

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

Regular Meeting

October 2, 2018

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 # 2018-11, 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 Universal Distributors, LLC to Coastal Land Holdings LLC.
2. Ordinance # 2018-12, An Ordinance Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by the City of Walterboro Located Along Robertson Boulevard and Aviation Way in or Near the City of Walterboro, Colleton County, SC; Such Easement is to Be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities Within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.
3. Ordinance # 2018-13, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act.
4. Ordinance # 2018-14, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 2, Section 2.4, Permitted Uses Table and Chapter 3, Section 3.5 Retail and Wholesale Uses, and an Addition to the Definitions Section of the Unified Development Ordinance of the City of Walterboro.

IV. Old Business:

1. **Ordinance # 2018-11**, 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 Universal Distributors, LLC to Coastal Land Holdings LLC, **Second Reading and Adoption** (Ordinance attached).
2. **Ordinance # 2018-12**, An Ordinance Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by the City of Walterboro Located Along Robertson Boulevard and Aviation Way in or Near the City of Walterboro, Colleton County, SC; Such Easement is to Be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities Within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto, **Second Reading and Adoption** (Ordinance attached).
3. **Ordinance # 2018-13**, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act, **Second Reading and Adoption** (Ordinance attached).
4. **Ordinance # 2018-14**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 2, Section 2.4, Permitted Uses Table and Chapter 3, Section 3.5 Retail and Wholesale Uses, and an Addition to the Definitions Section of the Unified Development Ordinance of the City of Walterboro, **Second Reading and Adoption** (Ordinance attached).

V. New Business:

1. **Ordinance # 2018-15**, An Ordinance Pursuant to Title 5, Chapter 3, Section 5-3-150, Subsection 3, of the Code of Laws of South Carolina, 1976, as Amended, to Annex an Area, Known as TMS # 146-00-00-082 into the City of Walterboro, a South Carolina Municipal Corporation, **First Reading** (Ordinance and petition attached).

2. **Resolution # 2018-R-14**, A Resolution to Authorize the Municipal Association of South Carolina to Act as Claimant Agency for the Collection of Debt on Behalf of the City of Walterboro in Accordance with the Setoff Debt Collection Act (Resolution and agreement attached).
3. Consideration of rescheduling the November 6, 2018 City Council Meeting.
4. Request to Hang Banner Announcing 2018 Festivelo **November 7-11, 2018**, Christan Spires, Tourism Director (Memorandum attached).

VI. Committee Reports:

VII. City Manager's Report:

VIII. Executive Session:

1. Discussion of Matters Concerning the Expansion of Services Encouraging the Location or Expansion of Industries and Other Businesses - Wastewater Treatment Plant Preliminary Engineering Report.

IX. Open Session:

1. Council May Take Action on Matters Discussed in Executive Session.

X. ADJOURNMENT.

AFFIDAVIT OF PUBLICATION IN

The Press and Standard

PERSONALLY appeared before me, William B. Moore, who being duly sworn, says that he is the publisher of The Press and Standard, published on Thursday 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, and publication commencing on 9/20, 2018 and ending on 9/20, 2018.

SWORN to before me


this 21 day of SEPTEMBER, 2018
Barbara McCall (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 2, 2018 at 6:15 P.M. in City Hall, 242 Hampton Street, to receive public comments on the following proposed ordinances:

- 1. Ordinance # 2018-11**, 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 Universal Distributors, LLC to Coastal Land Holdings LLC.
- 2. Ordinance # 2018-12**, An Ordinance Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by the City of Walterboro Located Along Robertson Boulevard and Aviation Way in or Near the City of Walterboro, Colleton County, SC; Such Easement is to Be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities Within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents, and Other Matters Related Thereto.
- 3. Ordinance # 2018-13**, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act.
- 4. Ordinance # 2018-14**, An Ordinance to Amend the Unified Development Ordinance of the City of Walterboro, South Carolina, to Provide for Changes to Chapter 2, Section 2.4, Permitted Uses Table and Chapter 3, Section 3.5 Retail and Wholesale Uses, and an Addition to the Definitions Section of the Unified Development Ordinance of the City of Walterboro.

Copies of the proposed ordinances are 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 (843-782-1010) for additional information or for disabled persons needing auxiliary aids at least 24 hours notice if auxiliary aids are required.

CITY OF WALTERBORO ORDINANCE # 2018-11

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 AND PERMANENTLY WAVING A RESTRICTION ON SUBDIVISION OF SAID LAND, IN CONNECTION WITH THE SALE OF THE LAND BY UNIVERSAL DISTRIBUTORS, LLC TO COASTAL LAND HOLDINGS LLC

WHEREAS, the City Council of the City of Walterboro approved the execution of the hereinbelow referenced deed to Marketing Services International, LLC on behalf of the City by Ordinance No. 2009-01, adopted January 27, 2009; and

WHEREAS, the City of Walterboro joined with the Walterboro - Colleton County Airport Commission and the County of Colleton in a deed conveying eight (8) acres, more or less, of land to Marketing Services International, LLC, a South Carolina limited liability company by indenture deed dated February 23, 2009 and recorded February 25, 2009 in Deed Book 1728 at page 231 in the Office of the Register of Deeds (ROD) for Colleton County, South Carolina; and

