



**WALTERBORO CITY COUNCIL
REGULAR MEETING
FEBRUARY 2, 2021
6:00 P.M.**

Via Telephone/Video Conference
Phone Call-In Number 1 312 626 6799

Meeting ID: 978 3622 1606

Link to View Video:

<https://zoom.us/j/97836221606>

A G E N D A

I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

II. Public Input on Agenda Items:

Comments on agenda items must be submitted via email to jmolinari@walterborosc.org or by mail to Jeff Molinari, City Manager, City of Walterboro, P.O. Box 709, Walterboro, SC 29488. Comments will be distributed to the Mayor and City Council but will not be read during the meeting.

III. Approval of Minutes:

1. Regular Meeting - August 4, 2020
2. Special Called City Council Meeting - August 25, 2020
3. Regular Meeting - September 1, 2020
4. Special Called City Meeting - September 8, 2020
5. Work Session City Council Meeting - September 15, 2020
6. Regular Meeting - October 6, 2020
7. Special Called City Council Meeting - October 27, 2020
8. Regular Meeting - November 10, 2020
9. Regular Meeting - December 1, 2020
10. Regular Meeting - January 5, 2021

IV. Public Hearing:

V. New Business:

1. **Ordinance # 2021-01**, A SERIES ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BONDS OF THE CITY OF WALTERBORO, SOUTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING SEVEN MILLION DOLLARS (\$7,000,000); AND OTHER MATTERS RELATING THERETO (Introduction and First Reading).
2. **Ordinance # 2021-02**, AN EMERGENCY ORDINANCE TO PERMIT AND ALLOW FOR ELECTRONIC MEETINGS; AND OTHER MATTERS RELATED THERETO (Introduction and Final Reading).

VI. City Manager's Report

1. Request to authorize retaining Pope Flynn Group for their services as Bond Counsel in connection with the issuance of the Revenue Bond, Series 2021 in the amount of \$35,000, plus expenses (Engagement Letter attached).
2. Consideration of bids for the construction of an Emergency Generator & Chlorination System for the Mable T. Willis Blvd. Well Project (Memorandum and materials attached).
3. Prioritization of 2021 CDBG Funding Requests (Memorandum attached).
4. Paperless agendas.

VII. Executive Session:

1. Discussion of matters concerning the provision of services encouraging the location of industries or other businesses – Highway 64 Mega Site.

VIII. Open Session:

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

IX. Adjournment.

Walterboro City Council
Virtual Regular Meeting (Using Zoom)
August 4, 2020

MINUTES

A Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, August 4, 2020 at 6:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Council Members: Paul Siegel, Carl Brown, Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Attorney George Cone, Attorney Brown McLeod and Utilities Director Wayne Crosby were also joined in the meeting.

CALL TO ORDER:

With all Council Members present, the Mayor called the meeting to order, and invited everyone to join in as he gave the invocation. Council Member Pryor led the pledge of allegiance to our flag.

Opening Remarks by the Mayor

The Mayor welcomed everyone and then made the following remarks:

1. I wanted to offer our condolences to Mr. Siegel on the passing of his sister and aunt. Our thoughts and prayers are with you and your family.
2. I also wanted to remind all of our citizens how important it is to wear face coverings, and wear them in a way that covers your mouth and nose. We wear face coverings to protect others. It allows us to keep our businesses open and it hopefully will help our economy from collapsing.

PUBLIC INPUT ON AGENDA ITEMS:

At this point, the Mayor asked City Manager Molinari if there was any input to share with Council and he stated that no public input on agenda items had been received. He then proceeded to the next agenda item.

PUBLIC HEARING:

The Mayor then opened a public hearing, duly advertised, to receive comments on the following proposed ordinance:

1. **Ordinance # 2020-07**, An Ordinance to Amend the Zoning Map of the City of Walterboro, South Carolina, to Provide for Changes in the Zoning Districts of the City of Walterboro by Changing the Zoning Classification of Two Full Parcels and One Partial Parcel of Land Fronting Meadow Street, Between State and Trinity Streets, Designated as TMS#'s 163-03-00-05, 163-03-00-01, and 163-03-00-007 From Medium Density Residential (MDR) to Highway Commercial District (HCD).

City Manager Molinari then recognized Assistant City Manager Hank Amundson to brief Council on this proposed ordinance.

Assistant City Manager Amundson stated this is a requested re-zoning by Enterprise Bank to grow their operations and campus away from Jefferies Blvd. to some empty parcels. There was a home that was burned and demolished a few years ago. There have been only two public comments received over time and both were positive once they heard what it was. It was properly noticed and posted. They would immediately start with executive offices and eventually grow operations in that expanded campus. And the request is to change from medium density residential to commercial, which is what their front property is today.

Mayor Young then stated since no public input we'll move on to the approval of minutes.

APPROVAL OF MINUTES:

The following meeting minutes were approved upon motion of Council Member Pryor, seconded by Council Member Broderick and passed unanimously.

1. Minutes of June 2, 2020 – Regular Meeting
2. Minutes of June 23, 2020 – Special Meeting
3. Minutes of June 29, 2020 - Special Meeting: Joint Meeting of City and County Council
4. Minutes of February 26, 2020 - Special Meeting: Joint Meeting of City and County Council
5. Minutes of July 7, 2020 – Regular Meeting
6. Minutes of April 16, 2019 – Special Meeting
7. Minutes of April 30, 2019 – Budget Work Session

OLD BUSINESS:

1. **Ordinance # 2020-07, Second Reading**

Under Old Business, a motion was made by Council Member Carl Brown, seconded by Council Member Judy Bridge, giving **Second Reading and Adoption to Ordinance # 2020-07**, An Ordinance to Amend the Zoning Map of the City of Walterboro, South Carolina, to Provide for Changes in the Zoning Districts of the City of Walterboro by Changing the Zoning Classification of Two Full Parcels and One Partial Parcel of Land Fronting Meadow Street, Between State and Trinity Streets, Designated as TMS#'s 163-03-00-05, 163-03-00-01, and 163-03-00-007 From Medium Density Residential (MDR) to Highway Commercial District (HCD). The motion passed with all members voting in favor.

2. **Resolution # 2020-05, (Revised)**

City Manager Molinari stated, as you will recall, City Council passed this resolution at the June Meeting for the Black Street Sewer Project, and the project will benefit approximately 634 residents and will entail the laying of roughly 15,000 linear feet of pour and place pipe. The Department of Commerce reviewed a number of submittals from the City and requested that we make a slight change to the resolution and it just has to deal with dollar amounts. There was a small portion of the project that technically can't be covered by CDBG funds so it has to come out of the City's match for the project. The new resolution has a match \$1,348,758 (CDBG portion) \$153,489 (City portion) \$134,876 (10% match) \$18,613 of additional city funds in the amount of \$153,489 we have sufficient capacity in the water enterprise fund to absorb that expenditure. This application is still being reviewed by the Department of Commerce. However, as you will recall from the June meeting these projects are typically capped at \$750,000, but

Commerce granted the City an exception whereby we could apply for the full project cost amount of 1.3 million. So, we have to make this change and ask for Council's favorable consideration of the resolution.

A motion was made by Councilmember Brown to adopt Resolution # 2020-05, a Resolution Authorizing the City Manager to Submit a Community Development Block Grant (CDBG) Infrastructure Application for the Black Street I/I Project in the amount of \$1,348,760 Commit \$134,876 (10%) in Local Match Funds and \$18,613 in Additional Funds to meet the Budget Needs of the Project (Resolution attached). Councilmember Broderwick seconded the motion. All in favor. None opposed. A copy of said resolution is attached as part of these minutes.

The Mayor then said we have a consideration request by Carol Black to Waive or Reduce the Variance Application Fee of \$100.00. That was before Council entered into previous meeting. No motion was made.

NEW BUSINESS:

1. **Ordinance # 2020-R-08**, An Ordinance to Amend Ordinance # 2020-04, So As to set the Local Option Sales Tax Credit Factor in the Fiscal Year 2020-2021 Budget.

City Manager Molinari briefed Council on this item. He said we need to adopt the Local Option Sales Tax Credit Factor for the property tax bills that will go out in the fall. The tax credit formula is very simple. You take the total anticipated collections divided by the fair market value of the property in the City. So our anticipated collections are \$966,277 divided by \$568,061,852 for a local option sales tax credit factor .001701. Staff asks for Council's favorable consideration of the ordinance.

A motion was made by Mayor Young to adopt Ordinance #2020-08, An Ordinance to Amend Ordinance # 2020-04, so as to set the Local Option Sales Tax Credit Factor in the Fiscal Year 2020-2021 Budget. Council Member Broderick seconded the motion. All in favor. None opposed. Motion carried. A copy of said ordinance is attached as part of these minutes.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into Executive Session. Councilmember Carl Brown so moved and Councilmember Greg Pryor seconded the motion that passed unanimously. The Mayor announced that the meeting will convene into Executive Session for:

1. Contractual Matter – Survey, Design, Engineering, and Construction Observation Services for Expansion of Wastewater Treatment Plant.

The meeting then convened into an Executive Session.

At approximately 6:33 P.M., Councilmember Carl Brown made a motion to come out of Executive Session and to enter into Open Session. Councilmember James Broderick seconded the motion. All in favor. None opposed. Motion carried.

The meeting returned to Open Session, and no action was taken.

There being no further business to consider a motion to adjourn was made by City Councilmember Judy Bridge, seconded by Councilmember Greg Pryor and passed unanimously. The Mayor adjourned the meeting at 6:34 P.M. Notice of this meeting, call-in phone number, webinar I.D. and link to view the video were distributed to all local media, posted on City Hall bulletin boards and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February _____, 2021

Walterboro City Council
Special Called Meeting
August 25, 2020

MINUTES

A Special Called Joint Meeting of Walterboro City Council Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, August 25, 2020 at 1:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Paul Siegel, Carl Brown, Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Attorney George Cone and Attorney Brown McLeod.

Mayor Young gave the invocation.

NEW BUSINESS:

1. **Ordinance # 2020-09**, AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS CONTINUE TO BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.

City Manager Jeff Molinari stated he had spoken with Mayor Young and he suggested two very small additions, one being grammatical and the other providing further clarification on page one to the second last “whereas” regarding verbiage and coverage of the Ordinance. Specifically, “whereas Covid-19 continues to spread in the City and the number of persons relying on medical, pharmaceutical and cleaning supplies will increase, the private and public sector workforce will be negatively impacted by absenteeism and the demand for medical facilities may exceed locally available resources”. Also, there was another question from businesses because they weren’t sure if they were covered under the ordinance because everything was lumped under commercial establishments. On page two, number two, under “now therefore be it ordained” has been changed to reflect “All commercial establishment including but not limited to restaurants, retail stores, salons, barber shops, grocery stores and pharmacies in the City must require their employees to wear face coverings at all times while having face to face interaction with the public”.

Councilmember Broderick then made a motion to adopt Ordinance #2020-09, An Emergency Ordinance Requiring that Face Coverings or Masks Continue to Be Worn in Public in the City of Walterboro During the Covid-19 Public Health Emergency and Recovery. Councilmember Pryor seconded the motion.

There being no further business to consider, a motion to adjourn was made by Councilmember Judy Bridge, seconded by Councilmember Greg Pryor and passed unanimously. The mayor adjourned the meeting at 1:08 P.M. Notice of this meeting, was distributed to all local media, posted on the City’s website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February ____, 2020

Walterboro City Council
Virtual Regular Meeting (Using Zoom)
September 1, 2020

MINUTES

A Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, September 1, 2020 at 6:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Carl Brown, Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, Attorney Brown McLeod and Utilities Director Wayne Crosby were also joined in the meeting. (Councilmember Paul Siegel joined later in the meeting).

CALL TO ORDER:

The Mayor called the meeting to order and invited everyone to join in as he gave the invocation. Councilmember Broderick led the pledge of allegiance to our flag.

PUBLIC INPUT ON AGENDA ITEMS:

At this point, the Mayor asked City Manager Molinari if there was any input to share with Council and he stated that no public input on agenda items had been received. He then proceeded to the next agenda item.

PUBLIC HEARING:

The Mayor then opened a public hearing, duly advertised, to receive comments on the following proposed ordinance:

1. **Ordinance # 2020-08**, An Ordinance to Amend Ordinance #2020-04, so as to set the Local Sales Tax Credit Factor in the Fiscal Year 2020-2021 Budget.

Mayor Young then stated since no public input we'll move on to the approval of minutes.

OLD BUSINESS:

1. **Ordinance # 2020-08, Second Reading**

City Manager Molinari briefed Council on Ordinance #2020-08.

A motion was made by Mayor Young, seconded by Councilmember Bridge, giving **Second Reading and Adoption to Ordinance # 2020-08**, An Ordinance to Amend Ordinance #2020-04, so as to set the Local Sales Tax Credit Factor in the Fiscal Year 2020-2021 Budget.

There were no comments or questions from the public. The public hearing was closed.

CITY MANAGER'S REPORT:

1. Consideration of bids to rehabilitate and install generators at the Country Club, Foxcroft, and Birch Street Sewer Lift Stations (Memorandum and materials attached).

City Manager Molinari gave a brief update on the April 13, 2020 tornado. As a result, we had a number of sewer lift stations that were adversely impacted by that weather event. We applied to the South Carolina Rural Infrastructure Authority for emergency funding to rehabilitate three of our pump stations: Country Club, Foxcroft, and Birch Street pump stations. Our utilities department received a number of bids on August 25, 2020. The engineer recommended that we split into two contracts. Contract 1, for the replacement of the pumps, control panels and piping. Contract 2, would be for the installation of permanently mounted generators. We are recommending for Contract 1, AC Schultes of Carolina, Inc. out of Rocky Point, NC. The engineer finds them to be qualified and capable of performing the project and that amount would be \$385,825.00. Hybrid Engineering has also reviewed the experience of the bidder for Contract 2, and recommends F.M Young Co., Inc. out of Fairfax, SC in the amount of \$169,000.00. The total construction cost of the project \$545,825.00. As I stated previously, we received a grant from RIA for \$483,450.00. The balance of \$71,375.00 can be absorbed by the net position in the Enterprise Fund. We are also going to apply for some additional funding from RIA to try and close that gap, and if we were to be awarded additional funding it would most likely be capped at \$500,000.00. If you have any technical questions, our Utilities Director Wayne Crosby is in on the meeting, otherwise staff has asked for favorable consideration of Contract 1 for the replacement of the pumps, control panels and piping. And a separate motion for Contract 2 which would be the installation of generators at each pump station.

Councilmember Brown then made a motion to accept the bid and issue a contact for the Country Club, Foxcroft and Birch Street Sewer Lift Stations to AC Schultes of Carolina, Inc. Councilmember Broderick seconded the motion. Councilmember Brown also made a motion to accept the bid and issue a contact to F.M. Young for the installation of the generators. Councilmember Fishburne seconded the motion that passed with all members voting in favor.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into Executive Session. Councilmember Brown so moved and Councilmember Broderick seconded the motion that passed unanimously. The Mayor announced that the meeting will convene into Executive Session for:

1. Receipt of Legal Advice – Economic Development Incentive Ordinance.
2. Contractual Matters:
 - a. City Fuel Purchases.
 - b. Potential Sale of City Property.
 - c. Potential Purchase of Property.
3. Personnel Matters:
 - a. City Appearance Board By-Laws.
 - b. Tourism Director Search.

