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# City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

## Walterboro City Council Regular Meeting January 10, 2012 City Hall 6:15 P.M.

### A G E N D A

#### I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

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

#### III. Approval of Minutes:

1. Minutes of the November 22, 2011 Regular Meeting (Minutes attached).

#### IV. Old Business:

#### V. New Business:

1. **Ordinance # 2012-01**, An Ordinance Authorizing the City of Walterboro to Convey a Forty Foot by Forty Foot Parcel of Land to RRW Construction, Inc., in Exchange for a similar Sized Parcel of Land, **First Reading** (Ordinance attached).
2. **Resolution # 2012-R-01**, A Resolution to Authorize the Mayor of the City of Walterboro, or His Designee, to Sign an Agreement with Coastal Electric Corporative, Inc., for the Purpose of Construction of Infrastructure and/or Other Qualifying Projects Within the I-95 (Exit 57) and S.C. Highway 64 Water Project and Other Qualifying Projects Owned by the City (Resolution and Contract attached).
3. Consideration of Recommendation to Purchase a Yard Trash Colleton Dump Truck for Public Works Department (Memorandum attached).
4. Request to Use City Parking Lot for Barbeque Cookout, March 17, 2012, by North Walterboro Baptist Church (Letter attached).
5. Request for Street Closing for Martin Luther King Jr. Day Parade January 15, 2012 (Permit request attached).

6. Consideration of Canceling or Rescheduling the February 14, 2012 and the March 13, 2012 City Council Meeting.

**VI. Committee Reports:**

1. Update on Youth Advisory Commission - Council Member Tom Lohr.

**VII. Executive Session:**

1. Discussion of negotiations incident to proposed contractual arrangements.

**VIII. ADJOURNMENT.**

Walterboro City Council  
Regular Meeting  
November 22, 2011

### **MINUTES**

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 22, 2011, at 6:15 P.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Mayor Bill Young, Council Members: Paul Siegel, Dwayne Buckner, Charles Lucas, Randy Peters, Tom Lohr and Bobby Bonds. City Manager Jeff Lord and City Attorney George Cone were also present. City Clerk Betty Hudson was absent. There were approximately 10 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and welcomed everybody to the meeting. The Mayor then asked everyone to keep City Clerk Betty Hudson in their prayers who was visiting a sick brother in Arkansas.

Council Member Lohr gave the invocation and Council Member Buckner led the pledge of Allegiance to our flag.

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

The Mayor then stated that there were no agenda items unless somebody wants to have some input on the minutes. No public comments were received.

### **APPROVAL OF MINUTES:**

The Minutes of the November 8, 2011 Regular Meeting were approved as submitted on the motion of Council Member Peters, seconded by Council Member Lucas and passed with all members voting in favor.

### **OLD BUSINESS:**

There was no Old Business before Council.

### **NEW BUSINESS:**

There was no New Business before Council.

### **COMMITTEE REPORTS:**

There were no Committee Reports given.

The Mayor then entertained a motion to enter into an Executive Session. A motion was made by Council Member Lucas, seconded by Council Member Buckner, to enter an Executive Session. The motion passed unanimously.

The Mayor announced that the meeting would enter an Executive Session for a discussion of negotiations incident to proposed contractual arrangements. The meeting then convened into Executive Session.

The meeting returned to Open Session and there being no further business to consider, a motion to adjourn was made by Council Member Peters, seconded by Council Member Siegel and passed unanimously. The Mayor adjourned the meeting at 6:45 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 # 2012-01**

**AN ORDINANCE AUTHORIZING THE CITY OF WALTERBORO TO  
CONVEY A FORTY FOOT BY FORTY FOOT PARCEL OF LAND TO  
R.W. CONSTRUCTION, INC. IN EXCHANGE FOR  
A SIMILAR SIZED PARCEL OF LAND**

**WHEREAS**, the City of Walterboro previously acquired the following site for use as a pump station site:

ALL that certain piece, parcel or lot of land shown on a Plat of W. Gene Whetsell, RLS, dated October 23, 1976, and recorded August 24, 1977, in Plat Book 18 at page 47 and now of record at Plat Slide 337 in the Office of the ROD for Colleton County, South Carolina, measuring Forty Feet (40') on the North, East, South, and West and bounded on the North by Jackson Street (S-15-575) and on the East, South and West by lands of RRW Construction, Inc., all of which will more fully appear by reference to the above-mentioned plat.