WHEREAS, that deed contained a reservation of a right of first refusal to purchase the property in the Grantors for a period of sixty (60) years; and

WHEREAS, Marketing Services International, LLC requested that the Grantors in that deed waive their right of first refusal in connection with the sale of the eight (8) acres, more or less, parcel and the improvements thereon to Universal Distributors, LLC, a Maryland limited liability company, which is a wholly-owned subsidiary of Universal Products, Inc., a Maryland corporation in 2013; and

WHEREAS, by Ordinance 2013-11, the City of Walterboro duly authorized the City to join with the Walterboro - Colleton County Airport Commission and the County of Colleton in executing a Limited Waiver of Right of First Refusal (As to One Transaction Only) in connection with that transaction; and

WHEREAS, the City of Walterboro joined with the Walterboro - Colleton County Airport Commission and the County of Colleton in executing a Limited Waiver of Right of First Refusal (As to One Transaction Only), which instrument was signed on behalf on the City on November 18, 2013 and recorded on November 25, 2013 in RER Book 2173 at page 245 in the Office of the ROD for Colleton County, South Carolina; and

WHEREAS, Marketing Services International, LLC conveyed said eight (8) acres, more or less, parcel and the improvements thereon to Universal Distributors, LLC, a Maryland limited liability company, which is a wholly-owned subsidiary of Universal Products, Inc., a Maryland corporation by Indenture Deed dated November 20, 2013 and recorded November 25, 2013 in

RER Book 2173 at page 251 in the Office of the ROD for Colleton County, South Carolina; and\

WHEREAS, Universal Distributors, LLC has now requested that the City of Walterboro, the Walterboro - Colleton County Airport Commission and the County of Colleton waive their right of first refusal in connection with the sale of said eight (8) acres, more or less, parcel and the improvements thereon to **Coastal Land Holdings, LLC**, a South Carolina limited liability company; and

WHEREAS, the requested waiver is for this transaction only and the reserved right of first refusal will remain in full force and effect as to other sales of the eight (8) acres, more or less, tract within the remainder of said sixty (60) year period; and

WHEREAS, Universal Distributors, LLC has also requested that the City of Walterboro, the Walterboro - Colleton County Airport Commission and the County of Colleton permanently waive the following restriction which they placed on said eight (8) acres, more or less, parcel when they conveyed the parcel Marketing Services International, LLC:

"7. The real estate conveyed by this deed shall not be subdivided."

and

WHEREAS, the Walterboro - Colleton County Airport Commission has requested that the City of Walterboro and the County of Colleton join in waiving their right of first refusal in this transaction and in waiving the above set our restriction on the subdivision of the land,

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

SECTION I

That the City of Walterboro join with the County of Colleton and the Walterboro - Colleton County Airport Commission in waiving the right of first refusal in connection with the transfer of the below described property from Universal Distributors, LLC a Maryland limited liability company to Coastal Land Holdings, LLC, a South Carolina limited liability company.

Description of Property to be conveyed:

All that certain piece parcel or tract of land situate lying and being in the Industrial Area, near the City of Walterboro, in Colleton County, South Carolina, containing eight(8) acres, more or less, as shown on a plat entitled "A Boundary Survey of 8.00 Acres, a Portion of TMS 132-00-00-018, Surveyed for Colleton County Economic Alliance" prepared by Jerry L. Fowler, RLS No. 15178, dated August 22, 2008, together with all buildings and improvements thereon, and being bounded as follows: Northeasterly by lands of Maxwell Properties, LLC and measuring

thereon Seven Hundred Eighty-Seven and Fifty-Two Hundredths Feet (787.52'), more or less; Southeasterly by the right of way of Road S-15-785 (Anderson Road) and measuring thereon Three Hundred Ninety-Seven and Ninety-Two Hundredths Feet (397.92'), more or less; Southwesterly by lands of the City of Walterboro and the County of Colleton, under the care, custody, and control of the Walterboro-Colleton County Airport Commission and measuring thereon Nine Hundred Sixty-Four Feet (964.00'), more or less; and Northwesterly by lands of Roller Bearing Company of America, Inc. and measuring thereon Four Hundred Thirty-Five and One Tenth Feet (435.10'), more or less, all of which will more fully appear by reference to the above mentioned plat.

This being the same property conveyed to Universal Distributors, LLC by Marketing Services International LLC by Indenture Deed dated November 30, 2013 and recorded November 25, 2013 in Deed Book 2173 at page 251 in the Office of the ROD for Colleton County, South Carolina.

SECTION II

That nothing in the said Waiver of Right of First Refusal authorized in this Ordinance shall be taken to waive said right of first refusal as to any future transfer or sale of the property described above within the remaining time before the sixty (60) year reservation of this right of first refusal expires; and that the wavier authorized by this Ordinance shall be made expressly conditioned on the right of first refusal remaining in full force and effect after the contemplated transfer has taken place.

SECTION III

That the City of Walterboro join with the County of Colleton and the Walterboro - Colleton County Airport Commission in permanently waiving the following restriction which was placed on said eight (8) acres, more or less, parcel when they conveyed the parcel Marketing Services International, LLC:

"7. The real estate conveyed by this deed shall not be subdivided."