The meeting then convened into an Executive Session.

At approximately 6:15 P.M., Councilmember Bridge made motion to exit Executive Session and return to Open Session. Councilmember Broderick seconded the motion. All in favor. None opposed. Motion carried.

The meeting returned to Open Session, and a motion was made by Councilmember Broderick to authorize the City Manager to negotiate a contract for City fuel purchases with Southeast Petro Corporation. Councilmember Pryor seconded the motion. All in favor. None opposed. Motion carried.

There being no further business to consider a motion to adjourn was made by City Councilmember Pryor, seconded by Councilmember Broderick and passed unanimously. The Mayor adjourned the meeting at 6:34 P.M. Notice of this meeting, call-in phone number, webinar I.D. and link to view the video were distributed to all local media, posted on City Hall bulletin boards and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February____, 2020

Walterboro City Council
Special Called Meeting
September 8, 2020

MINUTES

A Special Called Meeting of Walterboro City Council Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, September 8, 2020 at 12:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Paul Siegel, Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Attorney George Cone and Attorney Brown McLeod. (Council Members Carl Brown and Ladson Fishburne were not present).

Mayor Young gave the invocation.

NEW BUSINESS:

Resolution # 2020-R-06, A RESOLUTION AUTHORIZING THE CITY OF WALTERBORO TO ACT AS THE SPONSOR FOR A GRANT FROM THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION FOR THE BENEFIT OF THE LOWCOUNTRY REGIONAL AIRPORT AND ADOPT THE APPLICATION FOR THE GRANT AS ITS OWN, ACCEPT THE GRANT AGREEMENT AND OTHER MATTERS RELATED THERETO.

The Mayor stated the grant had come in last Wednesday or Thursday and the City was designated as the sponsor for the airport grant so we will accept being the sponsor. Therefore, you all will need to authorize for me to sign as the sponsor's representative. After signing, it will be sent to our attorney for him to electronically sign it saying I have the authority to sign. It's a \$150,000.00 grant. There is no match required by the City and it is to improve the taxi-way at the airport.

A motion was made by Councilmember Broderick to approve Resolution #2020-R-06, A Resolution Authorizing the City of Walterboro to Act as the Sponsor for a Grant from the U.S. Department of Transportation Federal Aviation Administration for the Benefit of the Lowcountry Regional Airport and Adopt the Application for the Grant as its own, accept the Grant Agreement and other matters related thereto. Councilmember Bridge seconded the motion. All in favor. None opposed. Motion carried. A copy of said Resolution is attached as part of these minutes.

There being no further business to consider, a motion to adjourn was made by Councilmember Pryor, seconded by Councilmember Bridge and passed unanimously. The mayor adjourned the meeting at 1:04 P.M. Notice of this meeting, was distributed to all local media, posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February ____, 2020

Walterboro City Council
Virtual Regular Meeting (Using Zoom)
October 6, 2020

MINUTES

A Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, October 6, 2020 at 6:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Carl Brown, Judy Bridge, James Broderick, Greg Pryor, Ladson Fishburne and Paul Siegel. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, Attorney Brown McLeod, City Attorney George Cone, Tourism Director Madison Stieglitz and Colleton County Engineer Carla Harvey were also joined in the meeting.

CALL TO ORDER:

The Mayor called the meeting to order and invited everyone to join in as he gave the invocation. Council Member Broderick led the pledge of allegiance to our flag.

Opening Remarks by the Mayor

The Mayor welcomed everyone and then made the following remarks:

1. We would like to extend our congratulations to Attorney Peden McLeod on the recent bridge in Jacksonboro, SC being named in his honor. It is a well-deserved honor and it recognizes his work on behalf of Colleton County and the City of Walterboro. We are thankful for his service and to the people and glad that this honor was bestowed among him.

PUBLIC INPUT ON AGENDA ITEMS:

At this point, the Mayor asked City Manager Molinari if there was any input to share with Council and he stated that no public input on agenda items had been received. He then proceeded to the next agenda item.

OLD BUSINESS:

1. There was no Old Business before Council.

NEW BUSINESS:

1. **Ordinance # 2020-10, AN ORDINANCE TO AMEND ORDINANCE # 2020-04, SO AS TO AMEND THE FISCAL YEAR 2020-2021 GENERAL FUND BUDGET (Introduction and First Reading).**

The Mayor called on City Manager to go through the different components and give an overview of the departments.

City Manager Molinari stated the Total City Budget Summary is \$11,919,261.00. \$7,514,431.00 being the general fund portion, and \$4,404,830.00 being the Enterprise fund. There was no ad valorem

property tax increase, and no business license rate increase. There's a proposed increase in water bi-monthly minimum charges and an increase in water/sewer tap fees to cover costs taps and labor. A proposed 5% increase in sewer volumetric rates, the implementation of a \$3.00 facility charge for sewer, and \$3.00 in bi-monthly sanitation collection [\$3.18 increase in common roll cart collection]. All of these are proposed rate adjustments, so as to generate enough revenue in each of our three operations in the Enterprise Fund to meet the operational needs of each system. There will be no increase in the employer portion of state retirement. Per PEBA S.C. retirement will remain at 15.56% and PORS at 18.24%. We're also taking a look at a proposed 1% cost of living adjustment for City employees retro active to July 1, 2020. We received word from PEBA that there will be no increase in premiums on the employer side effective January 1, 2021, which provides for extra cushion in the budget. The Mayor and City Council budget is status quo. Under the City Manager budget, we'll be installing a firewall for the entire city. Finance is status quo. As for Public Works, we've had several expenditures related to repairs at the city shop from the April 13th tornado. Planning and Development, again we're allocating \$25,000 for the demolition of substandard properties. We're looking at purchasing two new police vehicles. The Judicial and Fire Departments are status quo. Under the Parks Department we're adding a part-time animal/reptile keeper for the Wildlife Center. The Tourism Department is status quo. Also included a new budget section for operations for the Wildlife Center which when re-opened will include the cost for three receptionists and operational costs. Under Water, we have a new pick-up truck and compact excavator which will be through a USDA grant completion of the Mabel T. Willis Blvd. well construction. Also, under Water we have an Eastside Waterline Project match CDBG Grant and we'll continue to purchase new radio meters. The Utility Department support is status quo as is Sanitation. Under the Sewer Department, we're doing a rehab of installation of generators at the Country Club, Foxcroft and Birch Street lift stations. As you are aware, we have a \$483,000 grant from the state for that and under sewer supplemental we're replacing a 2013 truck that was totaled. Insurance reimbursed us a little over \$10,000 to defray that purchase.

The Mayor asked for Council's favorable consideration on the General Budget Fund.

Motion: Councilmember Bridge; Second: Councilmember Pryor

Discussion: None.

Carried: All ayes.

2. **Ordinance # 2020-11, AN ORDINANCE TO AMEND ORDINANCE # 2020-05, SO AS TO AMEND THE FISCAL YEAR 2020-2021 ENTERPRISE FUND BUDGET (Introduction and First Reading).**

The Mayor asked for Council's favorable consideration on the Enterprise Budget Fund.

Motion: Councilmember Bridge; Second: Councilmember Fishburne

Discussion: None.

Carried: All ayes.

3. **Ordinance # 2020-12, AN ORDINANCE TO SELL TWO (2) LOTS LOCATED ON MOORE STREET IN THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED (Introduction and First Reading).**

City Manager Molinari briefed Council on the Ordinance. An offer was made to the City for the purchase of two lots on Moore Street owned by the City and pursuant to South Carolina law in order for a municipality to sell property it has to be done by an ordinance therefore I've attached a copy of the contract

as well as the map delineating the two lots with the price as discussed with City Council and would as for Council's favorable consideration of first reading.

Motion: Councilmember Siegel; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

4. **Resolution # 2020-R-09, A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COMMUNITY INFRASTRUCTURE APPLICATION FOR THE DRY CLEANERS DEMO PROJECT AND TO COMMIT 10% IN LOCAL MATCH FUNDS.**

City Manager Molinari briefed Council on this agenda item. As you are aware the City has been looking at pursuing a Block Grant to demo the Dry Cleaners on Hampton St. This resolution is one of the CDBG requirements which commits the City to a 10% match for the grant.

Motion: Councilmember Broderick; Second: Councilmember Fishburne
Discussion: None.
Carried: All ayes.

CITY MANAGER'S REPORT:

1. Consideration of bids to finance the purchase of a 2020 Freightliner garbage truck in the amount of \$236,143.50 (Memorandum and materials attached).

City Manager Molinari indicated the Finance Department solicited proposals to finance a new sanitation vehicle. We solicited proposal from all of the local financial institutions in the City. We received three (3) proposals. The lowest bid being South State Bank with a rate of five (5) years for 1.43% APR with no fees. We would ask Council's favorable consideration of the award to South State Bank.

Motion: Mayor Young; Second: Councilmember Pryor
Discussion: None.
Carried: All ayes.

2. Consideration of proposal for engineering, design, and construction observation services for the Black Street/Sub-Basin 12 Sewer Upgrade Project from Hybrid Engineering (Memorandum and materials attached).

City Manager Molinari stated, as you are aware the City is the recipient of a CDBG Grant to rehabilitate sewer lines and the Black Street/Sub-basin 12 area. This will improve sewer service by replacing sewer lines and manholes that are failing. Pursuant to CBDG requirements, we have to put up a 10% match. Hybrid Engineering has provided a proposal for design, contract administration, and construction observation services in the amount of \$153,490.00. City staff asks for Council's favorable consideration, and this expenditure will be paid from a future revenue bond that will be issued in the first quarter of next year which will be part of the Wastewater Plant Expansion Project, but there is sufficient capacity in the Enterprise Fund to absorb any expenditures we incur prior to issuance of the bond.

Motion: Councilmember Siegel; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

3. Introduction of Madison Stieglitz, New Tourism Director

Assistant City Manager Amundson stated we are excited to introduce our new Tourism Director, Madison Stieglitz and have her on board.

At this point, the Mayor announced we will be getting a motion to go into Executive Session, and when we do that, I am going to put everybody that does not need to be in the Executive Session into a “waiting room”. And then, we will admit you back into the meeting after the Executive Session is over. He also stated that Council may take action on matters discussed in Executive Session.

The meeting then entered into an Executive Session.

Motion: Councilmember Pryor; Second: Councilmember Fishburne
Discussion: None.
Carried: All ayes.

EXECUTIVE SESSION:

1. Contractual Matter – I-95 Business Loop Project Phase 2.
2. Matters Encouraging the Location or Expansion of Industries or Other Businesses – Economic Development Incentive Ordinance.
3. Receipt of Legal Advice – State of Emergency.
4. Personnel Matter.

All items were discussed.

At approximately 6:15 P.M., Councilmember Bridge made a motion to go out of Executive Session and return to Open Session. Councilmember Pryor seconded the motion. All in favor. None opposed. Motion carried.

The meeting returned to Open Session, and a motion was made by Councilmember Broderick to include in Phase 2 of the I-95 Business Loop Project, the watermain improvements and right of way acquisitions. Councilmember Pryor seconded the motion. All in favor. None opposed. Motion carried.

There being no further business to consider a motion to adjourn was made by City Councilmember Bridge, seconded by Councilmember Pryor and passed unanimously. The Mayor adjourned the meeting at approximately 6:26 P.M. Notice of this meeting, call-in phone number, webinar I.D. and link to view the video were distributed to all local media, posted on City Hall bulletin boards and on the City’s website at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February____, 2020

MINUTES

A Special Called Meeting of Walterboro City Council Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, October 27, 2020 at 12:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Council Members: Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, Finance Director Amy Risher, City Attorney George Cone and Attorney Brown McLeod (Councilmember Siegel joined in later in the meeting).

Mayor Young gave the invocation.

NEW BUSINESS

1. **Ordinance # 2020-13**, AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS CONTINUE TO BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY (Introduction and Final Reading).

A motion was made by Councilmember Bridge to approve Ordinance, an Emergency Ordinance Requiring That Face Coverings or Masks Continue to be Worn in Public in the City of Walterboro during the Covid-19 Public Health Emergency and Recovery.

Motion: Councilmember Bridge; Second: Councilmember Broderick

Discussion: None.

Carried: All ayes. (except for councilmember Siegel)

2. **Resolution # 2020-R-10**, A RESOLUTION APPROVING FINANCING TERMS WITH SOUTH STATE BANK FOR THE PURCHASE OF A FREIGHTLINER SANITATION VEHICLE.

The City Manager stated we are scheduled to close tomorrow on the financing for the new sanitation truck we just purchased and Council has to pass a resolution accepting the financing terms. As you will recall, South State Bank had the low bid with a 1.43% percentage rate to finance the vehicle over a five (5) year term. Let me mention one thing to you, on paragraph 2 and 3, if Council is agreeable, whoever makes the motion we need to change that from City Manager to the Mayor on those two instances where the City Manager is mentioned. The reason why we have to do this is in the absence of City Clerk I have to also attest to the Mayor signature. I would ask that you make that change in your motion.

Motion: Councilmember Bridge; Second: Councilmember Pryor

Discussion: Carl Brown stated he would have to recuse himself as he is on the local board of South State Bank. City Attorney Cone then inquired as to where the closing would take place. City Manager Molinari confirmed it would take place at City Hall, and that Lee Petrolawicz would be signing the paperwork on his end in the morning and then bring it over to City Hall at 11:00 a.m. for us to sign. Finance Director Risher confirmed she would be picking up the documents from South State Bank in the morning.

Carried: All ayes. (Carl Brown recused himself because he sits on the South State Bank Board)

3. Consideration of a request from the Colleton County Veterans Council to honor Veterans during the week of November 8-14, 2020 (attached).

City Manger Molinari stated that you have in your agenda packet a request for a number of items to commemorate Veteran's Day. I will add that the third item "display a banner on Jeffries Blvd.", they are not going to be able to do that this year but all of the other request apply.

Motion: Councilmember Pryor; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

4. Consideration of rescheduling the November 3, 2020, Regular City Council Meeting to November 10, 2020 at 12:00 p.m.

Motion: Mayor Young; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

EXECUTIVE SESSION

1. Receipt of Legal Advice – State of Emergency/Discussion of Christmas Parade.

Motion: Councilmember Pryor made a motion to go into Executive Session;
Seconded by: Councilmember Bridge
Discussion: None.
Carried: All ayes.

Motion: Councilmember Brown made a motion to adjourn Executive Session;
Seconded by: Councilmember Pryor
Discussion: None.
Carried: All ayes.

There being no further business to consider, a motion to adjourn was made by Councilmember Broderick, seconded by Councilmember Pryor and passed unanimously. The mayor adjourned the meeting at 12:41 P.M. Notice of this meeting, was distributed to all local media, posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February ____, 2020

Walterboro City Council
Virtual Regular Meeting (Using Zoom)
November 10, 2020

MINUTES

A Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, November 10, 2020 at 12:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Carl Brown, Judy Bridge, James Broderick, Ladson Fishburne and Paul Siegel. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, Finance Director Amy Risher, Chief of Policy Wade Marvin, City Attorney George Cone, City Appearance Boardmember Dana Cheney and Vicki Brown of the Press & Standard were also joined in the meeting.

CALL TO ORDER:

The Mayor called the meeting to order and invited everyone to join in as he gave the invocation. Council Member Broderick led the pledge of allegiance to our flag.

