

Telephone: 843-549-2545

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# City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0009

## Walterboro City Council

Regular Meeting

October 22, 2013

City Hall

6:15 P.M.

### A G E N D A

#### I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

#### II. Public Input on Agenda Items:

#### III. Presentation:

1. Mr. Leonard Matarese, ICMA Center for Public Safety.

#### IV. Approval of Minutes:

1. Minutes of the October 8, 2013 Public Hearing and Regular Meeting (Minutes attached).

#### V. Old Business:

1. **Ordinance # 2013-11**, An Ordinance Authorizing the City of Walterboro to Join with the Walterboro - Colleton County Airport Commission and the County of Colleton in Waiving a Right of First Refusal to Purchase Eight (8) Acres, More or Less, of Land in Connection with the Sale of the Land by Marketing Services International, LLC to Universal Distributors, LLC, **Second Reading and Adoption** (Ordinance attached).

#### VI. New Business:

1. Request to Close Streets from 8:00 A.M. to 10:00 A.M. for First Annual Santa Sprint and 5K Run and Use of City Parking Lot from 10:00 A.M. to 11:00 A.M. on December 7, 2013 by Colleton County Arts Council (Letter attached).
2. Request to Close Streets from 6:00 P.M. to 10:00 P.M. for Oyster Roast/Crab Crack Fundraising Event on November 23, 2013 by CTS/CHS Alumni Association, Inc. (Letter attached).

Page -2-  
City Council Meeting  
Agenda  
October 22, 2013

**VI. New Business (Cont):**

3. Designation of Voting Delegate and Alternate for NLC  
Congress of Cities and Exposition in Seattle, Washington  
November 13-16, 2013 (Letter attached).

**VII. Committee Reports:**

**VIII. Executive Session:**

**IX. ADJOURNMENT.**

## **DRAFT**

Walterboro City Council  
Public Hearing and Regular Meeting  
October 8, 2013

### **MINUTES**

A Public Hearing and Regular Meeting of City Council was held at City Hall on Tuesday, October 8, 2013 at 6:15 P.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Jimmy Syfrett, Paul Siegel, Tom Lohr, Bobby Bonds and James Broderick. (NOTE: Vacant seat remains due to passing of Councilman Randy Peters). Interim City Manager Jim Duckett, City Clerk Betty Hudson, City Attorney George Cone along with Attorney Clint Campbell were also present. There were approximately 21 persons present in the audience.

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

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

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

No comments or questions were received.

### **PUBLIC HEARING:**

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

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

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

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

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

### **OLD BUSINESS:**

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

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

### **NEW BUSINESS:**

## DRAFT

Walterboro City Council  
Public Hearing and Regular Meeting  
October 8, 2013

### MINUTES/Page II

1. **Ordinance # 2013-11**, An Ordinance Authorizing the City of Walterboro to Join with the Walterboro - Colleton County Airport Commission and the County of Colleton in ~~Declining~~ **(Waiving)** a Right of First Refusal to Purchase Eight (8) Acres, More or Less, of Land in Connection with the Sale of the Land by Marketing Services International, LLC to Universal Distributors, LLC, **First Reading by Title Only**.

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

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

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

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

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

A motion was made by Council Member Lohr, seconded by Council Member Siegel giving **First Reading by Title Only** to Ordinance # 2013-11, being: An Ordinance Authorizing the City of Walterboro to Join with the Walterboro - Colleton County Airport Commission and the County of Colleton in **Waiving** a Right of First Refusal to Purchase Eight (8) Acres, More or Less, of Land in Connection with the Sale of the Land by Marketing Services International, LLC to Universal Distributors, LLC.

## **DRAFT**

Walterboro City Council  
Public Hearing and Regular Meeting  
October 8, 2013

### **MINUTES/Page III**

The motion passed unanimously.

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

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

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

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

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

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

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

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

### **COMMITTEE REPORTS:**

1. There were no Committee Reports given.

### **EXECUTIVE SESSION:**

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

The meeting then convened into Executive Session.

