

Telephone: 843-549-2545

Fax: 843-549-9795

Relay: 1-800-735-2905

City of Walterboro

242 Hampton Street

Walterboro, South Carolina 29488

Mailing Address:

Post Office Box 709

Walterboro, South Carolina 29488-0008

Walterboro City Council
Regular Meeting
January 11, 2011
City Hall
6:15 P.M.

A G E N D A

I. Call to Order:

1. Invocation.
2. Pledge of Allegiance.

II. Public Input on Agenda Items:

III. Public Hearing:

The Public Hearing for Ordinance # 2010-13 has been cancelled.

IV. Approval of Minutes:

1. Minutes of the November 23, 2010 Regular Meeting (Minutes attached).
2. Minutes of the December 14, 2010 Regular Meeting (Minutes attached).

V. Old Business:

VI. New Business:

1. **Resolution # 2011-R-01**, to Adopt the Municipal Association Legislative Agenda for 2011-2012 (Resolution attached).
2. Acceptance of Grant Award from SC Coordinating Council for Economic Development in the Amount of \$71,000, and Approval of an Intergovernmental Agreement with the Department of Juvenile Justice to Develop and Carry out Same. (Grant award and copy of Agreement Attached).
3. Notice of 2011 City Council Retreat, Location and Time (Notice attached).
4. Appeal Regarding the Restrictions on the Activities of Peddlers and Transient Merchants and Business License Requirements, Mr. Sonny Heart.

VII. Committee Reports:

VIII. Executive Session:

IX. ADJOURNMENT.

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Walterboro City Council
Regular Meeting
November 23, 2010

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, November 23, 2010, at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Tom Lohr. City Manager Jeff Lord, City Clerk Betty Hudson and City Attorney George Cone were also present. There were approximately 32 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and called on Council Member Smalls for the invocation, and Council Member Parker to lead the pledge of allegiance to our flag.

There being no objection, the Mayor presented an additional agenda item No. 1 under New Business, entitled, "Consideration of a Resolution Pertaining to the Delegation's Appointments to the Colleton County Elections Commission - Travis Avant."

PUBLIC INPUT ON AGENDA ITEMS:

Marsha Johnson, city resident, said she was glad to see the City address the resolution regarding the last election. She stated, I hope you will take it seriously, because it does fall under the question of the integrity of the voting process.

APPROVAL OF THE MINUTES:

The Minutes of the November 9, 2010 Regular Meeting were approved as submitted on the motion of Council Member Parker, seconded by Council Member Lucas, and passed with all members voting in favor.

OLD BUSINESS:

There was no Old Business before Council.

NEW BUSINESS:

1. **Consideration of a Resolution (No. 2010-R-12) Pertaining to the Delegation's Appointments to the Colleton County Elections Commission - Travis Avant** (Add-On Agenda Item)

Mr. Travis Avant appeared before Council on behalf of a group of concerned voters about the recent General Election held on November 2, 2010. He said, our concern is of the unsatisfactory administration of the entire election process by the director and the four members of the Colleton County Board of Elections and Voter Registration. Mr. Avant identified the following problems with the recent election which he said began on election day:

- 1) The newly appointed director has no experience with elections and received no professional assistance with this first election.
- 2) The precinct workers were inadequately trained and inexperienced.
- 3) The assignments of precinct workers were racially imbalanced.
- 4) In accordance with the S.C. Code of Laws, Section 7-13, subsection 7-42, too few electronic voting machines were placed at large precincts, specifically Walterboro No. 4 and Cottageville.

Mr. Avant then stated that the voters of Colleton County hold the Board of Elections and Voter Registration responsible for the adherence of the Code of Laws and the satisfactory administration of the election process. At the end of the election day on

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November 2 when the four members of the Board and the director conducted the voting results, more than 1,000 absentee votes cast in the electronic machines in the office were not included in the total count. A day later when the mis-count was realized, the director and the four members of the Board made an attempt to add those votes to the total count. Unfortunately, the director and the members of the Board erred by tabulating double counts of some of the precincts; however, they did not catch their mistake. As a result a certified result signed off by the chairperson of the Board and the three members showed 11,656 ballots cast, but 13,045 votes were cast in Colleton County for statewide elections. None of the Board members nor the director caught that discrepancy, so these erroneous counts were certified with the South Carolina Election Commission. The State Commission became aware of the inaccuracies by the Board. Even though asked by the State members and members of our group to recertify the results, they refused to do so. The chairperson argues that the law does not permit the correction of the results. The chairman of the Board has publicly refused to correct the error. Therefore, Colleton County now stands apart from the other 45 counties with incorrect election results certified as a matter of historical record. We do not believe that any law would uphold these erroneous results. We stand for the integrity of the process and fully expect an impartial election procedure that is a fundamental and constitutional right of the citizenry. The expectation is that votes will be counted accurately and that their certified results will be without error.