Opening Remarks by the Mayor

The Mayor welcomed everyone and then made a motion to remove item numbers 4 under “New Business” and number 4 under “Public Hearing”, which has to do with the USDA grant and the purchase of police patrol cars and we will bring that back at the next meeting. Since we had to change the time of the meeting from 6:15 P.M. to 6:00 P.M., and had advertised for the meeting at 6:15 P.M., we have to make that correction for USDA and that is the reason for taking it off the Agenda and moving it to the next meeting.

Motion: Mayor Young; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

The Mayor then stated he would like to add an Ordinance under New Business 2020-16 to annex property with Tax Map Number 147-11-00-108. City Manager Molinari stated that the Planning Commission is to meet to consider zoning on the property to make recommendation before Council goes to second and final reading. Also, we ran an ad in the Press & Standard this week to give the required fifteen (15) day notice for the public hearing. The Mayor then moved to add the Ordinance under New Business, and it will become Item Number 4. Councilmember Bridge seconded the motion. Councilmember Brown recused himself as he will be the general contactor on the project. All in favor, none opposed. Motion carried.

PUBLIC INPUT ON AGENDA ITEMS:

At this point, the Mayor asked City Manager Molinari if there was any input to share with Council and he stated that no public input on agenda items had been received. He then proceeded to the next agenda item.

PUBLIC HEARING:

The Mayor opened a public hearing, duly advertised, to receive public comments on the following proposed ordinance:

1. **Ordinance # 2020-10**, AN ORDINANCE TO AMEND ORDINANCE # 2020-04, SO AS TO AMEND THE FISCAL YEAR 2020-2021 GENERAL FUND BUDGET (Second and Final Reading).
2. **Ordinance # 2020-11**, AN ORDINANCE TO AMEND ORDINANCE # 2020-05, SO AS TO AMEND THE FISCAL YEAR 2020-2021 ENTERPRISE FUND BUDGET (Second and Final Reading).
3. **Ordinance # 2020-12**, AN ORDINANCE TO SELL TWO (2) LOTS LOCATED ON MOORE STREET IN THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED (Second and Final Reading).
4. **Ordinance # 2020-16**, 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 # 147-11-00-108 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION (FIRST READING).

OLD BUSINESS:

1. **Ordinance # 2020-10**, AN ORDINANCE TO AMEND ORDINANCE # 2020-04, SO AS TO AMEND THE FISCAL YEAR 2020-2021 GENERAL FUND BUDGET (Second and Final Reading).

Motion: Councilmember Bridge; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

2. **Ordinance # 2020-11**, AN ORDINANCE TO AMEND ORDINANCE # 2020-05, SO AS TO AMEND THE FISCAL YEAR 2020-2021 ENTERPRISE FUND BUDGET (Second and Final Reading).

Motion: Councilmember Brown; Second: Councilmember Bridge
Discussion: None.
Carried: All ayes.

3. **Ordinance # 2020-12**, AN ORDINANCE TO SELL TWO (2) LOTS LOCATED ON MOORE STREET IN THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION, IN ACCORDANCE WITH SECTION 5-7-260 (6) OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED (Second and Final Reading).

Motion: Councilmember Broderick; Second: Councilmember Bridge
Discussion: None.
Carried: All ayes.

NEW BUSINESS:

1. **Ordinance # 2020-14**, AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ENCOURAGE PRIVATE INVESTMENT IN THE INCENTIVE AREA IN THE CITY OF WALTERBORO; AND OTHER MATTERS RELATED THERETO (Introduction and First Reading).

Assistant City Manager Hank Amundson briefed Council, stating that this was a combination of a lot of work to incentivize investment in some of our more distressed and gateway areas in the City. It is modeled after ordinances done in other cities within the State. It has shown to be successful. It establishes business targets in certain business designated areas with investment thresholds and employment thresholds to help earn the incentive. The incentive would be agreed upon based on a case by case basis according to this ordinance by City Council and then performance monitored prior to any incentive being paid out.

Motion: Councilmember Broderick; Second: Councilmember Brown
Discussion: None.
Carried: All ayes.

2. **Ordinance # 2020-15**, AN ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY (Introduction and First Reading).

Motion: Councilmember Brown; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

3. **Resolution # 2020-R-10**, A RESOLUTION SUPPORTING THE KEEP AMERICA BEAUTIFUL ORGANIZATION IN WALTERBORO, SOUTH CAROLINA AND ESTABLISHING A KEEP WALTERBORO BEAUTIFUL ORGANIZATION.

Motion: Councilmember Fishburne; Second: Councilmember Brown
Discussion: None.
Carried: All ayes.

4. **Ordinance # 2020-16**, 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 # 147-11-00-108 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION (FIRS READING).

City Manager Molinari briefed Council on the ordinance, stating that the Planning Commission was to meet to consider zoning on the property and make a recommendation before Council gives second and final reading in December. Also an ad was run in the Press and Standard giving the required fifteen (15) day notice for the hearing.

Motion: Mayor Young; Second: Councilmember Bridge
Discussion: Councilmember Brown indicated he would have to recuse himself as he will be the general contractor.

Carried: All ayes.

5. Request to close streets for Turkey Trot 5K Run/Walk, November 26, 2020, from 8:30 AM – 9:30 AM from the Walterboro-Colleton Chamber of Commerce.

Motion: Councilmember Brown; Second: Councilmember Broderick

Discussion: None.

Carried: All ayes.

Mayor Young asked City Manager Molinari if we could proceed with the stipulation that when participants are not social distancing that they will wear masks, i.e. registration, or end of race during awards. Mr. Molinari stated that conditions could be added for approval. Councilmember Brown amended his motion to state that it should be amended to follow state Covid-19 guidelines. Councilmember Broderick seconded the motion that passed with all members voting in favor.

CITY MANAGER'S REPORT:

1. Consideration of funding recommendations from the Accommodations Tax Advisory Committee (Memorandum attached).

City Manager Molinari expanded on the enclosed Memorandum stating the Accommodations Tax Advisory Committee met on October 15th, and considered a number of applications. We had a request from the Walterboro Tourism Commission to once again be the Designated Marketing Organization, and they're requesting \$50,000 and the Committee is recommending \$50,000. For the 65% tourism fund, recommending \$2,672 for the S.C. Artisan Center, \$11,530 for the Colleton County Rice Festival 2021, \$10,000 for the Lowcountry and Resort Islands Guidebook and Promotions, \$15,600 for the S.C. Artisan Center for marketing and promotions, \$10,000 for the City of Walterboro billboard package for 2021, and \$40,000 for the Walterboro Tourism Commission for the Walterboro Rocks Campaign. Should these requests be approved as submitted, the projected balance remaining would be \$60,922 and those remaining funds would be up for consideration at The Committee's next meeting.

Motion: Councilmember Brown; Second: Councilmember Bridge

Discussion: None.

Carried: All ayes.

2. Consideration of amended bylaws for Keep Walterboro Beautiful (attached).

City Manager Molinari stated Council had read over the Bylaws and asked for favorable consideration.

Motion: Councilmember Broderick; Second: Councilmember Fishburne

Discussion: Councilmember Bridge had questions as to what establishes a "quorum"

Carried: All ayes.

3. Consideration of selection of Financial Advisor (Memorandum attached).

City staff recommends PFM Financial Advisors, LLC (Orlando, FL) to serve as the City's financial advisor and to assist the city with taking the \$7 million bond issue public. The \$7 million bond issue will fund the 20% matching requirement for the EDA grant to expand capacity of the wastewater treatment plant

(\$5,584,400), matching requirements on future CDBG water/sewer projects (Black Street substation #12, Jackson/Gadsden Loop subsystem #3, Francis Street subsystem #6) and for additional water/sewer projects.

Motion: Mayor Young; Second: Councilmember Brown
Discussion: None.
Carried: All ayes.

4. Request to Purchase Police Vehicles (Memorandum attached).

City Manager Molinari briefed Council on the above. The amended FY 2020-2021 Police Department budget allocated \$102,750 for the purchase of two (2) new police vehicles with equipment. After applying the local preference option per Section 2-251 of the Code of Ordinances, the local bidder did not qualify for the opportunity to match the lowest bidder. City staff recommends purchasing two (2) 2020 Dodge Durango Pursuit vehicles from Performance Dodge (Clinton, NC) with equipment in the amount of \$97,127.34. Police chief Wade expanded on the matter.

Motion: Councilmember Bridge; Second: Councilmember Fishburne
Discussion: None.
Carried: All ayes.

There being no further business to consider, a motion to adjourn was made by City Councilmember Brown, seconded by Councilmember Broderick and passed unanimously. The Mayor adjourned the meeting at approximately 12:43 P.M. Notice of this meeting, call-in phone number, webinar I.D. and link to view the video were distributed to all local media, posted on City Hall bulletin boards and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February ____, 2021

Walterboro City Council
Virtual Regular Meeting (Using Zoom)
December 1, 2020

MINUTES

A Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, December 1, 2020 at 6:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Paul Siegel, Carl Brown, Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, Finance Director Amy Risher, Tourism Director Madison Stieglitz, City Clerk Callie Seals and City Attorney George Cone.

CALL TO ORDER:

With all Councilmembers present, the Mayor called the meeting to order, and invited everyone to join in as he gave the invocation. Mayor Young led the pledge of allegiance to our flag.

PUBLIC INPUT ON AGENDA ITEMS:

At this point, the Mayor stated public input on agenda items had been distributed to Council by email.

PRESENTATIONS:

1. 2019-2020 Comprehensive Annual Financial Report – The Baird Audit Group, LLC – Ms. Brenda Carroll

Ms. Carroll thanked City Council for allowing them to be auditors and for the assistance they received from City staff. Ms. Carroll stated you received an unmodified or clean opinion, which, is the best you can receive. The financial statements have been presented fairly in all material respects and in accordance with generally accepted accounting principles. Ms. Carrol then reviewed the entire report with City Council.

Opening Remarks by the Mayor

The Mayor welcomed everyone and then made the following remarks:

1. Welcoming of our new City Clerk, Callie Seals.

PUBLIC HEARING:

They Mayor then opened a public hearing, duly advertised, to receive public comments on the following proposed ordinance:

1. **Ordinance # 2020-14,** AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ENCOURAGE PRIVATE INVESTMENT IN

THE INCENTIVE AREA IN THE CITY OF WALTERBORO; AND OTHER MATTERS RELATED THERETO (Second and Final Reading).

City Manager Molinari stated there were no public comments [and no questions from Council].

2. **Ordinance # 2020-15**, AN ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY (Second and Final Reading).

There were no comments or questions.

3. **Ordinance # 2020-16**, 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 # 147-11-00-108 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION (SECOND AND FINAL READING).

There were no comments or questions. The public hearing was closed.

OLD BUSINESS:

1. **Ordinance # 2020-14**, AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM TO ENCOURAGE PRIVATE INVESTMENT IN THE INCENTIVE AREA IN THE CITY OF WALTERBORO; AND OTHER MATTERS RELATED THERETO (Second and Final Reading).

Motion: Councilmember Broderick; Second: Councilmember Pryor

Discussion: None.

Carried: All ayes.

2. **Ordinance # 2020-15**, AN ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY (Second and Final Reading).

Motion: Councilmember Siegel; Second: Councilmember Fishburne

Discussion: None.

Carried: All ayes.

3. **Ordinance # 2020-16**, 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 # 147-11-00-108 INTO THE CITY OF WALTERBORO, A SOUTH CAROLINA MUNICIPAL CORPORATION (SECOND AND FINAL READING).

Motion: Councilmember Bridge; Second: Councilmember Broderick

Discussion: None.

Carried: All ayes.

NEW BUSINESS:

1. **Resolution # 2020-R-12**, A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE FORMS PURSUANT TO USDA RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT APPLICATIONS IN AN AMOUNT NOT TO EXCEED

\$149,700 FOR THE PURCHASE OF POLICE VEHICLES, FIRE TRUCK, AND BACKHOE FOR THE CITY OF WALTERBORO.

City Manager Molinari briefed Council on this agenda item. He said this resolution would accept \$149,700 in grant funding from USDA toward the purchase of police vehicles, fire truck and backhoe. He then asked Finance Director Risher to expand further. We ask for Council's favorable consideration of this resolution.

Motion: Councilmember Broderick; Second: Councilmember Brown
Discussion: None.
Carried: All ayes.

2. **Resolution # 2020-R-13**, TO EXPRESS THE INTENTION OF THE CITY COUNCIL OF THE CITY OF WALTERBORO, TO CAUSE THE CITY OF WALTERBORO TO BE REIMBURSED WITH THE PROCEEDS OF OBLIGATIONS FOR CERTAIN COSTS ASSOCIATED WITH THE CITY'S WASTEWATER TREATMENT PLANT PROJECT.

City Manager Molinari briefed Council on this agenda item. He stated he and Finance Director Risher met with the bond council and he recommended that Council pass a resolution authorizing reimbursement to the City. We've already expended some out of pocket dollars in the Enterprise Fund for design and engineering cost for expansion of the Wastewater Treatment Plant, and as you are aware the City has procured the services of a financial advisor to assist us in the process of selling bonds to finance the matching portion of that project as well as some other water and sewer projects. Thus far, we have expended about \$207,000 out of pocket and this will allow us, the City, to reimburse ourselves for those out of pocket costs. In order to do that our bond council recommended that Council pass a resolution giving us authorization to reimburse ourselves from the proceeds of the bond.

Motion: Councilmember Pryor Seconded: Councilmember Brown
Discussion: None.
Carried: All ayes.

3. Parade/Procession Permit Request for Walterboro Christmas Parade to occur December 6 at 3:00 PM, with additional request for the street closing beginning at 1:00 PM (map route attached).

Motion: Councilmember Brown; Second: Councilmember Broderick
Discussion: Councilmember Pryor expressed his concern on the matter and believes it not to be a good idea to proceed with the parade. Councilmember Bridge inquired as to how parade would be broadcasted through PRTC live stream. City Manager Molinari gave details as to this.
Carried: Four (4) ayes, Three (3) nay.

4. Fiscal Year 2021-2022 Budget Calendar

Motion: Councilmember Brown; Second: Councilmember Bridge
Discussion: None.
Carried: All ayes.

CITY MANAGER'S REPORT:

1. Request to Purchase a Mini Excavator (Memorandum attached).

City Manager Molinari indicated there has been a request from the Utilities Director, Wayne Crosby, to purchase a mini excavator and received four (4) proposals. The amended 2020-2021 budget allocated \$65,000 for this to assist the water department with installation and repair of water lines and service. As you are aware, we received a grant from USDA that will cover 55% of this purchase. Staff recommends accepting a low bid from Steen Enterprises in the amount of \$62,500.

Motion: Councilmember Fishburne; Second: Councilmember Broderick
Discussion: None.
Carried: All ayes.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into Executive Session. Councilmember Bridge made the motion, and Councilmember Broderick seconded.

- a) The proposed location or expansion of businesses in the Central Business District

A motion was made by Councilmember Pryor to come out of Executive Session. Councilmember Bridge seconded the motion.

OPEN SESSION:

The meeting returned to Open Session, and no action was taken.