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

**DRAFT**

Walterboro City Council  
Public Hearing and Regular Meeting  
October 8, 2013

**MINUTES/Page IV**

There being no further business to consider, a motion to adjourn was made by Council Member Broderick, seconded by Council Member Lohr and passed unanimously. The Mayor adjourned the meeting at 7:55 P.M. Notice of this meeting was distributed to all local media and posted on the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Betty J. Hudson  
City Clerk

**ORDINANCE # 2013-11**

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

**WHEREAS**, the City Council of the City of Walterboro acting approved the execution of the hereinbelow referenced deed on behalf of the City by Ordinance No. 2009-01 adopted January 27, 2009; and

**WHEREAS**, the City of Walterboro joined with the Walterboro - Colleton County Airport Commission and the County of Colleton in a deed conveying eight (8) acres, more or less, to Marketing Services International, LLC, a South Carolina limited liability company by indenture deed dated February 23, 2009 and recorded February 25, 2009 in Deed Book 178 at page 231 in the Office of the ROD for Colleton County, South Carolina; and

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

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

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

**WHEREAS**, The Walterboro - Colleton County Airport Commission has requested that the City of Walterboro and the County of Colleton join with it waiving their right of first refusal in this transaction, **NOW, THEREFORE**,

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

**SECTION I**

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

**Description of Property to be conveyed:**

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

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

This being the same property conveyed to Marketing Services International LLC by the Walterboro - Colleton County Airport Commission, the County of Colleton and the City of Walterboro by Indenture Deed dated February 23, 2009 and recorded February 25, 2009 in Deed Book 178 at page 231 in the Office of the ROD for Colleton County, South Carolina, plus the improvements that have been constructed or placed on the real estate since that time.

#### SECTION II

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

#### SECTION III

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

**ADOPTED**, THIS 22<sup>nd</sup> DAY OF OCTOBER, 2013.

\_\_\_\_\_  
William T. Young, Jr.  
Mayor

ATTEST:

\_\_\_\_\_  
Betty J. Hudson  
City Clerk

First Reading By Title Only: October 8, 2013  
Second Reading: \_\_\_\_\_

October 9, 2013

**Dear Mayor and City Council:**

On behalf of the Colleton County Arts Council, I respectfully request permission to host the First Annual Santa Sprint and 5K run on December 7th in the downtown area.

Please note the details to follow:

1. **Sponsored by the Colleton County Arts Council**  
**Tee Shirt Sponsor: Colleton Medical Center**  
**Water Sponsor : Bilo Foods**
2. **Proposed Date: December 7, 2013**
3. **Time: 8-10 am**  
**With celebration in the downtown parking lot to follow 10-11 am.**
4. **Proposed Route: See attachment.**
5. **Estimated participants: 100**  
**Open to everyone.**  
Adults \$20 in advance \$25 Gate registration  
Children 11 and up \$10; Children 10 and under free with paid adult.

The event is raise funds for the Junior Arts Council for local programming and will serve to educate children and parents on ways to keep healthy during the holidays.