Mr. Avant pointed out that the Code of Colleton County Board of Elections and SC Code 7-27-280 states that, it is established that the Board of Elections and Voter Registration of Colleton County to be composed of nine (9) members. Currently, we only have four (4) members. The Board's composition is not in compliance with the law. The responsibilities for the appointments to the Board lie with the Colleton County Legislative Delegation. The Delegation is responsible for appointing members to a term of two years and to fill any vacancies when they occur. The appointee should be competent and discreet, who are qualified electors of the county.

Mr. Avant further stated, in addition to the statutes, we, the concerned voters, recommend that such appointments be made reflective of the population of Colleton County relative to race, age, sex and party political considerations. Therefore, on behalf of the group, I ask respectfully that City Council support the efforts of concerned voters to insure lawful elections by adopting a resolution requesting that Colleton County Legislative Delegation proceed with diligence and speed to "appoint a full nine-member Board of Elections and Voter Registration of qualified and capable citizens reflective of the makeup of Colleton County relative to race, age, gender and political party consideration". After all, isn't democracy the art of working together to achieve the common goals collectively?

A motion was then made by Council Member Parker to adopt the Resolution (No. 2010-R-12) as submitted. Council Member Peters seconded the motion.

Mayor Young then read the resolution in its entirety into the records. A copy of said resolution is attached as part of these minutes.

The Mayor then opened the floor to discuss the motion. Council Member Smalls asked if the County Delegation had been approached regarding this matter beforehand? Mr. Avant responded that some of the members had been approached. Council Smalls then asked, how long has this been in existence with not having a full committee? Mr. Avant responded, I don't know exactly how long, but at least throughout this past year.

Council Member Buckner then asked Mr. Avant, could you bring me up to speed as to where the citizens are in the process of appeal? Could you tell us what the group has done so far, and where the process would be for appeal. Mr. Avant then

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responded, there is a process the concerned citizens are pursuing, but because of legal advice, at this particular time, I am not at liberty to say.

Mr. Buckner responded, so, there is a process of appeal, and is the group considering appealing to the State Board of Elections? Is that the next step? Mr. Avant responded, we think so, yes.

Council Member Lucas, then asked City Attorney Cone, would that not be considered fraud, to knowingly certify something that they know is incorrect? Attorney Cone responded, "if they knowingly certified something incorrect - that would be dereliction of their duties, but I don't know the specific facts surrounding the certification and I would not like to have anything come out in the papers that either this Council or any representative of the City said anything about fraud".

Council Member Lohr made the following remarks. He stated, I have been on several boards, and usually if there is not a quorum, we don't even meet or take any action. Questions have been forwarded to me on "how can four out of nine, of this particular body act or should act as others should or have acted". How would that be even a legitimate vote? Attorney Cone responded, I have not reviewed the by-laws or other operating laws or regulations under which they operate, and this is an assumption that always get you in trouble that a quorum of the seated members is sufficient to conduct business - the members present at the meeting and if there were four of them, then three would be a quorum. Asking Attorney Cone to speculate, Council Member Lohr then said, let's assume the number goes down to three, then two and then one. Is one sufficient? Attorney Cone responded, my speculation would be that it would be sufficient.

Council Member Lohr then made the following additional comments.

- 1) This is probably a very appropriate resolution. Let me also mention some issues, I quit counting at 9 telephone calls.
- 2) I raise a couple of other questions that I think are worthy of our thought. Mr. Avant, your group, I am sure can do without my help, but perhaps those people who contacted me would like for me to at least share their comments.

It took us numerous years, and I think we came to the right conclusion around 1920 to allow women the right to vote. Unfortunately, it took us a lot longer than that for us to involve our black citizens, at least in our county. Half of our population, its talents were not tapped, and I think that's a shame, but we corrected that. So, they were inhibited from voting, and sometimes by law. I proposed and these folks proposed and I am sharing this with you, to look at the arrangements that were made in Walterboro No. 4 (where I vote and I am retired and it took all day for me to vote). People who tried to get off in the morning on the way to work had no luck, came back by lunch had no luck, and usually ended up voting that night, if they voted. I contend that arrangement is an inhibiting factor to their right to vote. I would also ask you, Mr. Avant, to consider contacting the United States Justice Department on behalf of at least 9 or 10 people who contacted me. In the discussion, they were not lawyers and neither am I, but I think that particular arrangement (while I am not saying was on purpose) was a complete dereliction of duty. Certainly some action needs to be considered on that. As I understand it, a former chairperson of the Election Commission, Mr. Bert Duffie, called this to the attention of the Legislative Delegation back in 2007.