There being no further business to consider a motion to adjourn was made by Councilmember Pryor, seconded by Councilmember Fishburne and passed unanimously. The Mayor adjourned the meeting at 7:06 P.M. Notice of this meeting, call-in phone number, webinar I.D. and link to view the video were distributed with the agenda packets, to all local media, posted on City Hall bulletin boards and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February _____, 2020

D-R-A-F-T

Walterboro City Council
Virtual Regular Meeting (Using Zoom)
January 5, 2021

MINUTES

A Phone/Video Conference Virtual Meeting using Zoom was held by Walterboro City Council at City Hall on Tuesday, January 5, 2021 at 6:00 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Joined in the meeting were: Mayor Bill Young, Councilmembers: Paul Siegel, Carl Brown, Judy Bridge, James Broderick, Greg Pryor, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Clerk Callie Seals and City Attorneys George Cone and Brown McLeod were also present.

CALL TO ORDER:

With all Councilmembers present, the Mayor called the meeting to order, and invited everyone to join in as he gave the invocation. Mayor Young led the pledge of allegiance to our flag.

PUBLIC INPUT ON AGENDA ITEMS:

At this point, the Mayor stated public input on agenda items had been distributed to Council by email.

PRESENTATIONS:

1. Chad Simons expressed concerns about the City's requirement to wear a mask when in public and in business establishments. He stated that most businesses he had recently entered the store employees were not complying with the Ordinance. He asked why no citations had been written by law enforcement for those not complying.
2. Carol Black also expressed concerns about the City's requirement to wear a mask when in public and in business establishments. She mentioned she had confronted those in public (next to her in line at a place of business) and the response by some was that the Ordinance wasn't mandated or an actual law.

PUBLIC HEARING:

1. **CDBG Needs Assessment Hearing – Michelle Knight, LCOG**

Ms. Knight of Lowcountry Council of Governments (LCOG) said we are holding our public hearing tonight for our annual needs assessment public hearing for 2021. She indicated the annual allocation from HUD for the program is administered by the S.C. Department of Commerce – Division of Grant Administration. S.C. has been allotted approximately \$20,128,358 in CDBG funds for 2021. There are three broad grant program categories: Community Development, Business Development, and Regional Planning. The Community Development Program is further broken down into several subcategories to

address infrastructure, community facilities, and neighborhood priorities as follows: Community Infrastructure (\$11,274,508), Community Enrichment (\$3,000,000), Ready to Go (\$600,000), National Objective, and Neighborhood Revitalization (\$1,000,000 – must have a plan), with a 10% match requirement for all projects.

Also, there are three other grant program categories which are to include the following: Business Development Program (\$2,000,000), Regional Planning Program (\$500,000) and State TA & Admin (\$703,850).

A few other key points noted by Ms. Knight were:

1. **Opportunity Zones** – Projects located in these areas will received an additional 10 bonus points;
2. **Performance Threshold** – A unit of local government can apply for an additional Community Development grant if it has no more than two open CBDG grants (excluding Business Development or Regional Planning grants). However, the open grants must not have exceeded a 30-month grant period. No more than one Neighborhood Revitalization/Village Renaissance or streetscape project. No more than one Ready to Go project. No more than one project for the same general target area/neighborhood open at the same time unless the current project is under construction.
3. **Beaufort County/Lowcountry Regional Home Consortium (LRHC)** – is comprised of the following counties: Beaufort, Colleton, Hampton, Jasper and all 21 municipalities in the region. Top three objectives: rehabilitation of substandard housing, increase accessibility to adequate and affordable housing, and support of the development and availability of safe, decent, and affordable housing. Beaufort, Colleton, Hampton, and Jasper Counties have areas that are in need of affordable housing, rehabilitation of substandard housing, and demolition of vacant/dilapidated houses. As the housing stock ages, there becomes a greater need for rehabilitation houses. As the housing stock ages, there becomes a greater need for rehabilitation of substandard houses and the number of vacant/dilapidated houses increases while increasing the number of persons at risk for homelessness. Please give us a list of the priority housing needs for your area to be considered in our upcoming 2021-2022 Annual Action Plan to be submitted to HUD by April 30, 2021.
4. **Coronavirus Response (CDBG-CV1)** – Funding is part of the March 2020 CARES Act. Projects must meet one of three national objectives: Benefit to low-to-moderate income persons, aid in the preventing or eliminating of slum and blight, and meet an urgent need. Environmental reviews and other program requirement apply. Does not count against CDBG threshold. No local match required. For more info: www.cdbgsc.com
5. **Community/Public Services** – Purpose - Provide new or quantifiably increased public services that will primarily benefit low and moderate income (LMI) individuals and are needed to prepare for, respond to and prevent the coronavirus. Award - \$214,621 per County or \$585,483 for Lowcountry Region. Deadline – Funding priorities due by March 1, 2021. Possible activities (not limited to): personal protective equipment (PPE), leave of a facility, equipment and other property needed for a public service (ventilators, medical equipment, vehicle for mobile health care), COVID-19 testing and contact tracking, food pantries, food distributions and delivery for elderly or other primarily LMI residents, after school education, senior services.
6. **Public Facilities** – Purpose – To adapt, retrofit or rehabilitate existing schools and other publicly owned facilities to provide services in a manner that complies with public health guidelines. Award - \$3,000,000 statewide competition. Deadline – letter to intent due by July 1, 2021. Possible activities (not limited to): HVAC and air filtration improvements, expansion and remodeling of

classrooms to facilitate social distancing, equipment or public improvements needed to expand or improve internet access.

EXECUTIVE SESSION:

The Mayor then entertained a motion to enter into Executive Session. Councilmember Pryor made the motion, and Councilmember Broderick seconded.

- a) Discussion of Matters Encouraging the Proposed Location of Expansion of Businesses in the Central Business District.

OPEN SESSION:

The meeting returned to Open Session by motion made by Councilmember Brown, and Councilmember Broderick. No action was taken.

There being no further business to consider a motion to adjourn was made by Councilmember Broderick, seconded by Councilmember Fishburne and passed unanimously. The mayor adjourned the meeting at 7:11 P.M. Notice of this meeting, call-in phone number, webinar I.D. and link to view the video were distributed with the agenda packets, to all local media, posted on City Hall bulletin boards and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Callie Seals
City Clerk

APPROVED: February _____, 2021

ORDINANCE # 2021-01

A SERIES ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BONDS OF THE CITY OF WALTERBORO, SOUTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING SEVEN MILLION DOLLARS (\$7,000,000); AND OTHER MATTERS RELATING THERETO.

2021 SERIES ORDINANCE

Enacted March 2, 2021

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EXHIBIT A – FORM OF BOND
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NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALTERBORO, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, THAT:

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings.

Incident to the enactment of this series ordinance (this "**2021 Series Ordinance**"), and the issuance of the waterworks and sewer system revenue bonds provided for herein (the "**Series 2021 Bonds**"), the City Council of the City of Walterboro (the "**City Council**"), the governing body of the City of Walterboro, South Carolina (the "**City**"), finds that the facts set forth in this Article exist and the following statements are in all respects true and correct:

(A) The City Council has made general provision for the issuance from time to time of waterworks and sewer system revenue bonds (the "**Bonds**") of the City by bond ordinance number 2016-09, entitled "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF WALTERBORO, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO" enacted by the City Council on November 1, 2016 (the "**Bond Ordinance**"). Terms with initial capitals and not otherwise defined herein shall have the meanings ascribed thereto in the Bond Ordinance.

(B) It is provided in and by the Bond Ordinance that, upon enactment of a "Series Ordinance," there may be issued one or more Series of Bonds for the purpose of, among other things: (1) obtaining funds for expansions, additions and improvements of the System, including the recoupment of funds already so expended; (2) providing funds for the payment of any bond anticipation notes; (3) refunding Bonds or certain other obligations; (4) providing funds for the payment of interest due on any Bonds; (5) funding a Debt Service Reserve Fund, if any, in an amount equal to the Reserve Requirement; and (6) paying the costs of issuance of Bonds, including any credit enhancement therefor.

(C) The City has the following Series of Bonds currently Outstanding (collectively, the "**Parity Bonds**"):

(1) the \$3,062,830 final principal amount Waterworks and Sewer System Improvement Revenue Bond, Series 2009 (State Water Pollution Control Revolving Fund, Loan Number S1-122-09-441-06), dated August 14, 2009;

(2) the \$1,940,000 original principal amount Waterworks and Sewer System Refunding Revenue Bond, Series 2011B, dated August 30, 2011; and

(3) the \$1,480,000 final principal amount Waterworks and Sewer System Improvement Revenue Bond, Series 2017 (State Water Pollution Control Revolving Fund, Loan Number X1-181-16-441-08), dated January 31, 2017.

(D) The City previously issued its \$1,281,800 original principal amount Tax Increment Revenue Refunding Bond, Series 2011 dated August 30, 2011 (the “**2011 TIF Bond**”). The revenues of the System are also pledged to provide for the payment of the principal of and interest on the 2011 TIF Bond; provided, however, such pledge is inferior to the pledges of the revenues of the System that secure the payment of the Parity Bonds and any bond issued on parity, *inter sese*, hereafter.

(E) Upon the basis of the authority provided in the Bond Ordinance, the City has determined to issue the Series 2021 Bonds to: (1) recoup or defray the costs of expanding, rehabilitating and improving the City’s existing wastewater treatment plant and the City’s wastewater system (the “**2021 Project**”); (2) fund the 2021 Debt Service Reserve Fund (as defined herein), if any, in an amount equal to the 2021 Reserve Requirement (as defined herein); and (3) pay the costs of issuance of the Series 2021 Bonds, including payment of any premium due on any Municipal Bond Insurance Policy.

(F) Upon the issuance of the Series 2021 Bonds, the Series 2021 Bonds, together with all additional Series of Bonds issued pursuant to the terms of the Bond Ordinance, shall be issued on a parity with the Parity Bonds.

(G) By reason of the foregoing, the City has determined to enact this 2021 Series Ordinance in accordance with the terms and provisions of the Bond Ordinance in order to issue the Series 2021 Bonds for the purposes described in Paragraph (E) above.

Section 1.02 Determinations Required by Section 4.01(B) of the Bond Ordinance.

(A) The City Council hereby specifies and determines that:

(1) the current period of usefulness of the System is as set forth in Article III hereof;

(2) the Date of Issue of the Series 2021 Bonds shall be the date that the Series 2021 Bonds are executed and delivered, or as otherwise determined by an Authorized Officer pursuant to Article V hereof;

(3) the maximum authorized principal amount of the Series 2021 Bonds is set forth at Section 4.01 hereof, and the exact principal amount of the Series 2021 Bonds shall be determined by an Authorized Officer at the closing of the Series 2021 Bonds pursuant to Article V hereof;

(4) the Bond Payment Dates, the Record Dates, and the dates and amounts of maturity of such Series 2021 Bonds, shall be determined by an Authorized Officer at the closing of such Series 2021 Bonds pursuant to Article V hereof, provided, however, no

such Series 2021 Bonds shall mature later than 30 years from the Date of Issue of the initial Series of Series 2021 Bonds;

(5) Series 2021 Bonds are necessary to provide funds to be used and expended for purposes set forth in Section 4.01(A) of the Bond Ordinance, as such purposes are particularly described at Section 4.02 hereof;

(6) the title and designation of the Series 2021 Bonds shall be as set forth at Section 4.01 hereof or as otherwise determined by an Authorized Officer pursuant to Article V hereof;

(7) Series 2021 Bonds shall be sold in accordance with Article VIII hereof in the manner determined by an Authorized Officer as authorized by Article V hereof;

(8) Series 2021 Bonds shall bear interest at rates as determined by an Authorized Officer through the sale procedures of Article VIII hereof, and the City will not enter into any interest rate swap or similar transaction with respect to the Series 2021 Bonds;

(9) Series 2021 Bonds may be issued as either Serial Bonds or Term Bonds (with appropriate mandatory redemption provisions), but not as Capital Appreciation Bonds, as determined by an Authorized Officer pursuant to Article V hereof;

(10) the Redemption Prices and dates applicable to any Series of Series 2021 Bonds shall be as determined by an Authorized Officer at the closing of such Series 2021 Bonds pursuant to Article V hereof;

(11) The Bank of New York Mellon Trust Company, N.A. (the "*Trustee*") shall serve as Trustee, Paying Agent, and Registrar for the Series 2021 Bonds;

(12) Series 2021 Bonds shall be in the form as provided at Section 4.09 hereof and Exhibit A hereto, with such revisions as may be approved by an Authorized Officer pursuant to Article V hereof upon the advice of Bond Counsel, the execution thereof being conclusive evidence of such approval;

(13) The initial maturity of each Series of Series 2021 Bonds shall be numbered R-1 thereafter shall be sequentially numbered "R-" thereafter and shall be issued in denominations of \$5,000 or any integral multiple thereof; provided, however, that Series 2021 Bonds sold to a Direct Placement Purchaser shall be issued as single, typewritten bonds in the denomination of the principal amount of such Series of Series 2021 Bonds;

(14) Series 2021 Bonds may be issued in book-entry form as permitted by Section 4.20 of the Bond Ordinance determined by an Authorized Officer at the closing of such Series 2021 Bonds pursuant to Article V hereof;

(15) The Reserve Requirement has been met, as may be applicable to the Parity Bonds; no 2021 Debt Service Reserve Fund is contemplated to be established in connection with the Series 2021 Bonds, and thus no Series Reserve Requirement is

anticipated to be established, however if the Authorized Officer determines that a Series Debt Service Reserve Fund shall assist the City in obtaining more advantageous terms, he may establish both a Series Debt Service Reserve Fund and establish a Series Reserve Requirement;

(16) the proceeds of Series 2021 Bonds shall be applied as set forth at Article VII hereof; and

(17) the 2021 Debt Service Fund is established pursuant to Section 4.06 hereof; the 2021 Project Fund and 2021 COI Account are established pursuant to Section 7.02 hereof.

[End of Article I]

ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01 Definitions.

(A) Except as provided in subsection (B) below, all capitalized terms which are defined in Section 2.02 of the Bond Ordinance shall have the meanings given the same in this 2021 Series Ordinance.

(B) As used in this 2021 Series Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

“2021 COI Account” shall mean that account created within the 2021 Project Fund pursuant to Section 7.02 hereof.

“2021 Debt Service Fund” shall mean the fund of that name established by this 2021 Series Ordinance pursuant to Section 7.03 of the Bond Ordinance.

“2021 Debt Service Reserve Fund” shall mean the fund of that name authorized to be established by this 2021 Series Ordinance pursuant to Section 7.04 of the Bond Ordinance.

“2021 Project” shall mean the project defined at Section 1.01(E) hereof.

“2021 Project Fund” shall mean the fund created at Section 7.02 hereof.

“2021 Reserve Requirement” if any, shall mean an amount determined by the Authorized Officer in compliance with the provisions and requirements of the Code.

“2021 Series Ordinance” shall mean this ordinance of the City Council.

“Authorized Officer” shall have the meaning ascribed thereto in the Bond Ordinance, but for purposes of making the determinations provided for under Article V of this 2021 Series Ordinance, the City Manager shall constitute the sole Authorized Officer.

“Book-Entry System” shall mean, with respect to the Series 2021 Bonds, if applicable, a form or system, as applicable, under which (i) the ownership of beneficial interests in the Series 2021 Bonds may be transferred only through a book-entry, and (ii) physical Series 2021 Bonds in fully registered form are registered only in the name of a Securities Depository or its Securities Depository Nominee. The book-entry maintained by the Securities Depository is the record that identifies the owners of participatory interests in the Series 2021 Bonds, when subject to the Book-Entry System.