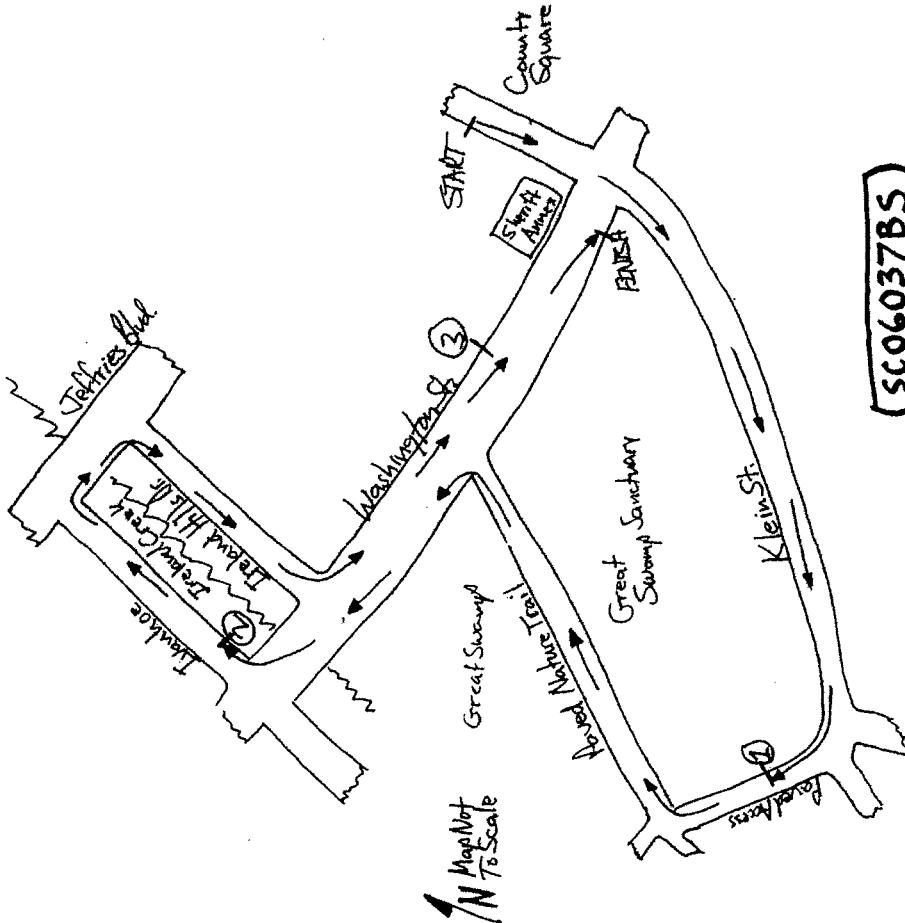
For further information, please contact Dee Medlock, CCAC Director, at **599-7335**.

Thank you.

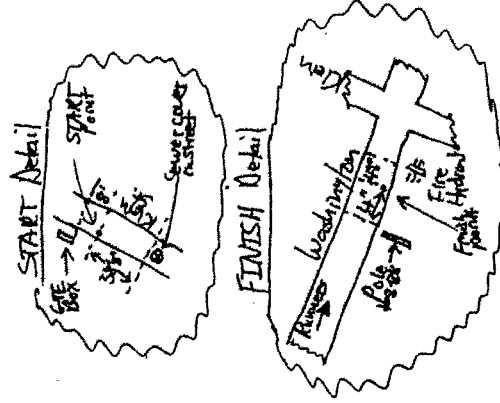
# Great Swamp Sanctuary 5KM Walterboro, S.C.

## Location of Key Points

- START:** On Klein St. in the County Square.  
Point is 388' Northeast of a sewer cover in street and 8' Southwest of GTE cable box #120267 P205
- 1 MILE:** On Access trail from Mayfield Park Airwing Lot. Point is 346' Northwest of parking lot.
- 2 MILE:** On Iwanhoe beside Ireland Creek. Point is 81' Northeast of Washington St.
- 3 MILE:** On Washington St. near County Maintenance building. Point is 1710' Northeast of SCE&G Bldg #172102 and 200' Southwest of a GTE Buried Cable Box.
- FINISH:** On Washington St. Point is 46" Northwest of a fire hydrant and 4' Southeast of GTE Pole #8-88.