SECTION IV

That the Mayor and City Clerk of the City of Walterboro be, and they are, hereby authorized, empowered and directed on behalf of the City of Walterboro to execute and deliver said Waiver of Right of First Refusal as to the above transaction.

ADOPTED, THIS 2nd DAY OF OCTOBER, 2018

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: September 4, 2018
Public Hearing: October 2, 2018
Second Reading:

33127

ORDINANCE # 2018-12

AN ORDINANCE GRANTING EASEMENT NO. 897128 TO SOUTH CAROLINA ELECTRIC AND GAS ACROSS A PORTION OF PROPERTY OWNED BY THE CITY OF WALTERBORO LOCATED ALONG ROBERTSON BOULEVARD AND AVIATION WAY IN OR NEAR THE CITY OF WALTERBORO, COLLETON COUNTY, SC; SUCH EASEMENT IS TO BE USED FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL AND GAS FACILITIES WITHIN COLLETON COUNTY, SC; TO AUTHORIZE EXECUTION AND RECORDING OF THE EASEMENT DOCUMENTS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Walterboro City Council deems it to be in the best interest of the City to grant an Easement to South Carolina Electric and Gas across a portion of property owned by the City of Walterboro located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC; such easements are to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.

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

1. The documents attached and included herein by reference grant Easement No. 897128 to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.
2. The City Manager is hereby authorized to sign said easement on behalf of the City.
3. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.

ADOPTED, this 2nd day of October, 2018.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: September 4, 2018
Public Hearing: October 2, 2018
Second Reading: _____

Easement # 897128

INDENTURE, made this _____ day of _____, 2018 by and between City of Walterboro and County of Colleton of the County of Colleton and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of Colleton, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing 1539.00 acres, more or less, and being the same lands conveyed to Grantor by deed of United States of America, dated or recorded 9/25/1950, and filed in the Register of Deeds office for Colleton County in Deed Book 105 at Page 431.

Property is located along Robertson Boulevard and Aviation Way or near the City of Walterboro, Colleton County, South Carolina.

The right of way granted herein is for the installation, operation and maintenance of South Carolina Electric & Gas Company facilities. These facilities are more fully shown on Exhibit "A", attached hereto and made a part hereof.

TMS: 132-00-00-028 (a portion of)

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right to lay, construct, maintain, operate, repair, alter, replace and remove pipe lines, together with valves, tieovers and appurtenant facilities [within the easement space granted above] for the transportation of gas, oil petroleum products or any other liquids, gases or substances which can be transported through a pipe line.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires or pipe lines and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Grantor further agrees to maintain minimum ground coverage of twenty four (24) inches and maximum ground coverage of forty two (42) inches over all underground pipe (gas) lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

Signatures on Following Pages

Easement # 897128

City of Walterboro

1st Witness

By: _____
Name: _____
Its: _____

2nd Witness

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF Colleton)

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named _____ as _____, of the **City of Walterboro**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

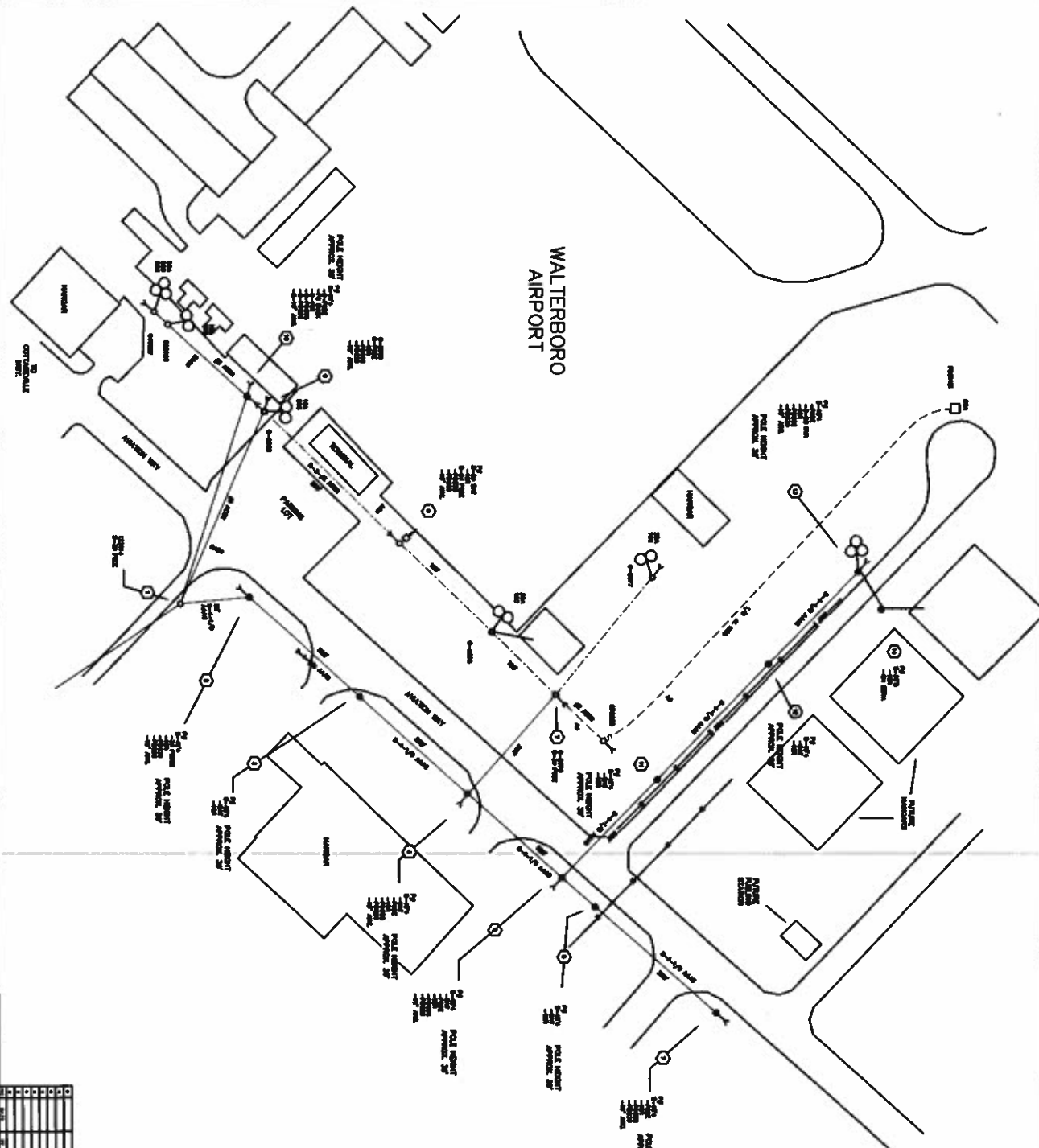
Sworn to before me this _____ day of _____, 2018