“Date of Issue” shall mean, with respect to a Series of Series 2021 Bonds, the date determined under Article V in accordance with Section 4.03 hereof.

“**DTC**” means The Depository Trust Company, New York, New York.

“**Governmental Unit**” means a state or local governmental unit within the meaning of Section 141(b) of the Code.

“**Nongovernmental Person**” means any Person other than a Governmental Unit.

“**Person**” means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

“**Securities Depository**” shall mean DTC, or another recognized securities depository selected by the City Council, which securities depository maintains a Book-Entry System in respect of the Series 2021 Bonds, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository.

“**Securities Depository Nominee**” shall mean, as to any Securities Depository, such Securities Depository or the nominee of such Securities Depository in whose name there shall be registered on the registration books maintained by the Registrar the Series 2021 Bond certificates to be delivered to and immobilized at such Securities Depository during the continuation with such Securities Depository of participation in its Book-Entry System. Cede & Co. shall serve as the initial Securities Depository Nominee hereunder.

“**Serial Bonds**” shall mean any Series of the 2021 Bonds which are stated to mature in installments and for which there are no mandatory sinking fund provisions.

“**Series 2021 Bonds**” shall mean the one or more Series of Bonds authorized and designated by Section 4.01 of this 2021 Series Ordinance.

“**Taxable Bonds**” has the meaning given such term in Section 9.01(F) hereof.

“**Term Bonds**” shall mean any of the Series 2021 Bonds which are stated to mature in a single year and which are subject to mandatory sinking fund redemption prior to the stated maturity date.

“**Trustee**” shall mean The Bank of New York Mellon Trust Company, N.A., its successors and assigns.

Section 2.02 Authority for this 2021 Series Ordinance.

This 2021 Series Ordinance is enacted pursuant to the provisions of the Bond Ordinance.

[End of Article II]

ARTICLE III

USEFUL LIFE

Section 3.01 Determination of the Useful Life of the System.

The period of usefulness of the System is hereby determined to be not less than 40 years from the date of enactment of this 2021 Series Ordinance.

[End of Article III]

ARTICLE IV

AUTHORIZATION AND TERMS OF THE SERIES 2021 BONDS

Section 4.01 Principal Amount; Designation of Series 2021 Bonds.

(A) Pursuant to the provisions of the Bond Ordinance, one or more Series of Bonds of the City entitled to the benefits, protection, and security of the provisions of the Bond Ordinance is hereby authorized in the aggregate principal amount of not exceeding Seven Million Dollars (\$7,000,000); such Series of Bonds so authorized shall be designated as the “City of Walterboro, South Carolina, Waterworks and Sewer System Improvement Revenue Bond[s], Series 2021” (the “*Series 2021 Bonds*”) and shall bear a numeric or alphanumeric Series designation as may be necessary to distinguish them from the Bonds of every other Series, and shall designate the year in which the Series is issued. The Series 2021 Bonds may be sold as a single Series or from time to time as multiple Series bearing any such designation as appropriate. References herein to the Series 2021 Bonds shall include all Series of Bonds authorized by this 2021 Series Ordinance. As authorized by Section 9.01(F) hereof, any Series of the Series 2021 Bonds may be issued as Taxable Bonds, and in such event, it shall bear an appropriate designation so as to distinguish its tax status.

(B) Should the Series 2021 Bond not be issued in calendar year 2021, the designation for the Series 2021 Bond and all other references to “2021” recited herein shall be changed to appropriately reflect the year of such actual issuance. References herein to the Series 2021 Bond shall include all Series of Bonds.

Section 4.02 Purposes of the Series 2021 Bonds.

The Series 2021 Bonds are authorized for the principal purposes of:

- (1) Defraying all or a portion of the cost of the 2021 Project, including the recoupment of costs previously paid or incurred in connection with the 2021 Project;
- (2) Funding the 2021 Debt Service Reserve Fund, if any, in an amount equal to the 2021 Reserve Requirement in a manner permitted by the Bond Ordinance; and
- (3) Paying certain costs and expenses relating to the issuance of the Series 2021 Bonds, including payment of any premium due on any Municipal Bond Insurance Policy or other credit enhancement.

Section 4.03 Date of Issue; Interest Rates; Maturity; Redemption.

(A) The Date of Issue of each Series of Series 2021 Bonds shall be the date of delivery thereof, subject to an alternative designation by the Authorized Officer. Series 2021 Bonds shall mature in such principal amounts and shall bear interest at such rates as may be determined by an Authorized Officer pursuant to Article V hereof provided that the final maturity of the Series 2021 Bonds shall not extend beyond 30 years from the Date of Issue of the initial Series of Series 2021

Bonds issued hereunder. Series 2021 Bonds shall mature as Serial Bonds or Term Bonds, with such mandatory sinking fund installments as are set forth in a schedule approved by the Authorized Officer prior to or simultaneously with the issuance of such Series 2021 Bonds.

(B) Interest on any Series of Series 2021 Bonds shall be payable on such Bond Payment Dates as are determined by the Authorized Officer pursuant to Article V hereof. Such interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. Consistent with the terms of the Bond Ordinance, the Record Dates for the payment of interest on Series 2021 Bonds shall be the 15th day of the month prior to each Bond Payment Date.

(C) Series 2021 Bonds may be subject to redemption prior to maturity, upon such terms and conditions, and at such redemption prices, as may be established by an Authorized Officer pursuant to Article V hereof prior to or simultaneously with the issuance of the applicable Series of Series 2021 Bonds.

Section 4.04 Authentication; Payment of Series 2021 Bonds.

(A) The Series 2021 Bonds shall be authenticated by the Registrar on or before such date as they shall, in each case, be delivered. Each of the Series 2021 Bonds shall bear interest from its respective Date of Issue if no interest has yet been paid; otherwise from the last date to which interest has been paid and which date is on or prior to the date of authentication of such Series 2021 Bonds.

(B) The interest on the Series 2021 Bonds shall be paid by check or draft mailed from the office of the Trustee to the person in whose name each of the Series 2021 Bonds is registered at the close of business on the Record Date; provided, however, that any Holder of such Series 2021 Bonds in the aggregate principal amount of \$1,000,000 or more may request (in writing at least 20 days prior to the respective Bond Payment Date, delivered to the paying agent), that interest payments be made by wire transfer to such Holder at an account maintained by a financial institution located in the continental United States specified in such request.

(C) Presentment of the Series 2021 Bonds for payment shall not be required, except for the final payment of the principal and interest thereon or upon such other condition or indicia of satisfaction as may be mutually agreed-upon by the City and the Holder of such Series 2021 Bonds.

Section 4.05 Denomination of the Series 2021 Bonds.

Series 2021 Bonds shall be issued either (i) in denominations of \$5,000 or any integral multiple thereof, or (ii) as single, typewritten bond or bonds in the aggregate principal amount of such Series of Series 2021 Bonds. Each Series 2021 Bond shall be numbered by the Trustee in such a fashion as to reflect the fact that it is one of the Series 2021 Bonds, and to identify the owner thereof on the books kept by the Registrar. The initial maturity of each Series of Series 2021 Bonds shall be numbered R-1, and thereafter sequentially "R-" numbered for identification.

Section 4.06 Establishment of 2021 Debt Service Fund.

In accordance with Section 7.03 of the Bond Ordinance, the 2021 Debt Service Fund is hereby directed to be established by the Trustee on the Date of Issue of the Series 2021 Bonds for the benefit of the Holders of the Series 2021 Bonds. In the event that more than one Series of Bonds is issued pursuant to the terms of this 2021 Series Ordinance, a separate Debt Service Fund shall be established for each such Series.

Section 4.07 2021 Debt Service Reserve Fund.

In accordance with Section 7.04 of the Bond Ordinance and the terms of this 2021 Series Ordinance, if the Authorized Officer determines that the 2021 Debt Service Reserve Fund is necessary and desirable, he shall direct the Trustee to establish such 2021 Debt Service Reserve Fund. If established, the 2021 Debt Service Reserve Fund shall be maintained by the Trustee in accordance with the provisions of the Bond Ordinance in an amount equal to the 2021 Reserve Requirement, as may be determined in accordance with Article V hereof. The 2021 Debt Service Reserve Fund, if established, may be funded by cash or another method permitted by Section 7.04(D) of the Bond Ordinance, such method of funding to be determined by an Authorized Officer.

Section 4.08 Appointment of Trustee, Paying Agent, and Registrar.

The Bank of New York Mellon Trust Company, N.A. is hereby appointed as Trustee, Paying Agent, and Registrar under the Bond Ordinance and this 2021 Series Ordinance. The Trustee shall signify its acceptance of the duties of Trustee, Paying Agent and Registrar upon delivery of the Series 2021 Bonds. The City shall pay to the Trustee from time-to-time reasonable compensation based on the then-standard fee schedule of such parties for all services rendered under the Bond Ordinance and this 2021 Series Ordinance, and also all reasonable expenses, charges, counsel fees, and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under the Bond Ordinance and this 2021 Series Ordinance. As necessary to confirm the duties, roles and responsibilities of the Trustee for the Series 2021 Bonds, the Authorized Officer shall be authorized to execute and deliver all documentation reasonably requested by the Trustee.

The Series 2021 Bonds shall be presented for registration of transfers and exchanges, and notices and demands to or upon the Trustee and the City in respect of the Series 2021 Bonds may be served, at the corporate trust office of the Trustee.

The Trustee shall be a member of the Federal Deposit Insurance Corporation (the "**FDIC**") and shall remain such a member throughout the period during which it shall act as Trustee, Paying Agent, and Registrar. The Trustee, in its capacity as Trustee, Paying Agent, and Registrar, shall accept its appointment by a written instrument embodying its agreement to remain a member of the FDIC. Unless the same be secured as trust funds in the manner provided by the applicable regulations of the Comptroller of the Currency of the United States of America, and unless otherwise provided for in the Bond Ordinance and in this 2021 Series Ordinance, all moneys in the custody of the Trustee in excess of the amount of such deposit insured by the FDIC, shall be

secured by Government Obligations at least equal to the sum on deposit and not insured by the FDIC.

Section 4.09 Form of Series 2021 Bond.

The Series 2021 Bonds, together with the certificate of authentication, certificate of assignment and/or statement of insurance, if any, are to be in substantially the form attached hereto as Exhibit A with such necessary and appropriate variations, omissions and insertions as permitted or required upon advice of Bond Counsel and as determined by an Authorized Officer, or as otherwise authorized by the Bond Ordinance or this 2021 Series Ordinance. The execution of the Series 2021 Bonds shall constitute conclusive evidence of the approval of any changes to the form of any Series 2021 Bond.

Section 4.10 Book-Entry System.

Pursuant to Section 4.20 of the Bond Ordinance, if any Series of Series 2021 Bonds are sold as a public offering, such Series 2021 Bonds may be held under a Book-Entry System of a securities depository as determined pursuant to Article V hereof.

(A) Notwithstanding anything to the contrary herein, so long as the Series 2021 Bonds are being held under a Book-Entry System of a securities depository, transfers of beneficial ownership of the Series 2021 Bonds will be effected pursuant to rules and procedures established by such securities depository. If held under a Book-Entry System, the initial securities depository for the Series 2021 Bonds will be DTC. DTC and Cede & Co., and any-successor securities depositories and successor securities depository nominees, are hereinafter referred to as the “Securities Depository” and “Securities Depository Nominees” respectively.

(B) As long as a Book-Entry System is in effect for the Series 2021 Bonds, the Securities Depository Nominee will be recognized as the Holder of the Series 2021 Bonds for the purposes of: (i) paying the Principal Installments, interest, and Redemption Price, if any, on such Series 2021 Bonds, (ii) selecting the portions of such Series 2021 Bonds to be redeemed, if Series 2021 Bonds are to be redeemed in part, (iii) giving any notice permitted or required to be given to Bondholders under this 2021 Series Ordinance, (iv) registering the transfer of Series 2021 Bonds, and (v) requesting any consent or other action to be taken by the Holders of such Series 2021 Bonds, and for all other purposes whatsoever, and the Issuer shall not be affected by any notice to the contrary.

(C) The City shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in any Series 2021 Bonds which are registered to a Securities Depository Nominee under or through the Securities Depository with respect to any action taken by the Securities Depository as Holder of such Series 2021 Bonds.

(D) The Paying Agent shall pay all Principal Installments, interest and redemption price, if any, on Series 2021 Bonds issued under a Book-Entry System, only to the Securities Depository or the Securities Depository Nominee, as the case may be, for such Series 2021 Bonds,

and all such payments shall be valid and effectual to fully satisfy and discharge the obligations with respect to the Principal Installments of, interest on, and redemption price, if any, of such Series 2021 Bonds.

(E) In the event that the City determines that it is in the best interest of the City to discontinue the Book-Entry System of transfer for the Series 2021 Bonds, or that the interests of the beneficial owners of the Series 2021 Bonds may be adversely affected if the Book-Entry System is continued, then the City shall notify the Securities Depository of such determination. In such event, the Registrar shall authenticate, register and deliver physical certificates for the Series 2021 Bonds in exchange for the Series 2021 Bonds registered in the name of the Securities Depository Nominee.

(F) In the event that the Securities Depository for the Series 2021 Bonds discontinues providing its services, the City shall either engage the services of another Securities Depository or arrange with a Registrar for the delivery of physical certificates in the manner described in subsection (E) above.

(G) In connection with any notice or other communication to be provided to the Holders of Series 2021 Bonds by the Issuer or by the Registrar with respect to any consent or other action to be taken by the Holders of Series 2021 Bonds, the City or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Securities Depository Nominee notice of such record date not less than 15 days in advance of such record date to the extent possible.

(H) At the closing of any Series 2021 Bonds and the delivery of the same to the purchaser thereof through the facilities of DTC, the Registrar may maintain custody of Bond certificates on behalf of DTC in accordance with DTC's "FAST" closing procedures.

[End of Article IV]

ARTICLE V

CERTAIN DELEGATIONS AND AUTHORIZATIONS

Section 5.01 Certain Delegations.

The City Council hereby expressly delegates to an Authorized Officer the authority, with respect to the Series 2021 Bonds, to determine, in connection with any Series of Series 2021 Bonds issued hereunder:

(A) whether to issue the Series 2021 Bonds as a single Series or from time to time in several Series;

(B) the manner of sale of such Series 2021 Bonds in accordance with Article VIII hereof;

(C) whether to create and distribute preliminary and final Official Statements in connection with the issuance of such Series 2021 Bonds;

(D) the award, or selection of underwriter, of such Series 2021 Bonds in accordance with Article VIII hereof;

(E) the final form of such Series 2021 Bonds, whether to modify the Series designation in accordance with Section 4.01 hereof, and the exact principal amount of such Series 2021 Bonds, not to exceed \$7,000,000 in the aggregate together with any other Series of Series 2021 Bonds;

(F) whether and the extent to which such Series of Series 2021 Bonds shall be issued as Serial Bonds or Term Bonds;

(G) the Date of Issue (if other than the date of delivery), Bond Payment Dates, rate or rates of interest obtained using the sale procedures of Article VIII hereof, maturity schedule, and the final maturity of each Series of Series 2021 Bonds, not to exceed 30 years from the Date of Issue of the initial Series of Series 2021 Bonds issued hereunder;

(H) whether such Series 2021 Bonds shall be subject to optional or mandatory redemption prior to maturity, and if so, the Redemption Prices applicable thereto;

(I) whether such Series 2021 Bonds shall be issued in book-entry form and held under a Book-Entry System as permitted by Section 4.20 of the Bond Ordinance and as further described in Section 4.10 hereof;

(J) whether to use bond insurance, and if so, to make appropriate arrangements to procure any Municipal Bond Insurance Policy;

(K) whether to establish a 2021 Reserve Requirement for such Series 2021 Bonds and to establish a 2021 Debt Service Reserve Fund in accordance with Section 4.07 hereof;

(L) whether such Series 2021 Bonds will be designated as “qualified tax-exempt obligations” pursuant to the Code;

(M) whether such Series 2021 Bond (or any Series thereof) shall be issued on a taxable basis;

(N) the form of any agreement relating to, and manner of provision of, any continuing financial and operating disclosures as described at Sections 8.04 and 9.02 hereof; and

(O) such other matters regarding the Series 2021 Bonds as are necessary or appropriate.

