 'tax credit rehab' (which involves a major renovation) – unfortunately this property preservation must be financed through other means. As a consequence, the monies available are somewhat limited.


You recently received a TEFRA notice regarding our proposed acquisition and were good enough to reach out to us. You identified security cameras, improved lighting and perimeter fencing as items that would benefit the property and surrounding community if implemented at Druid Hills I. We have reached out to the site staff and local vendors regarding these items. Your suggestions seem very appropriate, our issue is how to best reallocate funds to satisfy them. By this letter, we propose the following agreement.

If the property acquisition occurs, within six months of closing we would commit to the following:

- 1) Repair all existing exterior lighting fixtures
- 2) Install a minimum of three (3) new wall- or pole-mounted exterior lights
- 3) Install a security camera system
- 4) Install a minimum of five hundred (500) linear feet of perimeter fencing

We have found that a collaborative approach with local leaders always leads to the best communities, and we appreciate your guidance. Druid Hills I (and Walterboro) will certainly benefit from it. Please do not hesitate to reach out with any questions and we look forward to working with you and your team for many years to come.

Best wishes,


Hans W. Juble
President, Chisom Housing Group