Signature of Notary Public State of SC

My commission expires: _____

**RIGHT OF WAY GRANT TO
SOUTH CAROLINA ELECTRIC & GAS COMPANY
Line: Walterboro Airport Project C
County: Colleton
RW File Number: 22191
Grantor(s): City of Walterboro and County of Colleton**

Return to: SCE&G
 2392 West Aviation Ave MC-CH29
 North Charleston, SC 29406



WALTBORO AIRPORT

PLAN "SAFETY" INTO EVERY JOB

SCANACAD DRAWING—DO NOT REVISE MANUALLY

Exhibit "A"

PRELIMINARY

NO.	DATE	REVISION

THIS DRAWING IS THE PROPERTY OF SOUTH CAROLINA ELECTRIC & GAS CO. IT IS TO BE USED ONLY FOR THE PROJECT AND AT THE LOCATION SPECIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SOUTH CAROLINA ELECTRIC & GAS CO.

SOUTH CAROLINA ELECTRIC & GAS CO.
 3 DAYS SERVICE ORDER
 1-800-221-2727
 CALL 1-888-721-2727

REPORT OF WORK INFORMATION
 JOB NO. _____
 PROJECT NO. _____
 CONTRACT NO. _____
 DATE OF WORK _____

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ORDINANCE 2018-13

**RELATING TO THE RECOVERY OF COLLECTION COSTS AS A PART OF
DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT
COLLECTION ACT**

WHEREAS, the City of Walterboro is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Walterboro; and

WHEREAS, "delinquent debt" is defined in the Act to include "collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;" and

WHEREAS, the City of Walterboro has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act; and

WHEREAS, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act; and

WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the City of Walterboro that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the City of Walterboro as that term is defined in the Act; and

WHEREAS, the City of Walterboro also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the City of Walterboro; and

WHEREAS, the City of Walterboro may desire to recover its internal costs of collection by adding such costs to the delinquent debt.

NOW, THEREFORE, be it enacted by the Mayor and Council of the City of Walterboro as follows:

1. The City of Walterboro may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected

pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The City of Walterboro hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City of Walterboro, which shall also be added to the delinquent debt and recovered from the debtor.
3. All Ordinances in conflict with this Ordinance are hereby repealed.
4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

DONE, this 2nd day of October, 2018.

William T. Young, Jr., Mayor

Attest:

Betty J. Hudson, City Clerk

First Reading : September 4, 2018
Public Hearing: October 2, 2018
Final Reading : _____

ORDINANCE # 2018-14

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF WALTERBORO, SOUTH CAROLINA, TO PROVIDE FOR CHANGES TO CHAPTER 2, SECTION 2.4, PERMITTED USES TABLE AND CHAPTER 3, SECTION 3.5 RETAIL AND WHOLESALE USES, AND AN ADDITION TO THE DEFINITIONS SECTION OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF WALTERBORO.

WHEREAS, at the June 19, 2018, Planning Commission meeting, the Planning Commission held a properly posted public hearing to gather input on the issue of Food Truck/Trailer operation in the City; and

WHEREAS, at the July 24, 2018 Planning Commission meeting, the Planning Commission discussed details of text amendments to Chapter 2, Section 2.4 and Chapter 3, Section 3.5 of the Unified Development Ordinance; and

WHEREAS, at the August 21, 2018 Planning Commission meeting the Planning Commission discussed and unanimously approved final ordinance text amendments and language defining Food Trucks/Trailers; and

WHEREAS, the Planning Commission unanimously recommends that Chapter 2, Section 2.4 and Chapter 3 Section 3.5 of the Unified Development Ordinance be amended, and the definition of Food Trucks/Trailers be added to the Definitions section of the Unified Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED, that Chapter 2, Section 2.4, Chapter 3, Section 3.5 and the Definitions section of the Unified Development Ordinance of the City of Walterboro, South Carolina is hereby amended as follows:

Chapter 2

Section 2.4 – Permitted Uses Table

Food Trucks/Trailers will be added as a use in the *Retail & Wholesale Uses* portion of the Table and will be a Conditional use in Commercial Districts. Conditions to be referenced in Section 3.5.5.