[End of Article V]

ARTICLE VI

EXECUTION; NO RECOURSE

Section 6.01 Execution of the Series 2021 Bonds.

The Series 2021 Bonds shall be executed and attested by the Mayor and the Clerk, respectively, in accordance with the applicable provisions of the Bond Ordinance; however, in the absence of the Mayor or the Clerk for any reason, an Authorized Officer shall be authorized to either execute the Series 2021 Bonds or attest to the execution of the Series 2021 Bonds on behalf of the absent party; however, in no event shall the same Authorized Officer be permitted to both execute and attest to the Series 2021 Bonds. If acting on behalf of an absent person, such Authorized Officer shall be authorized to execute, sign, certify or attest any documentation otherwise required of the Mayor or Clerk respecting the issuance and delivery of the Series 2021 Bonds.

Facsimiles or electronic signatures by the Mayor, the Clerk or any Authorized Officer are expressly authorized and permitted with respect to the Series 2021 Bonds and all closing documents and certificates associated therewith.

Section 6.02 No Recourse on the Series 2021 Bonds.

All covenants, stipulations, promises, agreements and obligations of the City contained in the Bond Ordinance or in this 2021 Series Ordinance shall be deemed to be the covenants, stipulation, promises, agreements and obligations of the City and not those of any officer or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal or redemption price of or interest on the Series 2021 Bonds or for any claim based thereon or on the Bond Ordinance or on this 2021 Series Ordinance, either jointly or severally, against any officer or employee of the City or any person executing the Series 2021 Bonds.

[End of Article VI]

ARTICLE VII

APPLICATION OF BOND PROCEEDS

Section 7.01 Use and Disposition of Bond Proceeds.

Upon the delivery of any Series 2021 Bonds and receipt of the proceeds thereof, net of underwriter's discount or premium or any other fees of the lender, such funds shall be applied as follows:

- (1) if an Authorized Officer determines to fund the 2021 Debt Service Reserve Fund, the sum or instrument equal to the 2021 Reserve Requirement, whether in cash or through a funding instrument permitted under Section 7.04(D) of the Bond Ordinance, shall be deposited into, or applied to, the 2021 Debt Service Reserve Fund; and
- (2) all remaining funds shall be deposited with the Trustee in the 2021 Project Fund and used to defray the costs of the 2021 Project and the costs of issuance of the Series 2021 Bonds. Amounts representing the costs of issuance of the Series 2021 Bonds shall be kept in the 2021 COI Account within the 2021 Project Fund.

Section 7.02 Establishment of 2021 Project Fund and 2021 COI Account.

- (A) There is hereby established, in accordance with Sections 4.01(B)(17) of the Bond Ordinance, the "2021 Project Fund," and the "2021 COI Account" within the 2021 Project Fund. There shall be paid into the 2021 Project Fund the sums prescribed by Section 7.01 hereof. The 2021 Project Fund shall be held and controlled by the Trustee, unless otherwise determined by the Authorized Officer at the closing of the Series 2021 Bond.
- (B) Should the Trustee hold the 2021 Project Fund, requisitions for the payment of costs of issuance from the 2021 COI Account or funds to pay or reimburse costs of the 2021 Project from the 2021 Project Fund shall be made upon written request by an Authorized Officer to the Trustee. The Trustee shall be fully protected in releasing moneys from the 2021 COI Account and 2021 Project Fund based upon such written orders of the City.
- (C) Should the City hold the 2021 Project Fund, disbursements therefrom shall be made by or at the direction of an Authorized Officer.
- (D) Subject to Section 15.13 of the Bond Ordinance, moneys in the 2021 Project Fund shall be invested and reinvested at the written direction of the City in Authorized Investments. Upon written notification from the City by any Authorized Officer that the payment of all costs of issuance for the Series 2021 Bonds have been paid, the remaining sums therein shall be transferred by the Trustee and applied to the 2021 Debt Service Fund. If there are any funds remaining in the 2021 Project Fund upon completion of the 2021 Project, such funds shall be transferred to the 2021

Debt Service Fund and used to pay principal of and interest on the Series 2021 Bonds as the same come due.

[End of Article VII]

ARTICLE VIII

SALE OF BONDS

Section 8.01 Sale of Bonds.

The Series 2021 Bonds may be sold on a competitive basis as set forth at Section 8.02 hereof, or on a negotiated basis as set forth at Section 8.03 hereof, as determined by an Authorized Officer.

Section 8.02 Competitive Sale.

The Series 2021 Bonds may be sold at a date and time certain after public notice thereof. Bids may be received at such time and date and in such manner as determined by an Authorized Officer. Unless all bids are rejected, the award of the Series 2021 Bonds may be made by an Authorized Officer to the bidder offering the most advantageous terms to the City, with the basis of such award and the date and time certain for opening bids to be set forth in a request for proposals used in connection with the sale of the Series 2021 Bonds (the “*RFP*”).

Any Series of Series 2021 Bonds sold on a competitive sale basis may be sold pursuant to either of the following methods as determined by an Authorized Officer:

- (A) *Competitive Direct Placement.* Any Series 2021 Bonds may be sold to an institution or institutions as a single instrument as a means of making a commercial loan (a “*Direct Placement Purchaser*”). The City Council authorizes an Authorized Officer to distribute the RFP to prospective purchasers of Series 2021 Bonds and award such Series 2021 Bonds to a Direct Placement Purchaser on the basis of the terms and conditions contained therein. To the extent the RFP has been distributed, or the award to any Direct Placement Purchaser has been made, prior to the enactment of this 2021 Series Ordinance, all such actions are ratified, approved and confirmed. Such Series 2021 Bonds shall be issued as a single Bond (or separate single Bonds if the Series 2021 Bonds are sold in multiple Series), without CUSIP identification (unless otherwise agreed by the Direct Placement Purchaser and an Authorized Officer on behalf of the City), shall not be issued in book-entry-only form, and no official statement shall be prepared in connection with the sale of such Series 2021 Bonds. The Direct Placement Purchaser of any such Series 2021 Bonds shall execute an investor letter to the City acknowledging its purchase of such Series 2021 Bonds as a means of making a commercial loan.

- (B) *Competitive Public Offering.* Any Series 2021 Bonds may be sold in the public capital markets to an underwriter for the purpose of reselling such Series 2021 Bonds. In such case, the City Council hereby authorizes an Authorized Officer to prepare, or cause to be prepared, a preliminary official statement and distribute the preliminary official statement and the RFP (or official notice of sale) to prospective purchasers of Series 2021 Bonds. The City Council authorizes an Authorized Officer to designate the preliminary official statement as “final” for purposes of Rule 15c2-12 of the United States Securities and Exchange Commission under the

Securities Exchange Act of 1934, as amended (“*Rule 15c2-12*”). The Authorized Officer is further authorized to see to the completion of the final form of the official statement upon the sale of such Series 2021 Bonds so that it may be provided to the underwriter of such Series 2021 Bonds. The execution and delivery of the final official statement by an Authorized Officer shall constitute conclusive evidence of the City’s approval thereof. In connection with any Competitive Public Offering, an Authorized Officer is authorized to perform all actions necessary to comply with Rule 15c2-12 and any other applicable securities laws.

Section 8.03 Negotiated Sale.

Any Series 2021 Bonds sold on a negotiated basis may be sold pursuant to either of the following methods as determined by an Authorized Officer.

- (A) *Negotiated Direct Placement.* Any Series 2021 Bonds may be sold to a Direct Placement Purchaser as a means of making a commercial loan pursuant to negotiation, with or without providing for distribution of an RFP. In such case, the City Council authorizes an Authorized Officer to obtain financing proposals from one or more prospective purchasers of Series 2021 Bonds and award the Series 2021 Bonds after negotiation with prospective purchaser. Such Series 2021 Bonds shall be issued as a single Series (or separate single Bonds if the Series 2021 Bonds are sold in multiple Series), without CUSIP identification (unless otherwise agreed by the Direct Placement Purchaser and an Authorized Officer on behalf of the City). The Direct Placement Purchaser of such Series 2021 Bonds shall execute an investor letter to the City acknowledging its purchase of the Series 2021 Bonds as a means of making a commercial loan.

- (B) *Negotiated Public Offering.* Any Series 2021 Bonds may be sold to an underwriter pursuant to the terms of a bond purchase agreement for resale in the public capital markets. The underwriter shall be selected by the Authorized Officer upon the advice of the Financial Advisor (as defined herein) and the bond purchase agreement shall be executed by an Authorized Officer upon advice of Bond Counsel and the Financial Advisor. The execution of the bond purchase agreement by such Authorized Officer shall constitute conclusive evidence of his or her approval thereof. In such case, the City Council hereby authorizes an Authorized Officer to prepare, or cause to be prepared, a preliminary official statement and authorize the distribution of the preliminary official statement by the underwriter. The City Council authorizes an Authorized Officer to designate the preliminary official statement as “final” for purposes of Rule 15c2-12. Such Authorized Officer is further authorized to see to the completion of the final form of the official statement upon the sale of such Series 2021 Bonds so that it may be provided to the underwriter. The execution and delivery of the final official statement by an Authorized Officer shall constitute conclusive evidence of the City’s approval thereof. In connection with any Negotiated Public Offering, an Authorized Officer is authorized to perform all actions necessary to comply with Rule 15c2-12 and any other applicable securities laws.

[End of Article VIII]

ARTICLE IX

TAX AND DISCLOSURE COVENANTS

Section 9.01 Tax Covenants.

(A) *General Tax Covenant.* The City will comply with all requirements of the Code in order to preserve the tax-exempt status of the Series 2021 Bonds, including without limitation, (i) the requirement to file Form 8038-G, *Information Return for Tax-Exempt Government Obligations*, with the Internal Revenue Service, and (ii) the requirement to rebate certain arbitrage earnings to the United States Government pursuant to Section 148(f) of the Code. In this connection, the City covenants to execute any and all agreements or other documentation as it may be advised by Bond Counsel will enable it to comply with this Section 9.01, including its certification on reasonable grounds that the Series 2021 Bonds are not “arbitrage bonds” within the meaning of Section 148 of the Code.

(B) *Tax Representations.* The City hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2021 Bonds to become includable in the gross income of the Holders thereof for federal income tax purposes pursuant to the provisions of the Code and the United States Treasury Regulations (the “*Regulations*”). Without limiting the generality of the foregoing, the City represents and covenants that:

(1) All property financed or refinanced with the proceeds of the Series 2021 Bonds will be owned by the City or another political subdivision of the State so long as the Series 2021 Bonds are Outstanding in accordance with the rules governing the ownership of property for federal income tax purposes.

(2) The City shall not use, and will not permit any party to use, the proceeds of the Series 2021 Bonds, or any bonds refunded thereby, in any manner that would result in (i) 10% or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any Nongovernmental Person, (ii) 5% or more of such proceeds being considered as having been used directly or indirectly in any trade or business of any Nongovernmental Person that is either “unrelated” or “disproportionate” to the governmental use of the financed facility by the City or by any other Governmental Unit (as the terms “unrelated” and “disproportionate” are defined for purposes of Section 141(b)(3) of the Code) or (iii) 5% or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any Nongovernmental Person.

(3) The City is not a party to, and will not enter into or permit any other party to enter into, any contract with any person involving the management of any facility financed or refinanced with the proceeds of the Series 2021 Bonds or by notes paid by the Series 2021 Bonds that does not conform to the guidelines set forth in Revenue Procedure 2017-13, or a successor revenue procedure, Code provision or Regulations.

(4) The City will not sell, or permit any other party to sell, any property financed or refinanced with the Series 2021 Bonds to any person unless it obtains an

opinion of nationally recognized bond counsel that such sale will not affect the tax-exempt status of the Series 2021 Bonds.

(5) The Series 2021 Bonds will not be “federally guaranteed” within the meaning of Section 149(b) of the Code. The City shall not enter into, or permit any other party to enter into, any leases or sales or service contract with any federal government agency with respect to any facility financed or refinanced with the proceeds of the Series 2021 Bonds and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax-exempt status of the Series 2021 Bonds.

(C) *Arbitrage Bonds, Rebate.* The City covenants that no use of the proceeds of the sale of the Series 2021 Bonds shall be made which, if such use had been reasonably expected on the Date of Issue of such Series 2021 Bonds would have caused the Series 2021 Bonds to be “arbitrage bonds” as defined in the Code, and to that end the City shall:

(1) comply with the applicable regulations of the Treasury Department previously promulgated under Section 103 of the Internal Revenue Code of 1954, as amended, and any regulations promulgated under the Code, so long as the Series 2021 Bonds are Outstanding;

(2) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code and Regulations relating to required rebate of certain amounts to the United States Government;

(3) make such reports of such information at the time and places required by the Code and Regulations; and

(4) take such other action as may be required to assure that the tax-exempt status of the Series 2021 Bonds will not be impaired.

(D) *Tax Certificate.* An Authorized Officer is hereby authorized and directed to execute, at or prior to delivery of any Series of Bonds, a certificate or certificates specifying actions taken or to be taken by the City, and the reasonable expectations of such officials, with respect to such Series of Bonds, the proceeds thereof, or the City.

(E) *Bank Qualified.* Series 2021 Bonds may be designated by an Authorized Officer pursuant to Article V hereof as “qualified tax-exempt obligations” in accordance with Section 265(b)(3)(B) of the Code.

(F) *Taxable Bonds.* Prior to or upon the issuance of any Series 2021 Bonds, an Authorized Officer may, pursuant to Article V hereof, in consultation with Bond Counsel, designate a Series of Series 2021 Bonds as taxable under the Code (“**Taxable Bonds**”). The election to issue a Series of Taxable Bonds shall be clearly indicated by including the phrase “Taxable Series,” or words to that effect, in the series designation of such Taxable Bonds. The above provisions of this Section 9.01 shall not be applicable to any Series of Taxable Bonds.

Section 9.02 Disclosure Covenants.

(A) The City hereby covenants and agrees that it will comply with and carry out all of the provisions of any continuing disclosure certificate or agreement, executed by an Authorized Officer and dated the date of delivery of the Series 2021 Bonds, which will meet the requirements, as applicable, of Section 11-1-85 of the South Carolina Code, which may require, among other things, that the City file with a central repository, when requested:

- (1) a copy of its annual independent audit within 30 days of its receipt and acceptance, and
- (2) event-specific information, within 30 days of an event adversely affecting more than five percent of its revenues or five percent of its tax base.