This being the same property conveyed to City of Walterboro by Deed of Raleigh R. Williams dated August 8, 1977 and recorded August 19, 1977 in Deed Book 191 at page 302, in the Office of the ROD for Colleton County, South Carolina.

and

**WHEREAS**, the pump station was actually built on the below described parcel of land and the above described parcel of land is not being used by the City; and

**WHEREAS**, the City of Walterboro now wishes to acquire the following site for use as a pump station site:

ALL that certain piece, parcel or lot of land shown on a Plat of Jerry L. Fowler, RLS, dated November 18, 2011, and recorded December 8, 2011, in Plat Book/Cabinet 849 at page 1, in the Office of the ROD for Colleton County, South Carolina, measuring Forty Feet (40') on the North, East, South, and West and bounded on the North by Jackson Street (S-15-575) and on the East, South and West by lands of RRW Construction, Inc., all of which will more fully appear by reference to the above-mentioned plat.

This being a portion of the property conveyed to RRW Construction, Inc., by Deed of I. A. Smoak, III Special

Referee dated September 10, 1998 and recorded September 10, 1998 in Deed Book 827 at page 148, in the Office of the ROD for Colleton County, South Carolina.

Portion of TMS # 178-08-00-118

and

**WHEREAS**, RRW Construction, Inc. has agreed to swap the second above described parcel of land for the first above parcel of land as an accommodation to the City;

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

That the City of Walterboro convey to RRW Construction, Inc. the first above described parcel of land in exchange for the second above described tract of land; and

That the Mayor and City Clerk of the City of Walterboro be, and they are, hereby authorized and empowered on behalf of the City of Walterboro to execute and deliver a deed to said first above described parcel of land to RRW Construction, Inc., and to execute such other documents as may be necessary or desirable in connection with the exchange of the two parcels of land.

**ADOPTED**, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

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

ATTEST:

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

**RESOLUTION NO. 2011-R-01**

**TO AUTHORIZE THE MAYOR OF THE CITY OF WALTERBORO, OR HIS  
DESIGNEE, TO SIGN AN AGREEMENT WITH COASTAL ELECTRIC  
CORPORATIVE, INC., FOR THE PURPOSE OF CONSTRUCTION OF  
INFRASTRUCTURE AND/OR OTHER QUALIFYING PROJECTS WITHIN THE  
I-95 (EXIT 57) AND S.C. HIGHWAY 64 WATER PROJECT AND  
OTHER QUALIFYING PROJECTS OWNED BY THE CITY**

**WHEREAS**, the City and the Cooperative desire to provide infrastructure and/or other qualifying projects within the I-95 (Exit 57) and S.C. Highway 64 Water Project and other qualifying projects owned by the City; and,

**WHEREAS**, the project(s) will benefit both parties, as well as the citizens of this area,

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

RESOLVED that the Mayor or his designee be and he or his designee is hereby authorized to enter into the attached contract or a contract of substantially similar import with Coastal Electric Cooperative Inc. on behalf of the City of Walterboro.

**DONE**, this 10<sup>th</sup> day of January, 2012.

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William T. Young, Jr.  
Mayor

ATTEST:

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Betty J. Hudson  
City Clerk

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

} CONTRACT

WHEREAS, the City of Walterboro, hereinafter referred to as "Government" and Coastal Electric Cooperative, Inc., on its behalf, hereinafter referred to as "Cooperative", wish to enter into this agreement; and

WHEREAS, certain Cooperatives through Coastal Electric Cooperative, Inc., are making a contribution to the Government pursuant to the South Carolina Rural Development Act for taxes for 2011; Thirty Seven Thousand Three Hundred Seventy Five and 00/100 (\$37,375.00) Dollars from the RDA Pool Fund of the Electric Cooperatives of South Carolina, Inc., (Sixteen Thousand Seven Hundred Fifty and 00/100 (\$16,750.00) Dollars from Central Electric Power Cooperative, Inc.; Twenty Thousand Six Hundred Twenty Five and 00/100 (\$20,625.00) Dollars from Edisto Electric Cooperative, Inc.) and One Hundred Five Thousand and 00/100 (\$105,000.00) Dollars from Coastal Electric Cooperative, Inc. (jointly referred to as "Cooperative") all handled through Coastal Electric Cooperative, Inc.; and