Chapter 3

Section 3.5.5 – Food Trucks/Trailers (New Section)

Food Trucks/Trailers

1. A valid Food Truck/Trailer vending permit issued by the Planning Department is required prior to setting up or selling merchandise. Permit certificates shall be attached to the mobile vending unit where they are readily visible, and shall include the current name, mailing address and valid phone number of the Food Truck vending unit owner;
2. Permitted merchandise shall be limited to edibles, hot and cold beverages containing no alcohol, and items related to such merchandise;
3. Sales must take place on private property within permitted zoning districts, unless taking place as part of a City approved special event.
4. Permission to operate must be obtained, in writing, from the property representative; and must be filed with the Planning & Development Department of the City prior to commencing sales. Additionally, a copy of permission document must be on site during sales;

5. Required parking for the primary business(es) shall be minimally affected;
6. Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed, not exceeding 12 square feet in area and 40 inches height. This sign must be located on the same property as and within close proximity to the food truck/trailer, and should not be placed on the sidewalk or in the public right-of-way;
7. The Food Truck/Trailer shall only use single-service plates and utensils. Garbage and recycling receptacles must be made available for patron use and removed from the site daily by the vendor;
8. The Food Truck/Trailer must comply with all requirements and regulations as established by SCDHEC in the Retail Food Establishments Regulation 61-25, including but not limited to:
 - a. The Food Truck/Trailer shall have a potable water system under pressure. The system shall furnish hot and cold water for all food preparation, utensil cleaning, and handwashing. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled;
 - b. Grease must be contained and disposed of in an approved grease receptacle located at the associated commissary;
 - c. Grey water must be contained and disposed of in a sanitary sewer at the associated commissary;
9. The Food Truck/Trailer shall prominently display the SCDHEC letter grade;
10. Any Food Truck/Trailer that has been issued a notice of health violation by any department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its food truck/trailer permit revoked;
11. All Food Truck/Trailers must obtain from the City an appropriate, current business license;
12. No Food Truck/Trailer operator shall:
 - a. Leave the Food Truck/Trailer unattended on sales site;
 - b. Store, park or leave any vehicle overnight on any street or sidewalk;
 - c. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the operator;
 - d. Solicit or conduct business with persons in motor vehicles;
 - e. Sell anything other than that for which a license to vend has been issued;
 - f. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
 - g. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property;
 - h. Change vending locations without first notifying the Planning Department and submitting the required permissions and site plan; and
13. Food Truck/Trailer operators must provide hand sanitation for customers;
14. Food Trucks/Trailers shall operate in conjunction with a permitted retail food establishment authorized to operate as a commissary and shall report at least daily to the designated commissary for supplies, storage of foodstuffs, cleaning, and servicing
15. *Exemptions.* Catered events, special events, and mobile food vendors that fall under a peddler's permit.

Appendix A - Definitions

Food Truck/Trailer: A food truck/trailer or a mobile food unit is defined as a fully enclosed mobile kitchen that may prepare, cook or serve time/temperature control for safety foods (TCS foods) as an extension of a retail food establishment. A food truck/trailer must be permitted by the South Carolina Department of Health and Environmental Control (“SCDHEC”) in order to operate from a retail food establishment.

Commissary: A commissary is a permitted retail food establishment that is authorized by SCDHEC to provide support of operations, storage, and service area for mobile food units, and is constructed and operated in compliance with the Retail Food Establishment Regulation 61-25. A food truck reports to each day of operation and shall be stored onsite at the commissary.

For the purposes of this ordinance and definitions, Food Truck, Food Truck/Trailer, Food Trailer, and/or mobile food unit are interchangeable.

ADOPTED, this 2nd day of October, 2018.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: September 4, 2018

Public Hearing: October 2, 2018

Second Reading: _____

ORDINANCE # 2018-15

AN ORDINANCE PURSUANT TO TITLE 5, CHAPTER 3, SECTION 5-3-150, SUBSECTION 3, OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, TO ANNEX AN AREA, KNOWN AS TMS # 146-00-00-082 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION.