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Attorney Cone then stated, based on the percentage of registered voters that voted in Walterboro No. 4 being in the double digits percentage wise was lower than all the other precincts in the county, that would bear out what Mr. Lohr is stating.

Council Member Buckner then asked Attorney Cone, could you tell us how we as a City, what grounds do we have from a legal standpoint to be entangled with a county or state function? Attorney Cone responded, this would be the First Amendment to the Constitution - Freedom of Speech. All you're doing is saying what City Council thinks. It does not carry any more weight than a resolution by any other large group. As a City Council, if you think this is the will of the people of the City and represents what the people of the City would have you to say, then City Council has a right to speak for them, and under the First Amendment, they can address issue that are very disparate. This is an issue that falls fully within the right of the City Council to address, and the City Council should consider in each resolution whether it is wise to get involved in making a resolution. That is a decision that each of you have to make, based on serving as a City Councilman and knowing the responsibilities of the job.

Council Member Peters then stated, we are all citizens of Colleton County, to answer Mr. Buckner's question. So, I think that as a City Councilman, I have as much right to propose this resolution or to vote on this resolution as anybody, and also to join Mr. Avant's group if I so desire. My question to Mr. Avant's group, is this strong enough language? Is this suitable to you for what you want us to pass? Of course, this is the first time we have seen it. If you think it needs to be stronger, then I am certainly for taking a look at something different. Mr. Avant responded, we think it is suitable.

Council Member Peters then pointed out, in response to Ms. Johnson's question about the election coming up, the city runs its own election. Therefore, whether we vote or this or don't vote on this, is not going to affect the City Election anyway, because we don't get the county involved in our elections. The City has its own Election Commission that directs its own election. We can go to them (the county) for advice, to borrow their machines, and we can go to them if we want to, but we have our own Election Commission. We can decide to vote on Saturdays if we want to instead of Tuesdays or use paper ballots rather than voting machines if we want to. However, that is not going to influence what we are doing here as far as our voting on this proposal. This is a very good proposal, this needs to be done. The Delegation needs to get off the table and do their job. A lot of it has to do with the fact that we don't have one particular representative in Colleton County, whether it be a senator or a representative. I mean, we are split up. I think we are starting at a good place with City Council backing this. If we can get our County Council to come behind it, and other groups like yours, I think we can get the job done.

With the approval of the Mayor, Council Member Buckner then asked Mr. Avant, has your group contacted the Delegation, our senators and representatives, and voiced your concerns to them? If so, what was their response to your concerns? Mr. Avant responded, we have contacted some of the Delegation Members. We have not contacted all. I think it would be appropriate if they responded to this.

Council Member Lohr then stated, I am not sure it's our responsibility since they know there have been mistakes made. There's a lot I don't know. The only thing I do know and I am not putting George or the Press on the spot. I think we have heard from two of six (Delegation members) so far, who have made comments about it.

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Mayor Young then stated, I want to echo what Councilman Peters has said. We are approaching a time now where we are getting into redistricting. One of the biggest problems we face in Colleton County is that we can't elect somebody that represents us. We really need to make our voices heard. We need to get the districts redrawn so that a Colletonian can be elected, somebody who lives here, whether he's black, white, Republican or Democrat. He needs to be a Colletonian. As we go through the redistricting process that is coming up now, we need to let people like Glenn McConnell know and others. We have been split up long enough, and it's time we have a representative who lives here and represents us, and then some of these problems would go away. We just don't have that now.

The motion to adopt the resolution (No. 2010-R-12) as submitted then passed with a vote of 6/1, with Mayor Young, Council Members Peters, Lucas, Parker, Smalls and Lohr voting in favor and Council Member Buckner voting against the motion for adoption.

At this point, the Mayor recognized and welcome Councilman Gene Whetsell of the Colleton County Council to the meeting.