Course Measured by: Danny White (RMS)  
10-16-86



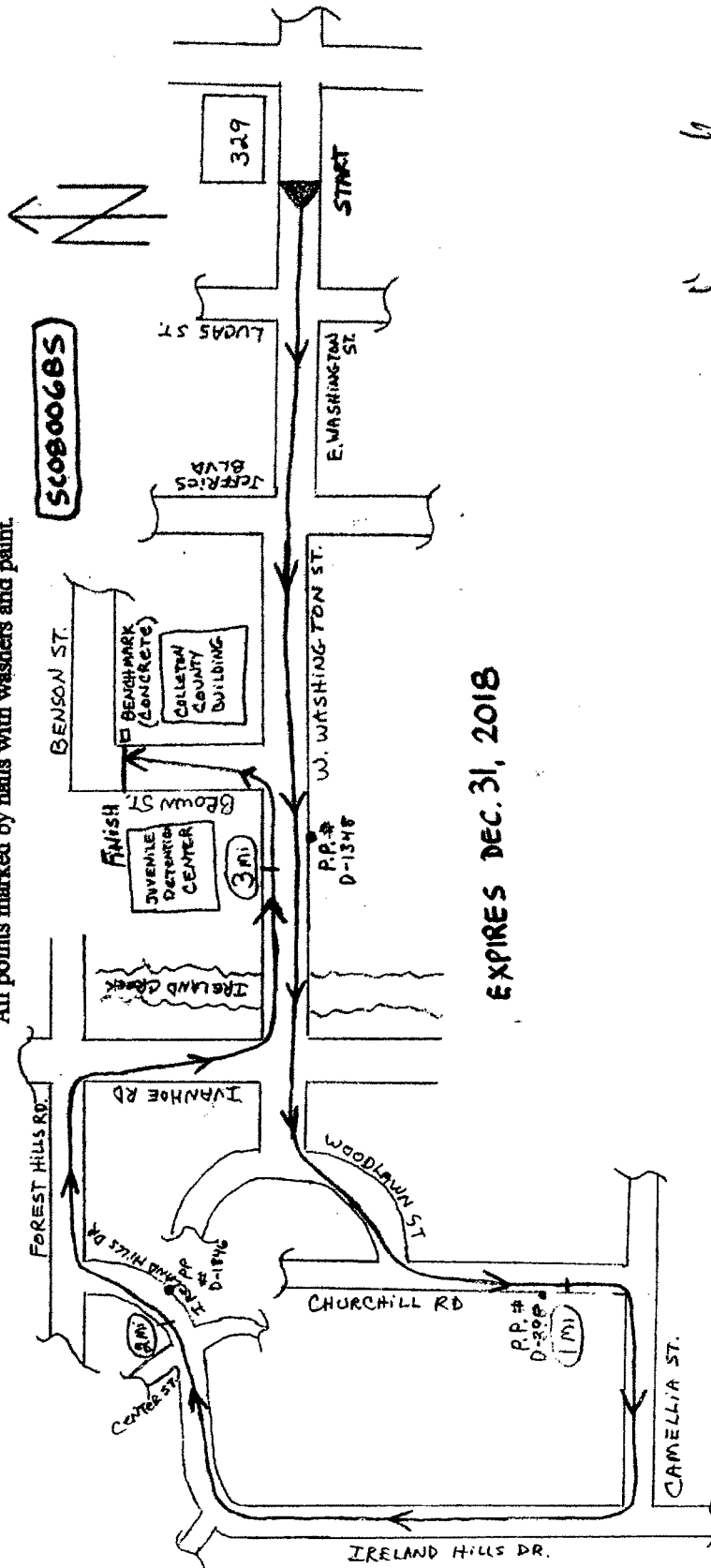
11A

# Rice Run/Walk 5K

Walterboro, SC

Measured for certification by Mike Chodnicki March 22, 2008

- Start:** On East Washington St., even with the west edge of building at 329 E. Washington St.
- 1 Mile:** On Churchill St., 12 feet south of power pole # D-398, near the intersection with Camellia St.
- 2 Mile:** On Ireland Hills Rd., 30 feet west of power pole # D-1846, across from 313 Ireland Hills Rd.
- 3 Mile:** On West Washington St., 10 feet west of power pole # D-1348. (mark is on north side of road)
- Finish:** On Brown St., mark is even with center of concrete benchmark located at the intersection with Benson St.
- All points marked by nails with washers and paint.



EXPIRES DEC. 31, 2018



## CTS/CHS Alumni Association, Inc.

James Edward Simmons, Founder

### Board of Directors

Herman G. Bright, President

Franklin R. Smalls, Vice-

President

Anna J. Stevens Bright, Secretary

Patricia C. Grant,

Treasurer

Queenie L. Crawford, Ed. D., Scholarship Chairperson

Lloyd E. Jones, Fundraising

Chairman

Paula H. Todd, Member-at-Large

P. O. Box 334

Walterboro, South Carolina 29488

Email: [ctschs@gmail.com](mailto:ctschs@gmail.com)