WHEREAS, Title 5, Chapter 3, Section 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended, provide for the annexation of any area or property which is contiguous to a city or town by filing a petition with the municipal governing body which is signed by one-hundred (100%) of the owners owning at least one-hundred percent (100%) of the assessed valuation of the real property in the area requesting annexation; and

WHEREAS, one-hundred percent (100%) of the freeholders owning one-hundred percent (100%) of the assessed valuation of the real property in the area hereafter delineated and described, have filed a petition with the City Council of Walterboro, South Carolina, requesting that such property be annexed into the City of Walterboro, South Carolina. Such property is contiguous to the current City limits of the City of Walterboro, and is described as follows:

All those certain two (2) pieces, parcels or lots of land, situate, lying and being in the Southwest Quadrant of the I-95 and SC Route 64 Interchange near Walterboro, in the County of Colleton, State of South Carolina, and shown and designated as Lots Nos. 3 and 4 on a plat prepared by W. Gene Whetsell, RLS dated July 7, 1971 and measuring and bounded as a whole as follows: On the North by the right-of-way of SC Route 64, and measuring thereon Fourteen and one-tenths (14.1') feet; on the Northeast by the right-of-way of SC Route 64, and measuring thereon One Hundred Ninety (190') feet; on the Southeast by lands now or formerly of Annie Mattin, and measuring thereon One Hundred Seventy-seven and five-tenths (177.5'); on the Southwest by the right-of-way of the Seaboard Coastline Railroad, and measuring thereon Two Hundred (200') feet; and on the Northwest by lands of the South Carolina State Highway Department, and measuring thereon Eighty-nine and one-tenths (89.1') feet; as reference to said plat will more fully show, be all said measurements more or less.

This being the same property conveyed to Howard E. Thomas, Inc. by Deed of Otis C. Carter, Jr. and Robert W. Carter dated July 12, 1971 and recorded on July 12, 1971 in the Office of the Clerk of Court for Colleton County in deed Book 160, at Page 439.

TMS No.: 146-00-00-082

Property Address: 1897 Bells Highway, Walterboro, SC 29488

To include any road, waterway, easement, railroad track, marshland or utility line that intervenes between these properties and the municipal limits of Walterboro.

The owner of said property has requested that the property be annexed into the City of Walterboro. All applicable City services will be provided immediately upon annexation. This is a commercial property formerly operated as a gas station.

WHEREAS, the property is a closed parcel of land in Colleton County, South Carolina, consisting of 0.6 acres, more or less, for the purpose of annexation into the City of Walterboro. The area is more fully shown on a plat entitled "146-00-00-082.000," as prepared by the Assistant City Manager.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Walterboro, South Carolina, in Council duly assembled, that all real property as hereinafter delineated and described are hereby annexed into the City of Walterboro, South Carolina, a South Carolina municipal corporation, pursuant to Title 5, Section 3, Section 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended, and a zoning district classification of Interstate Interchange Commercial District (IICD) be applied.

ADOPTED, this _____ day of November, 2018.

William T. Young, Jr.
Mayor

ATTEST:

Betty J. Hudson
City Clerk

First Reading: _____
Second Reading: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

100 PERCENT PETITION FOR
ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF WALTERBORO; IN COUNCIL
ASSEMBLED:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property
in the contiguous territory described below and shown on the attached plat or map, hereby petition for
annexation of said territory to the City by ordinance effective as soon hereafter as possible, pursuant to South
Carolina Code Section 5-3-150(3).

The territory to be annexed is described as follows:

All those certain two (2) pieces, parcels or lots of land, situate, lying and being in the Southwest Quadrant of the I-95 and
SC Route 64 Interchange near Walterboro, in the County of Colleton, State of South Carolina, and shown and designated
as Lots Nos. 3 and 4 on a plat prepared by W. Gene Whetsell, RLS dated July 7, 1971 and measuring and bounded as a
whole as follows: On the North by the right-of-way of SC Route 64, and measuring thereon Fourteen and one-tenths
(14.1') feet; on the Northeast by the right-of-way of SC Route 64, and measuring thereon One Hundred Ninety (190')
feet; on the Southeast by lands now or formerly of Annie Mattin, and measuring thereon One Hundred Seventy-seven and
five-tenths (177.5'); on the Southwest by the right-of-way of the Seaboard Coastline Railroad, and measuring thereon
Two Hundred (200') feet; and on the Northwest by lands of the South Carolina State Highway Department, and measuring
thereon Eighty-nine and one-tenths (89.1') feet; as reference to said plat will more fully show, be all said measurements
more or less.

This being the same property conveyed to Howard E. Thomas, Inc. by Deed of Otis C. Carter, Jr. and Robert W. Carter
dated July 12, 1971 and recorded on July 12, 1971 in the Office of the Clerk of Court for Colleton County in deed Book
160, at Page 439.

TMS No.: 146-00-00-082
Property Address: 1897 Bells Highway, Walterboro, SC 29488

Subject to all easements, restrictions, and covenants of record and to any applicable governmental statutes, ordinances,
and/or regulations.

The property is designated as follows on the County tax maps: 146-00-00-082

A plat or map of the area is attached.