The only remedy for failure by the City to comply with the covenants in this Section 9.02 shall be an action for specific performance of this covenant. The City specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85 of the South Carolina Code, without the consent of any Bondholder.

(B) The City hereby covenants and agrees that it will comply with and carry out all of the provisions of any continuing disclosure certificate, executed by an Authorized Officer and dated the date of delivery of the Series 2021 Bonds, which will meet the requirements, as applicable, of Rule 15c2-12 (the “*Continuing Disclosure Undertaking*”). Notwithstanding any other provision of this 2021 Series Ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section. The execution of the Continuing Disclosure Undertaking shall constitute conclusive evidence of the approval by the person executing the same of any and all modifications and amendments thereto. Additionally, an Authorized Officer is authorized to contract with a dissemination agent for certain dissemination services associated with the execution and delivery of the Continuing Disclosure Undertaking. In the event the Series 2021 Bonds are sold to a Direct Placement Purchaser, no Continuing Disclosure Undertaking shall be required.

(C) As requested by a Direct Placement Purchaser of the Series 2021 Bonds, the City may furnish, or agree or arrange to provide, financial information related to or affecting the System as the Direct Placement Purchaser may reasonably request or require, and as may be agreed upon between such Direct Placement Purchaser and the City. Upon reasonable notice, the City shall permit the any Holder of the Series 2021 Bonds, or its agents and representatives, to inspect during regular business hours the City’s books and records relating to or affecting the System and to make extractions therefrom. Any such covenant or agreement shall be enforceable solely by an action for specific performance and shall not constitute a default hereunder or under any Series 2021 Bond.

[End of Article IX]

ARTICLE X

MISCELLANEOUS

Section 10.01 Severability.

If any one or more of the covenants or agreements provided in this 2021 Series Ordinance on the part of the City or any fiduciary to be performed should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 2021 Series Ordinance.

Section 10.02 Further Action.

The City Council authorizes the Authorized Officers to execute and sign all other documents, certificates, and agreements necessary or convenient to effect the purchase and sale of the Series 2021 Bonds.

Section 10.03 Professional Services.

The City Council hereby authorizes, approves or ratifies, as applicable, the engagement of Public Financial Management to act as Financial Advisor (the “*Financial Advisor*”) and Pope Flynn, LLC to act as Bond Counsel and Disclosure Counsel (if applicable) in connection with the issuance of the Series 2021 Bonds and authorizes (or ratifies, as applicable) an Authorized Officer to engage the services of such other professionals and institutions of a type and in a manner customary in connection with the issuance of municipal bonds, including, but not limited to, contractual arrangements with other professionals, rating agencies, verification agents, financial and trust institutions, printers and the suppliers of other goods and services in connection with the sale, execution and delivery of the Series 2021 Bonds, as is necessary and desirable.

Section 10.04 Table of Contents and Section Headings Not Controlling.

The Table of Contents and the headings of the several articles and sections of this 2021 Series Ordinance have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this 2021 Series Ordinance.

Section 10.05 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of Series 2021 Bonds by those who shall purchase and hold the same from time to time, the provisions of this 2021 Series Ordinance shall be deemed to be and shall constitute a contract between the City and the Holder from time to time of the Series 2021 Bonds, and such provisions are covenants and agreements with such Holder which the City hereby determines to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants and agreements herein set forth to be performed on behalf of the City shall be for the benefit, protection and security of the Holder of the Series 2021 Bonds.

Section 10.06 Ratification of Prior Action.

All prior actions of Authorized Officers in furtherance of the purposes of this 2021 Series Ordinance (including, but not limited to, any negotiated sale of Series 2021 Bonds, the submission of the RFP and any the award of the Series 2021 Bonds to a Direct Placement Purchaser under Article VIII hereof) are hereby approved, ratified and confirmed.

Section 10.07 Review by City Attorney; Public Hearing.

(A) This 2021 Series Ordinance has been reviewed by the City Attorney as to legality and form.

(B) By the terms of the City's code of ordinances, a public hearing shall be held prior to issuance of the Series 2021 Bonds. Notice of the public hearing(s) shall be in substantially the form set forth in Exhibit B attached hereto, and shall be published in a newspaper of general circulation in the City at least 15 days prior to such public hearing or as may otherwise permitted by Section 15-29-40 of the Code of Laws of South Carolina 1976, as amended.

[End of Article X]

DONE AND ORDAINED IN MEETING DULY ASSEMBLED, this 2nd day of March 2021.

**CITY OF WALTERBORO,
SOUTH CAROLINA**

(SEAL)

By: _____
William T. Young, Mayor

Attest:

Callie Seals, City Clerk

1 st Reading:	February 2, 2021
Public Hearing:	March 2, 2021
2 nd Reading:	March 2, 2021

**EXHIBIT A
FORM OF BOND**

[WITH THE CONSENT OF THE PURCHASER, AND NOTWITHSTANDING ANY CONTRARY PROVISION CONTAINED IN THE 2021 SERIES ORDINANCE, THIS SERIES 2021 BOND MAY BE SOLD OR TRANSFERRED ONLY TO PURCHASERS WHO EXECUTE AN INVESTMENT LETTER DELIVERED TO THE CITY, IN FORM SATISFACTORY TO THE CITY, CONTAINING CERTAIN REPRESENTATIONS, WARRANTIES AND COVENANTS AS TO THE SUITABILITY OF SUCH PURCHASERS TO PURCHASE AND HOLD THIS SERIES 2021 BOND. SUCH RESTRICTION SHALL BE COMPLIED WITH BY EACH TRANSFEREE OF THIS SERIES 2021 BOND.]

**CITY OF WALTERBORO
STATE OF SOUTH CAROLINA
WATERWORKS AND SEWER SYSTEM
IMPROVEMENT REVENUE BONDS
SERIES 2021**

No. R-1

\$ _____

THE CITY OF WALTERBORO, SOUTH CAROLINA (the “*City*”), acknowledges itself indebted and for value received hereby promises to pay, solely from the sources and as hereinafter provided, to _____, or registered assigns (the “*Purchaser*”), as purchaser of this Waterworks and Sewer System Improvement Revenue Bond, Series 2021 (this “*Series 2021 Bond*”), the principal amount of _____ DOLLARS AND 00/100 (\$ _____), at the corporate trust offices of The Bank of New York Mellon Trust Company, N.A. (the “*Trustee*”) in the manner provided below. This Series 2021 Bond shall be dated and bear interest from _____, the date of delivery hereof, and at the rate of _____ per centum (____%) per annum (computed on the basis of a 360-day year consisting of twelve 30-day months). Interest on this Series 2021 Bond is initially payable on _____, and thereafter on each _____ 1 and _____ 1 of each year (each a “*Bond Payment Date*”) until _____, the final maturity date hereof (“*Final Maturity*”) in accordance with the schedule set forth at Appendix A attached hereto and which is incorporated herein by reference. The payments of principal, interest, or both, payable on a Bond Payment Date shall be payable to the person in whose name this Series 2021 Bond is registered at the close of business on the _____ 15 or _____ 15 immediately preceding such Bond Payment Date (each a “*Record Date*”). [The City and the Purchaser have mutually agreed to waive all requirements for presentation and surrender of this Series 2021 Bond in connection with the payment thereof. Upon the final payment of this Series 2021 Bond, the Purchaser will execute and a deliver a certificate to the City and the Trustee certifying that (i) such payment represents the final payment due on this Series 2021 Bond and (ii) the City owes no further obligation to the Purchaser respecting this Series 2021 Bond.] This Series 2021 Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Trustee, as Registrar.

Both the principal of and interest on this Series 2021 Bond are payable by check or draft from the principal office of the Trustee to the person in whose name this Series 2021 Bond is registered on the Record Date at the address shown on the registration books. The principal of, redemption premium, if any, and interest on this Series 2021 Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Series 2021 Bond is issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the "*State*") including particularly Chapter 21, Title 6, Code of Laws of South Carolina 1976, as amended (the "*South Carolina Code*"), and by an ordinance entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF WALTERBORO, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO", enacted by the City Council of the City of Walterboro (the "*City Council*"), the governing body of the City, on November 1, 2016 (the "*Bond Ordinance*"), and a series ordinance entitled, "A SERIES ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BONDS, TO BE DESIGNATED SERIES 2021, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING SEVEN MILLION DOLLARS (\$7,000,000), OF THE CITY OF WALTERBORO, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO" (the "*2021 Series Ordinance*") duly enacted by the City Council on _____, 2021 (the Bond Ordinance and the 2021 Series Ordinance are hereinafter together referred to as the "*Ordinances*").

The Series 2021 Bonds are issued for the principal purposes of obtaining funds to (a) defray the costs of the 2021 Project (as defined in the 2021 Series Ordinance), [(b) fund the 2021 Debt Service Reserve Fund,] and [(b/c)] pay the costs and expenses related to the issuance of the Series 2021 Bonds.

For the payment of the principal of and interest on this Series 2021 Bond issued pursuant to the Bond Ordinance, there are hereby irrevocably pledged the Gross Revenues. As permitted by the Enabling Act, the payment of the principal of and interest on this Series 2021 Bond shall be additionally secured by a statutory lien upon the System. Such pledge securing this Series 2021 Bond shall have priority over all other pledges except those made to secure any Bonds (as defined hereinbelow) as may be currently outstanding or issued from time to time in the future.

THIS SERIES 2021 BOND SHALL NOT IN ANY EVENT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY PROVISION, LIMITATION OR RESTRICTION OF THE CONSTITUTION OR STATUTES OF THE STATE, OTHER THAN THOSE PROVISIONS AUTHORIZING INDEBTEDNESS PAYABLE SOLELY FROM A REVENUE-PRODUCING PROJECT NOT INVOLVING REVENUES FROM ANY TAX OR LICENSE; AND THE FAITH, CREDIT AND TAXING POWER OF THE CITY ARE EXPRESSLY NOT PLEDGED THEREFOR. THE CITY IS NOT OBLIGATED TO PAY THIS SERIES 2021 BOND, OR THE INTEREST HEREON, SAVE AND EXCEPT FROM THE GROSS REVENUES.

The Bond Ordinance authorizes the issuance of additional bonds on a parity with the Series 2021 Bonds and all outstanding Parity Bonds (as defined in the 2021 Series Ordinance) which, when issued in accordance with the provisions of the Bond Ordinance, will rank equally and be on a parity herewith and therewith (“*Additional Bonds*” and together with this Series 2021 Bond and the Parity Bonds, collectively the “*Bonds*”).

The City has covenanted to continuously operate and maintain the System and fix and maintain such rates for the services and facilities furnished by the System as shall at all times be sufficient (1) to maintain the Debt Service Funds and thus provide for the punctual payment of the principal of and interest on all Bonds, (2) to maintain the Debt Service Reserve Funds, if any, in the manner prescribed in the applicable Series Ordinance, (3) to provide for the payment of Operation and Maintenance Expenses, (4) to build and maintain a reserve for depreciation of the System, for contingencies and for improvements, betterments and extensions to the System other than those necessary to maintain the same in good repair and working order, (5) to pay all amounts owing under a reimbursement agreement with any provider of a surety bond, insurance policy or letter of credit as contemplated under Section 7.04(D) of the Bond Ordinance, (6) to provide for the punctual payment of the principal of and interest on all Junior Lien Bonds that may from time to time hereafter be outstanding, and (7) to discharge all obligations imposed by the Enabling Act and by the Bond Ordinance and any applicable Series Ordinance.

The Bond Ordinance provides that, in addition to other remedies, upon a default in payment of principal of or interest on any Bond, the Trustee may, and upon the written request of the Holders of not less than fifty-one percent (51%) in aggregate principal amount of Bonds Outstanding shall, declare all Bonds Outstanding immediately due and payable.

This Series 2021 Bonds and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer and certain franchise taxes.

This Series 2021 Bond is transferable, as provided in the Bond Ordinance, only upon the registration books of the City kept for that purpose and maintained by the Registrar, by the holder hereof in person or by his duly authorized attorney, upon (a) surrender of this Series 2021 Bond and an assignment with a written instrument of transfer satisfactory to the Trustee or any other Registrar, as the case may be, duly executed by the Holder hereof or his duly authorized attorney and (b) payment of the charges, if any, prescribed in the Ordinances. Thereupon a new Series 2021 Bond of the then outstanding principal amount, then current maturity schedule and interest rate shall be issued to the transferee in exchange therefor as provided in the Bond Ordinance. The City, the Trustee and the Registrar may deem and treat the person in whose name this Series 2021 Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of the Series 2021 Bonds, the City or the Trustee or Registrar, as the case may be, may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

[INSERT REDEMPTION TERMS]

If this Series 2021 Bond is called for redemption, the Trustee will give notice to the Holder of this Series 2021 Bond in the name of the City, of the redemption of such Series 2021 Bonds, or portions thereof. Notice and redemption conditions shall otherwise comply with Section 4.13 of the Bond Ordinance.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinances (as such term is defined below). Certified copies of the Ordinances are on file in the office of the Trustee and in the offices of the Clerk of Court for Colleton County, South Carolina.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State to exist, be performed or happen precedent to or in the issuance of this Series 2021 Bond, exist, have been performed and have happened, that the amount of this Series 2021 Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, THE CITY OF WALTERBORO, SOUTH CAROLINA, has caused this Series 2021 Bond to be signed by the signature of the Mayor of the City, its corporate seal to be reproduced hereon and the same to be attested by the signature of the City Clerk.

CITY OF WALTERBORO, SOUTH CAROLINA

(SEAL)

By: _____
William T. Young, Mayor

Attest:

Callie Seals, City Clerk

CERTIFICATE OF AUTHENTICATION

This Series 2021 Bond is the Series 2021 Bond described in the within mentioned Ordinances.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., as Registrar

By: _____
Authorized Officer

Date: _____, 2021

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(please print or type name and address of Transferee and Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
(Signature Guaranty)

Authorized Individual or Officer

NOTICE: Signature(s) to the assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or any change whatever.

Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agents Medallion Program ("STAMP") or similar program enlargement.

Appendix A

Debt Service Schedule for the Bonds

EXHIBIT B
NOTICE OF PUBLIC HEARING

The City Council of the City of Walterboro (the “City Council”), the governing body of the City of Walterboro, South Carolina (the “City”), will hold a public hearing on Tuesday, March 2, 2020 at 6:00 p.m. (the “Hearing”). The City Council is considering the enactment of “A SERIES ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE BONDS OF THE CITY OF WALTERBORO, SOUTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING SEVEN MILLION DOLLARS (\$7,000,000); AND OTHER MATTERS RELATING THERETO”, the provisions of which shall authorize the issuance of the City’s not exceeding \$7,000,000 Waterworks and Sewer System Improvement Revenue Bonds, Series 2021.

The Hearing will occur during the City Council’s regularly scheduled meeting. Owing to the COVID-19 pandemic, the Hearing shall be held electronically via electronic meeting in accordance with the City Council’s emergency procedures for conducting electronic meetings (as authorized by the terms of an emergency ordinance dated February 2, 2021). Further information on the Hearing will be provided in the City’s agenda, which shall be publicly available no less than 24-hours in advance of the meeting on March 2, 2020.