(843) 217-5000

(843) 549-7101

(843) 217-1163

## Preserving a Legacy of a Rich Tradition of School and Community for Posterity

October 15, 2013

Office of the Mayor and City Council  
The City of Walterboro  
242 Hampton Street  
Walterboro, South Carolina 29488

Dear Mayor Young and Members of the City Council:

This letter comes as a request for our association to be placed on the agenda for the upcoming (October 22, 2013) City Council meeting. Our association has planned an Oyster Roast/Crab Crack, a fundraiser for our ongoing projects and general operational funds, on Saturday, November 23, 2013, from 6:00 p.m.-10:00 p.m. The focus of our request is to have a portion of Gruber Street, between Margaret and Ackerman Streets, closed for this event. Further, we are requesting the barricades as well.

On behalf of the CTS/CHS Alumni Association, Inc., thank you in advance for your consideration of this very important matter. If you should have any questions or concerns, please feel free to contact us using the information above.

Sincerely yours,

Herman G. Bright, President

# NATIONAL LEAGUE of CITIES

## 2013 Officers

**President**  
**Mario Lopez Rogers**  
Mayor  
Avondale, Arizona

**First Vice President**  
**Chris Coleman**  
Mayor  
Saint Paul, Minnesota

**Second Vice President**  
**Ralph E. Becker**  
Mayor  
Salt Lake City, Utah

**Immediate Past President**  
**Ted Ellis**  
Mayor  
Bluffton, Indiana

**Executive Director**  
**Clarence E. Anthony**

September 30, 2013

Betty Hudson  
City Clerk  
City of Walterboro  
PO Box 709  
Walterboro, SC 29488-0008

Dear City Clerk Hudson:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, November 16, 2013, at the conclusion of the Congress of Cities and Exposition in Seattle, Washington. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2010 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found below.

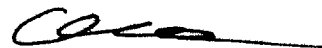
POPULATION	VOTES	POPULATION	VOTES
Under 50,000	1 vote	500,000 – 599,999	12 votes
50,000 – 99,999	2 votes	600,000 – 699,999	14 votes
100,000 – 199,999	4 votes	700,000 – 799,999	16 votes
200,000 – 299,999	6 votes	800,000 – 899,999	18 votes
300,000 – 399,999	8 votes	900,000 and above	20 votes
400,000 – 499,999	10 votes		

To be eligible to cast a city's vote, a voting delegate and alternate(s) must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up and sign for the city's voting card at the Ask NLC Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Ask NLC Booth will be open during scheduled times throughout the Congress of Cities and Exposition.

**Please return the completed form to NLC by fax (202-626-3109) before October 31, 2013, and keep the original for your files. If you have any questions, please contact Mae Davis, Member Relations Representative at [mdavis@nlc.org](mailto:mdavis@nlc.org) or 202-626-3150; or contact Gail Remy, Director of Member Relations at [remy@nlc.org](mailto:remy@nlc.org), or 202-626-3026.**

Thank you,



Clarence E. Anthony  
Executive Director

Enclosure





CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2013 CONGRESS OF CITIES AND EXPOSITION · SEATTLE, WASHINGTON

At the Annual Business Meeting on Saturday, November 16, 2013, from 2:30 p.m. to 4:30 p.m., each direct member city of the National League of Cities (NLC) is entitled to cast from one to 20 votes based upon the city's population per the 2010 census, through its designated voting delegate. Please indicate below your city and state, your voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, or mailed to National League of Cities, Attn: Mae Davis, 1301 Pennsylvania Ave., NW, Washington, DC 20004, by the October 31, 2013, deadline.

The official voting delegate and alternate(s) for the:

City of Walterboro, SC

VOTING DELEGATE:

1. NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ALTERNATE VOTING DELEGATE(S):

2. NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

3. NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

<p>FOR OFFICE USE ONLY (DO NOT WRITE IN THIS SPACE)</p> <p>Voting card issued to:</p> <p>_____ (signature)</p> <p>Votes: (1)</p>
--

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 31, 2013  
ATTENTION: MAE DAVIS, MEMBER RELATIONS REPRESENTATIVE  
FAX: 202-626-3109

Signature (city representative): \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_