It is requested that the property be zoned as follows: **Interstate Interchange Commercial District.**

Eng M Van 13497 Broxton Bridge Rd 9-4-18
EHRHARDT SC 29081
Signature Street Address, City Date

FOR MUNICIPAL USE:

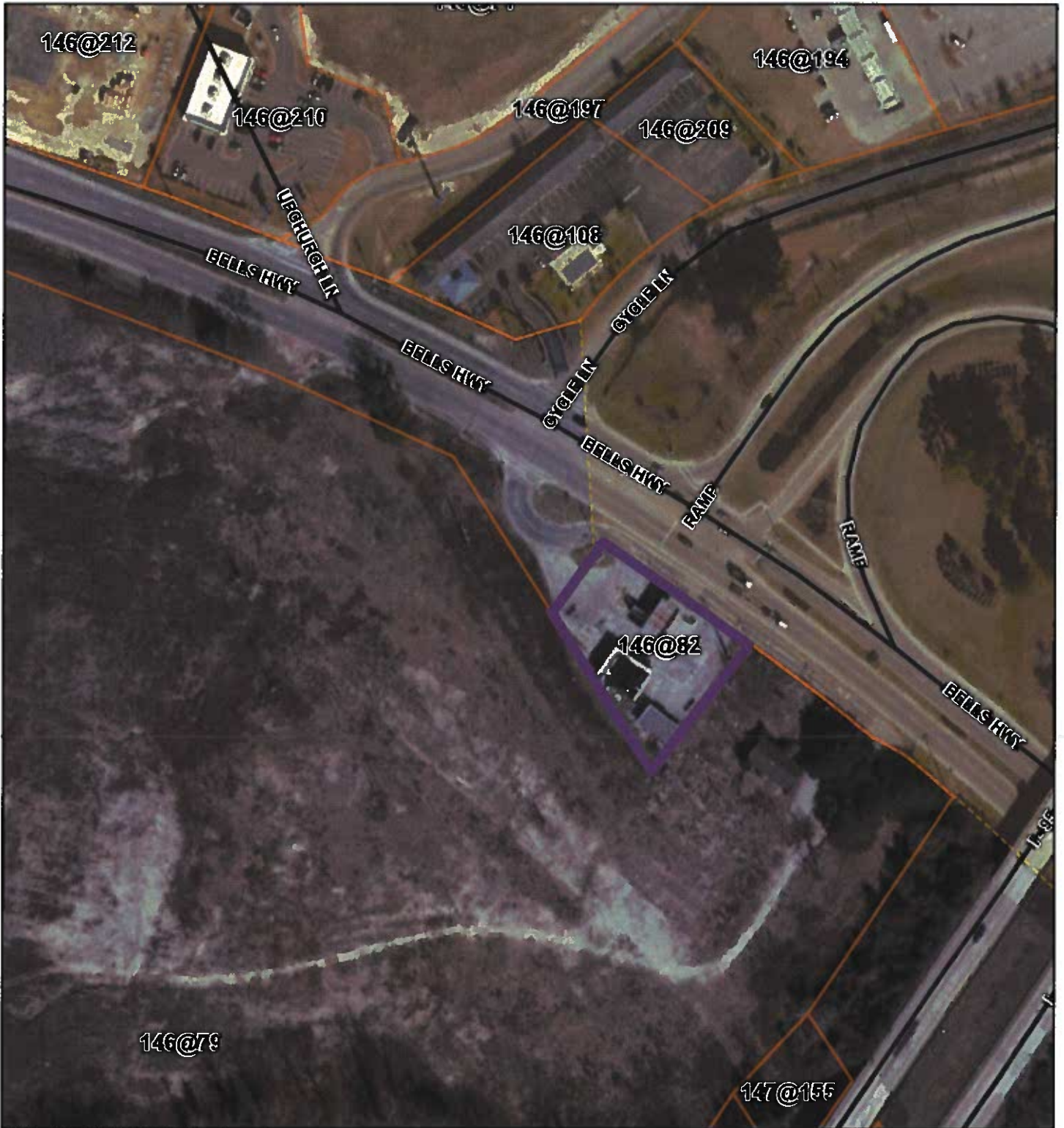
Petition received by [Signature], Date 9-6-18

Description and Ownership verified by [Signature], Date 9-6-18








Recommendation: _____

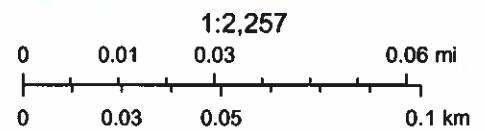
By: _____, Date _____

146-00-00-082



9/26/2018, 12:03:13 PM

-  Override 1
-  2016 Parcel Records (12/31/2016)
-  Solid Waste Services
-  Convenience Center
-  Landfill
-  Road Centerlines
-  Paved



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1411 Gervais Street, P.O. Box 12109
Columbia, SC 29211
tel: 803.799.9574
fax: 803.933.1299
www.masc.sc

Advocacy. Service. Innovation.

TO: Setoff Debt Collection Program Main Contacts and Coordinators
FROM: Wayne George, Executive Director
DATE: August 2018
SUBJECT: 2018 Setoff Debt Collection Program

New Year Processing has been performed in the Setoff Debt application. You may begin adding and editing claim and bill information for the 2018 Tax Year. You may download the 2018 Participant User's Guide from the Setoff Debt system under Administration, Download Resources & Forms.

NOTE: The Association recently conducted a thorough review of the Setoff Debt ordinance, agreement and resolution and made some contextual changes needed for participants to stay complainant with the Setoff Debt Collection Act and allow the Association to act on their behalf to submit debts to the South Carolina Department of Revenue.

In order to continue to participate, it is imperative your entity adopts the enclosed ordinance, resolution and agreement **exactly as written**. These documents can be found on the Association's website (www.masc.sc – keyword: collections ordinance) in Word or PDF format.