Those wishing to provide written public comments for the public hearing should email comments to the City Manager at jmolinari@walterborosc.org no later than one hour prior to the time set for the Hearing and comments shall be read aloud during the Hearing. Individuals wishing to speak at the Hearing shall sign up with the City Manager jmolinari@walterborosc.org no later than one hour prior to the time set for the Hearing. The City Manager or other designated City official shall contact those who wish to speak at the Hearing and make necessary arrangements for all interested parties to participate in the Hearing. The Hearing shall otherwise be conducted in accordance with all other rules and procedures of the City Council. The Hearing shall be conducted publicly and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel.

Ordinance No. 2021-02

AN EMERGENCY ORDINANCE TO PERMIT AND ALLOW FOR ELECTRONIC MEETINGS; AND OTHER MATTERS RELATED THERETO

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 as amended, extended, modified, or otherwise replaced since that time and as currently in effect related to 2019 Novel Coronavirus (“*COVID-19*”) and declared that a State of Emergency exists in South Carolina; and

WHEREAS, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, the South Carolina Freedom of Information Act, which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the “*Act*”) defines a “Meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal *or by means of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” (emphasis added); and

WHEREAS, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

WHEREAS, South Carolina law provides that cities may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

WHEREAS, it is hereby determined COVID-19 represents a public emergency affecting life, health, and safety, and therefore, it is appropriate and necessary to conduct an enact this emergency ordinance.

NOW THEREFORE, be it hereby ordained in this meeting of the City Council of the City of Walterboro, as the governing body of the City of Walterboro, South Carolina (the “*City Council*”), as follows:

Section 1. Recitals. Each finding or statement of fact set forth in the recitals hereinabove has been carefully examined and has been found to be in all respects true and correct.

Section 2. Standards for Electronic Meetings. City Council is hereby authorized to conduct public meetings via electronic means or in hybrid-form wherein some members of City Council attend electronically while others attend in-person, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

- (a) At the beginning of any meeting, the Mayor shall poll the members of City Council to confirm attendance, and any member of City Council attending by way of electronic media shall be considered present for the purposes of constituting a quorum.

(b) Throughout the duration of the meeting, all members of City Council, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of City Council and by the general public.

(c) Any vote of City Council must be conducted by individual voice vote of the members of City Council, who shall verbally indicate their vote on any matter by stating “yay” or “nay” or any similar determination. All individual votes shall be recorded by the City Clerk, or other designated staff member, as appropriate. Where appropriate, roll-call voting may be utilized.

(d) Meetings shall be recorded or minutes kept in the same manner as regular in-person meeting as required by the Act.

(e) To the extent they are participating in the meeting electronically, each member of City Council as well as other officials, staff, and presenters should identify themselves and be recognized prior to speaking. Excepting the items expressly affected by this Ordinance, members of City Council shall strictly comply with the rules of City Council to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.

(f) Executive sessions shall be permitted in accordance with the provisions of the Act and City Council shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the entry into any executive session, meeting minutes need not be kept and the meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of City Council must have the capability to be heard at all times.

(g) With respect to any meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. However, members of the public may either (i) submit written public comments which shall be distributed to the members of City Council prior to the meeting and to be read aloud during the meeting, or (ii) make a written request to the moderator (as provided in the agenda materials) of the meeting (at any time after the agenda for such meeting is posted until one hour in advance of the start of such meeting) to make a presentation during a public comment period or public hearing.

(h) With respect to any public hearing that is required by law to be held in connection with any proposed action of City Council, electronic public hearings shall be permitted. Individuals wishing to provide written comments for any such public hearing may email comments to the City Manager or other designated staff member no later than one hour prior to the scheduled time for such public hearing, and the comments shall be read aloud during the public hearing. Individuals wishing to speak at the public hearing shall sign up with the City Manager, or other designated staff member, no later than one hour prior to the scheduled time for the public hearing. The City Manager or other designated staff member shall contact those who wish to speak at the public hearing and make necessary arrangements for all interested parties to participate in the public hearing. Public hearings shall otherwise be conducted in accordance with all other rules and procedures of City Council. Notices of public hearings shall include detailed instructions regarding the manner in which the public hearing shall be held.

(i) Additionally, City Council, acting through staff, may establish separate rules and procedures for public hearings, if any, so long as the public is able to effectively participate in the public hearing with City Council such that the spirit and purpose of the public hearing is fulfilled.

Section 3. Procedures for Boards, Commissions, and Committees. The normal operating procedures all boards, commissions, and committees are temporarily suspended in order to allow the meetings thereof to be conducted using electronic means; provided that such electronic means conforms to the standards set forth in the Emergency Ordinance, as amended by the terms hereof and as may be further amended by the City Council.

Section 4. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the City Council that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 5. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of the City Council, and shall expire on the sixty-first day following the effective date hereof.

DONE AS AN EMERGENCY ORDINANCE, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the City Council present, this 2d day of February 2021.

**CITY OF WALTERBORO,
SOUTH CAROLINA**

William T. Young, Mayor

[SEAL]

ATTEST:

Callie Seals, City Clerk

(i) Additionally, City Council, acting through staff, may establish separate rules and procedures for public hearings, if any, so long as the public is able to effectively participate in the public hearing with City Council such that the spirit and purpose of the public hearing is fulfilled.

Section 3. Procedures for Boards, Commissions, and Committees. The normal operating procedures all boards, commissions, and committees are temporarily suspended in order to allow the meetings thereof to be conducted using electronic means; provided that such electronic means conforms to the standards set forth in the Emergency Ordinance, as amended by the terms hereof and as may be further amended by the City Council.

Section 4. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the City Council that conflicts with the provisions hereof is suspended and shall be superseded hereby.

Section 5. Effective Date; Expiration. The provisions hereof shall be effective upon a single hearing and two-thirds vote of the City Council, and shall expire on the sixty-first day following the effective date hereof.

DONE AS AN EMERGENCY ORDINANCE, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the City Council present, this 2nd day of February, 2021.

**CITY OF WALTERBORO,
SOUTH CAROLINA**

William T. Young, Mayor

[SEAL]

ATTEST:

Callie Seals, City Clerk



MEMORANDUM

TO: Mayor and City Council

FROM: City Manager

DATE: January 27, 2021

SUBJECT: Bond Counsel – Waterworks and Sewer System Improvement Revenue Bond

Attached is a proposal in the amount of \$35,000, plus expenses to retain the Pope Flynn Group, LLC for their services as Bond Counsel in connection with the issuance of a \$7,000,000 Revenue Bond, Series 2021 for expansion of the wastewater treatment plant and other water/sewer capital improvements. Bond Counsel expenses will be paid from the proceeds of the revenue bond. City staff asks for Council's favorable consideration of this request. If you have any questions, comments, or concerns, please do not hesitate to contact me, or come by City Hall at your convenience.

Sincerely,

Jeffrey P. Molinari
City Manager

Attachment



Pope Flynn, LLC
1411 Gervais Street, Suite 300
Post Office Box 11509 (29211)
Columbia, SC 29201
MAIN 803.354.4900
FAX 803.354.4899
www.popeflynn.com

January 11, 2021

(Electronic Distribution Only)

Mr. Jeff Molinari, City Manager
City of Walterboro
242 Hampton Street
Walterboro, SC 29488

Re: City of Walterboro – Waterworks and Sewer System Improvement Revenue Bond,
Series 2021
File No. 45.12

Dear Jeff:

We thank you for engaging Pope Flynn, LLC to serve City of Walterboro, South Carolina (the “City”) as bond counsel (“Bond Counsel”) in connection with the issuance by the City of a Waterworks and Sewer System Improvement Revenue Bond, Series 2021 (the “Bond”). The following is to establish the terms and scope of our representation. Accordingly we and the City agree as follows:

SCOPE OF ENGAGEMENT

We are advising the City in connection with the issuance and delivery of the Bond. We will act as Bond Counsel and undertake all traditional and customary work necessary to render enforceability and appropriate tax opinions at closing, including the preparation of all documents necessary to provide for the authorization, sale, and issuance of the Bond.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this engagement letter, the City constitutes our client and an attorney-client relationship will exist between us. Our services as counsel are limited to those contracted for in this letter; and the City’s execution of this engagement letter will constitute an acknowledgment of those limitations.

POPE FLYNN IS NOT SERVING AS A MUNICIPAL ADVISOR

Our firm shall not act as a “municipal advisor” or provide “advice” (as those terms are defined in the implementing rules (Rules 15Ba1-1 through 15Ba1-8, and Rule 15Bc4-1) relating to Section 15B of the Securities Exchange Act of 1934, as amended) to the City in connection with the issuance of the Bond. Our services shall be limited to those of a traditional legal nature. Our role as Bond Counsel shall not include verifying the accuracy, completeness or fairness of any

representation or information concerning the business or financial condition of the City or the sale and/or purchase of the Bond.

CONFLICTS

As you are aware, we represent many political subdivisions and companies. It is possible that during the time that we are representing the City, one or more of our present or future clients will have transactions with the City. We do not believe any current representation we have undertaken will adversely affect our ability to represent you as provided in this engagement letter, either because such matter is sufficiently different from this matter so as to make such representation not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of this matter. Should a conflict arise, we will immediately bring it to your attention.

FEES AND PAYMENT

Our fee for serving as Bond Counsel in connection with the issuance of the Bond shall be \$35,000, plus expenses.

Our legal fees are paid from the proceeds of the Bond at closing, and at such time, we will provide you with an invoice requesting payment of our Bond Counsel fee. The invoice may detail expenses incurred to date and anticipate, based on similar transactions, expenses to be incurred, not to exceed \$1,500, along with wiring instructions for payment. If you prefer a different format, please let me know. Expenses are more fully explained on the Schedule of Primary Charges, attached to this letter.

TERM OF ENGAGEMENT

As of and after the date of issuance of the Bond, Bond Counsel will not undertake to determine whether any actions taken or not taken, or any events occurring or not occurring, or any other matters coming to Bond Counsel's attention may adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bond or the market value of the Bond. Bond Counsel's engagement with respect to the Bond ends with the issuance of the Bond, and, unless separately engaged, Bond Counsel is not obligated to defend the City or owner(s) of the Bond in the event of an audit examination by the IRS.

If the foregoing terms are acceptable to you, please so indicate by returning a copy of this engagement letter dated and signed by an authorized officer, retaining a copy for your files.

I look forward to working with you.

Best Regards,



Lawrence E. Flynn III

WE AGREE TO THE TERMS OF THIS ENGAGEMENT LETTER FOR LEGAL REPRESENTATION AS STATED ABOVE.

RE: CITY OF WALTERBORO – WATERWORKS AND SEWER SYSTEM IMPROVEMENT REVENUE
BOND, SERIES 2021
FILE NO. 45.12

CITY OF WALTERBORO, SOUTH CAROLINA

BY: _____

ITS: _____

DATE: _____

SCHEDULE OF PRIMARY CHARGES

Photocopies	10¢ per page.
Travel mileage	At IRS allowable rate – 57.5¢ per mile, effective 01/01/2020.
Other travel (airfare, hotels, lodging, meals, ground transportation)	At cost.
Postage	At cost.
Express courier services (<i>i.e.</i> , FedEx)	At cost.
Out-of-Office messenger costs	\$5 plus mileage charges indicated above.
Electronic legal research	WestLaw electronic legal research: You will be billed \$15.00 per use, unless additional charges are incurred, which will be applied at their actual cost to your file.
Newspaper Publication	At cost – billed at the time of receipt of invoice from newspaper.



MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
DATE: January 28, 2021
SUBJECT: Emergency Generator and Chlorination System – Mable T. Willis Blvd. Well

The Utilities Department accepted bids to install an emergency generator and a chlorination system at the Mable T. Willis Blvd. Well on January 19, 2021. The City received bids from four (4) contractors as follows:

<u>Contractor</u>	<u>Bid</u>
Pinholster Construction, LLC (Savannah, GA)	\$223,400.00
A.C. Shultes of Carolina, Inc. (Rocky Point, NC)	\$275,119.00
Level Utilities, LLC (Georgetown, SC)	\$395,032.00
American Enterprises of Beaufort, LLC (Beaufort, SC)	\$673,000.00

Pinholster Construction, LLC (Savannah, GA) submitted the low bid with a base bid price of \$223,400.00. The total cost of the project will be \$1,357,889. The City was awarded a \$1 million RIA grant for construction of the project and a \$265,988 principal forgiveness loan from the SC DHEC State Revolving Fund (SRF) which includes \$165,996 for the construction of the emergency generator and chlorination system as well as \$99,992 for engineering costs. The FY 2020-2021 Enterprise Fund budget allocated \$277,000 for the construction of the well. Including the principal forgiveness loan, the City's match will be reduced from \$277,000 to \$91,901. Staff recommends the selection of Pinholster Construction, LLC as the low qualified bidder in the amount of **\$223,400.00**.

Sincerely,

Jeffrey P. Molinari
City Manager

Attachments

MEMORANDUM

To: Jeff Molinari, City Manager

From: Wayne Crosby, Utilities Director

Re: Emergency Generator & Chlorination System
Mable T. Willis Boulevard Well

Date: 1/27/2021

The City of Walterboro's Utilities Department accepted bids to install an Emergency Generator and a Chlorination System at the Mable T. Willis Well on January 19, 2021. The City received bids from four (4) contractors. A copy of the certified bid tabulation is attached. All bids were found to be responsive.

Pinholster Construction LLC, dba PINCO, submitted the low bid with a base bid price of \$223,400.00. PINCO is currently finalizing the construction of the Mable T. Willis Well itself.

Based on a review of their qualifications and consultations with references, we are of the opinion that PINCO is both qualified and capable of performing the Emergency Generator & Chlorination System Installations for the Mable T. Willis Well. It is therefore staff's recommendation to award the Construction Contract to Pinholster Construction LLC, dba PINCO for the base bid price of \$223,400.00.

The City of Walterboro was awarded a \$265,988.00 principal forgiveness loan from the SCDHEC-State Revolving Fund (SRF) which included \$165,996 for construction of this project. We are finalizing a request to the SCDHEC-SRF to increase the construction budget from \$165,996 to \$223,400.

BID TABULATION
EMERGENCY GENERATOR & CHLORINATION FOR MABLE T. WILLIS BOULEVARD WELL
CITY OF WALTERBORO
JANUARY 19, 2021



Rank	Bidder	Lump Sum Price
1	Pinholster Construction, LLC, dba PINCO	\$223,400.00
2	A.C. Schultes of Carolina, Inc.	\$275,119.00
3	Level Utilities, LLC	\$395,032.00
4	American Enterprises of Beaufort, LLC., dba Pinckney Well Drilling	\$673,000.00

Hybrid Engineering, Inc.

C. Douglas Clary, Jr., P.E.



MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
DATE: January 27, 2021
RE: CDBG Prioritization

Pursuant to the goals and objectives adopted by City Council, I recommend the following CDBG priority needs for the next funding cycle.

1. Public Infrastructure and Facilities
 - Upgrades of water and sewer lines as needed
 - Other projects as identified
2. Community Enrichment
 - Demolition of properties that are attractive nuisances
 - Adaptive reuse of existing structures
 - Others as identified
3. Projects that address preparing for, responding to, and preventing coronavirus.
4. Special Projects as identified.
 - Trail connector for Wildlife Center and Wildlife Sanctuary
 - Other projects as identified
5. Multiple Activity Neighborhood Improvement Projects
 - Neighborhoods as identified
6. Economic Development projects as identified.

If you have any questions, comments or suggestions, please do not hesitate to call me or come by City Hall at your convenience.

Sincerely,

Jeffrey P. Molinari
City Manager