NOW THEREFORE, for and in the consideration of One Hundred Forty Two Three Hundred Seventy Five and 00/100 (\$142,375.00.00) Dollars, paid from Cooperative to the Government, the receipt of which is hereby acknowledged, as well as the other rights, duties and obligations as set out below, the parties agree as follows:

1. That the Cooperative is a rural electric cooperative organized and existing under the laws of the State of South Carolina and as such is eligible to take advantage of the South Carolina Rural Development Act (Act No. 462) of 1996.

2. That Government is a political subdivision of the State of South Carolina and a body politic organized under the laws of the State of South Carolina.

3. That Cooperative intends to provide monies to the Government for the construction of infrastructure and or qualifying projects within the I-95, Exit 57 and S.C. Highway 64 Water Project owned and controlled by the Government and other projects owned by the Government within the City of Walterboro provided that any and all projects must qualify under the South Carolina Rural Development Act (Act Number 642 of 1996, as amended) and other applicable state laws.

4. That Cooperative, under the South Carolina Rural Development Act of 1996, is allowed to apply for credit against their tax liability for amounts paid in cash to provide infrastructure for qualifying projects as prescribed in Section 12 of the South Carolina Rural Development Act of 1996.

5. The I-95, Exit 57 and S.C. Highway 64 Water Project and/or projects to be funded are owned by or will be controlled by the Government and has received the necessary state and local government approvals to be deemed as "qualifying project" as

that term is defined in the South Carolina Rural Development Act. The Government hereby warrants that this project is a Qualifying Project as defined in the South Carolina Rural Development Act of 1996.

6. That Government has requested and the Cooperative has agreed to invest dollars in infrastructure payments or qualifying projects that the Cooperative would otherwise have paid as part of their license liability to the State of South Carolina, through the Department of Revenue.

7. That Government agrees to use these funds only for infrastructure improvements or qualifying projects set out and approved by the South Carolina Rural Development Act of 1996 and other applicable state laws.

8. That Government and the Cooperative agree to abide by any and all stipulations, conditions, and requirements of the South Carolina Rural Development Act, including but not limited to any and all necessary filings made necessary by the Act upon request of these funds.

9. That if, and in the event, that Government fails, or otherwise refuses to use the funds contributed by the Cooperative, Government hereby agrees to take any and all such steps as are necessary to repay those funds immediately to the Cooperative or in the alternative to pay them on behalf of the Cooperative to the Department of Revenue. If the Government fails to take action to reimburse the Cooperative, the Cooperative shall have a cause of action against the Government for breach of this agreement.

10. That in the event the funds are not appropriately used under the South Carolina Rural Development Act and the Cooperative is (jointly and/or individually) held responsible for the payment of any or all of these funds to the State of South Carolina, Government agrees not only to repay such funds, but also agrees to pay any penalty, interest, or fines that result from the lack of or inappropriate use of said funds.

11. That the parties agree that they will both sign a form required by the South Carolina Rural Development Act waiving the statute of limitations on the State of South Carolina through the Department of Revenue for attempting to collect the above referenced funds, if and in the event they are not appropriately used under the Act and both parties agree to take all steps that would be necessary to cooperate with the Department of Revenue to see that the transfer and use of funds are appropriately handled and accounted for.

(THIS SPACE INTENTIONALLY LEFT BLANK)



WITNESS our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at  
Walterboro, South Carolina.

WITNESSETH:

CITY OF WALTERBORO

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
William T. Young, Jr.  
Its: Mayor

STATE OF SOUTH CAROLINA }  
COUNTY OF COLLETON }

ACKNOWLEDGMENT

The foregoing instrument was acknowledged by me this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_, by William T. Young, Jr., Mayor of the City of Walterboro, on  
behalf of the City of Walterboro.

(3)\_\_\_\_\_ (SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

WITNESSETH:

COASTAL ELECTRIC COOPERATIVE, INC.