The Association must have a copy of your amended ordinance to recover collection costs, and the original signed agreement and resolution by Thursday, November 15, 2018. We will send you a signed copy of the agreement for your file. If you require an original signed agreement for your files, provide two signed agreements to the Association.

Enclosed are the following documents to assist you with the 2018 Tax Year:

- Participation Form
- Steps to Participate in the 2018 Setoff Debt Collection Program
- Timeline
- Initial Letter Certification Form
- Agreement, Resolution to participate in the program, Ordinance to recover collection costs
- Methods for Identifying Social Security Numbers
- Appeal Procedures/Process
- SC Department of Revenue Forms
- Information on Records Retention
- Information on Disabling Pop-up Blocker

If you have questions concerning this request or the documents, contact Caitlin Cothran, Manager of Collection Programs at 803.354.4786.

RESOLUTION NO. 2018-R-14

TO AUTHORIZE THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA TO ACT AS CLAIMANT AGENCY FOR THE COLLECTION OF DEBT ON BEHALF OF THE CITY OF WALTERBORO IN ACCORDANCE WITH THE SETOFF DEBT COLLECTION ACT.

WHEREAS, the Setoff Debt Collection Act (S.C. Code Ann.12-56-10) allows the South Carolina Department of Revenue to render assistance in the collection of debt owed to political subdivisions of the State; and

WHEREAS, the Municipal Association of South Carolina will act as a claimant agency as provided by S.C. Code Ann. §12-56-10 for political subdivisions in South Carolina; and

WHEREAS, the City of Walterboro desires to participate in the Setoff Debt Collection Program of the Municipal Association.

NOW, THEREFORE, BE IT RESOLVED, that the City of Walterboro authorizes the City Manager to enter into an agreement with the Municipal Association of South Carolina for the collection of debt owed to the City of Walterboro.

BE IT FURTHER RESOLVED, that the City of Walterboro indemnifies the Municipal Association of South Carolina to the extent permitted by law against any injuries, actions, liabilities or proceedings arising from performance under the setoff debt provisions.

ADOPTED, by Walterboro City Council this 2nd day of October, 2018.

William T. Young, Jr.
Mayor

Betty J. Hudson
City Clerk

AGREEMENT

To Authorize the Municipal Association of South Carolina to Act as Claimant Agency In Accordance With the Setoff Debt Collection Act

State of South Carolina

This agreement made and entered into this 2nd day of October 2018, between the Municipal Association of South Carolina and the City of Walterboro (the Participant).

Witnesseth: That for the consideration hereinafter set forth, the Association and the Participant agree that:

1. The Association will act as claimant agency in accordance with the Setoff Debt Collection Act (§12-56-10 et seq.).
2. The Participant will send a postage prepaid letter to each debtor at the address provided to the participant when the debt was incurred or to the debtor's last known address to inform the debtor of its intention to have the Association collect the debt owed under the Setoff Debt Collection Act. The debtor will be given thirty (30) days' notice to pay the debt or file a written protest before it is submitted to the Association. The notice to the debtor shall contain all information and be in the form required by S.C. Code Ann §12-56-62, as currently in effect or as it may be subsequently amended.
3. The Participant will establish a procedure for review of a protest in accordance with the S.C. Code Ann. §12-56-65, as currently in effect or as it may be subsequently amended.
4. The Participant will provide the Association, in a form prescribed by the Association, a certified list of claims before a designated date in December of each year.
5. The Association will compile these claims, including applicable costs and fees as charged by the Participant or by the Association, and submit them to the South Carolina Department of Revenue on or before the date required by the South Carolina Department of Revenue.
 - The South Carolina Department of Revenue will retain \$25 for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
 - The Association will retain \$25 for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
 - The Association will return all monies including any Participant cost, minus the SCDOR and MASC fee to the Participant.
6. The Participant indemnifies the Association to the extent permitted by law against any injuries, actions, liabilities or proceedings arising from performance under the S.C. Setoff Debt Collection Act, S.C. Code §12-56-10, et seq. or otherwise relating to this agreement.

7. This agreement shall remain in full force and effect until terminated by either party upon giving at least ninety (90) days' notice in writing to the other party. Any claims being processed shall remain covered by this agreement until canceled by the South Carolina Department of Revenue. The Participant shall annually certify to the Association that the Participant has complied with all requirements of the Setoff Debt Collection Act, and that the claims submitted to the Association are valid debts not subject to any pending protest or appeal.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: _____
J. Wayne George
Executive Director

Name of Participant: City of Walterboro

By: _____
Jeffrey P. Molinari
City Manager
Title

Date: _____



September 26, 2018

Walterboro City Council
242 Hampton Street
Walterboro, SC 29488

Re: Festivelo 2018 Banner

Dear Mayor and City Council,

The Walterboro Tourism Commission is excited to host the 21st annual FestiVELO from November 7-11. We look forward to another successful year.

To increase the visibility of the campaign, the Walterboro Tourism Commission requests approval of the following:

- A banner announcing FestiVELO to be displayed November 7th-11th, 2018 (mock-up below)



FestiVELO XXI 2018

- * Increased police and EMS presence during the event.
- *Right of way signage where necessary during the rides.

Sincerely,

Christan Spires, Tourism Director
843-538-4353
cspires@walterborosc.org