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Lawrence J. Hinz  
Its: Chief Executive Officer

STATE OF SOUTH CAROLINA }  
COUNTY OF COLLETON }

ACKNOWLEDGMENT

The foregoing instrument was acknowledged by me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by Lawrence J. Hinz Chief Executive Officer of Coastal Electric Cooperative, Inc.,  
a South Carolina corporation, on behalf of the corporation.

(3)\_\_\_\_\_ (SEAL)  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

**City of Walterboro -  
Public Works Dept.,  
P.O. Box 709  
Walterboro, S. C.  
29488**

## **Memo**

**To: Mayor and Council**

**From: Director of Public Works, Charlie C. Chewning, Jr.**

**CC: City Manager, Jeff Lord**

**Date: 1/5/2012**

**Re: Equipment Quotes for Public Works**

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The following quotes were obtained from equipment dealers for a Yard Trash Collection Dump Truck.

Nu-Life Environmental – 20' Dump Body Mounted on 2012 Ford F-750 –

\$ 76,535.00

Dick Smith Ford – 18' Dump Body Mounted on 2012 Ford F-750 -

\$73,484.00

Amick Equipment Co. – 18' Dump Body Mounted on 2012 Ford F-750 –

\$70,457.00

Amount in Budget - \$69,043

Recommend purchase from Amick Equipment Co.

To: Walterboro City Council

From: William T. Young, Jr.  
Mayor, City of Walterboro



Date: January 6, 2012

Subj: **Request to Use City Parking Lot**

Paul Bennett has requested use of the City Parking Lot for a Barbeque Cook off on Saturday, March 17, 2012, sponsored by the North Baptist Church and others.

WTY:bh

Walterboro Shrine Club  
538 St. Peters Road  
Walterboro, SC 29488  
843-599-1923  
e-mail: [wjwhite1115@yahoo.com](mailto:wjwhite1115@yahoo.com)

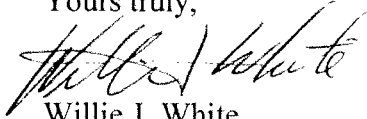
December 12, 2011

To: Mayor William T. Young, Jr. and Walterboro City Council

The Walterboro Shrine Club of Arabian Temple # 139 invites you to participate in the 25<sup>th</sup> Annual Dr. Martin Luther King, Jr. Parade that will be held on Sunday, January 15, 2012 at 2:30 P.M. Line up will begin at 1:30 P.M. on South Jefferies Boulevard near the old Silhouette Café site. The parade will proceed north towards the disbanding site at Ivanhoe Shopping Plaza.

We look forward to your continued participation and support.

Yours truly,

A handwritten signature in black ink, appearing to read "Willie J. White", written in a cursive style.

Willie J. White  
President, Shrine Club

**CITY OF WALTERBORO**  
**PARADE/PROCESSION PERMIT REQUEST**

(PLEASE PRINT INFORMATION REQUESTED)

Application Date: 12-12-11

1. Person submitting application: Willie J. White  
Address: 755 Henry St. W'boro, SC 29408  
Telephone: 843-599-1923
2. Name of Organization: Walterboro Shrine Club  
Chairperson/President: Willie J. White  
Address: 755 Henry St., W'boro, SC 29408  
Telephone: 843-599-1923
3. Parade Chairman: Herman Bright  
Address: 538 St Peters Road, Walterboro, SC 29408  
Telephone: 843-217-5000
4. Date/Time of Parade: JANUARY 15, 2012 2:30 PM
5. Parade Route requested (Attach Sketch) Jeffery Blvd.
6. Number of Vehicles/Floats: 110 Number of Animals: unknown
7. Portion (width) of street parade will occupy: full
8. Additional Information (Upon Request): \_\_\_\_\_

Willie J. White

Signature/Parade Chairman

Signature/Organization Chairperson

☒ Approval ☐ Disapproval

Otis L. Rhodes  
Otis L. Rhodes, Chief of Police

\_\_\_\_\_  
Jeff Lord, City Manager

**NOTE:** >>> Call Police Dept. (549-1811) to confirm Parade/Procession Route three days prior to parade.

# Parade Route