2. Reconsideration of Bids Received for Three (3) Vehicles for Police Department

City Manager Lord stated he regretted that a mistake had been made at the last Council Meeting when he reported the bid figures for the purchase of three police vehicles. He said, I gave you the wrong data. The inaccuracy was in the calculation of taxes that were associated with the vehicles. The bid from Walterboro Motor Sales was reported to you at \$102,222.00 and it is actually \$100,422.00. The mistake we made is that we added \$900 of tax per vehicle when it should have been \$300 of tax per vehicle. The mistake on O.C. Welch's bid was similar in that there were no taxes added to those vehicles. The last mistake was with Summerville Ford - we did the same as the first. We added \$900 tax per vehicle, when we should have added \$300 tax per vehicle. The correct bids were as follows:

Walterboro Motor Sales	\$100,422.00
OC Welch Ford	\$ 98,618.07
Vic Bailey Ford	\$101,400.00
Summerville Ford	\$102,399.00

The Mayor then announced that the chair would entertain a motion to reconsider, and if the motion to reconsider is adopted, then this would come up for consideration at the next City Council Meeting to reconsider the bids. The Mayor further explained that the motion to reconsider must come from someone who voted with the prevailing side last time, which means, Councilman Lucas, Mayor Young, Councilman Parker, Councilman Smalls or Councilman Lohr can make that motion.

A motion was then made by Council Member Lohr, seconded by Council Member Parker to reconsider the bids for the purchase of three new police vehicles at the next Council meeting.

In discussing the motion, Councilman Buckner asked the City Manager to explain how this error occurred with the bids? He asked, if the dealership submitted their bids to us, did they not include the taxes in their bids on what their vehicles would cost? City Manager explained that staff did not use a uniform bid document. What we did, we solicited their price and they sent it to us by letter, fax or e-mail. Some of them indicated the tax by vehicle, and some of them submitted a lump sum price that did not include their tax. The error was on our part.

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Another question was asked by Council Member Buckner. He stated, after our last meeting when Council voted to approve O.C. Welch, did the City in anyway shape or form, notify O.C. Welch that they were the winners of that bid. City Manager Lord responded, we did. He further stated, we notified them that they were selected as the low bidder. Later that day we notified them that we had identified an error and asked them to withhold the order.

Councilman Buckner then asked City Manager Lord, are you familiar with the Uniform Commercial Code. Mayor Young intervened and stated, Mr. Buckner that would be out of order to question the City Manager, you can ask the City Attorney your question if you want.

Councilman Buckner then asked the City Attorney, what is the rule under the UCC for the purchase of vehicles wherein we have notified a potential vendor that we plan to purchase from them and then we renege on that purchase? City Attorney Cone responded, without research I would not know, but if O.C. Welch has been notified and has suffered no damages, the City probably has very little exposure in the matter. I would imagine from what Mr. Lord has said, it was a matter of hours when they were notified. As they have not changed their position, they would not have suffered damages. As far as I understand it from Mr. Lord, that O.C. Welch said, "yes, we understand and we'll wait to here from you. Mr. Buckner responded, my concern is whether or not O.C. Welch changed their position on our promise to purchase vehicles from them. If they have, then we are looking at a potential lawsuit. City Attorney Cone, responded, I agree with you that if they had changed their position, but based on Mr. Lord's statement of them being notified later that day, I would assume that they would not have had time to "change their position". Also, from what Mr. Lord reported in his conversation with them later that day, it would lead me to believe that they had not changed their position, and it would lead me to believe that they agreed to the City redoing the process on the bids. Also, Mr. Lord would have to expound on any conversations he has had with them. I am just speaking from what I heard tonight. I don't have any prior knowledge of what those conversations were.

City Manager Lord also addressed the matter. He stated, their bid is one that did not list the taxes. So, we could easily argue that their bid was incomplete.

The discussion concluded, and the motion passed with vote of 6/1 with Mayor Young, Council Members Lucas, Peters, Parker, Smalls and Lohr voting in favor and Council Member Buckner voting against the motion.

3. Request to Waive Sign Ordinance for Placement of Temporary Advertisement Signs in City Limits for 7 Days in December - Mr. Willard Long

Mr. Willard Long told Council that the sign ordinance allows the merchants 7 days a year to put out advertising signs for their businesses at the two interchanges on Bells Highway and Highway 63. Our two busiest seasons are the 4th of July and the Christmas to New Year Holiday. He requested that he be allowed to put up temporary signs for all his store locations on Bells Highway and Highway 63 for 7 additional days to what is already allowed by the ordinance.

The Mayor then entertained a motion to waive the Sign Ordinance for 7 days in December for the entire City of Walterboro. Council Member Lucas so moved, and Council Member Smalls seconded the motion. At this point, the City Attorney recommended that the motion should properly say - "to have a moratorium on enforcing the Sign Ordinance", rather than waiving it. I don't think we have the authority without another ordinance to waive it, but you can declare a moratorium.

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Walterboro City Council
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Council Member Lucas then withdrew his original motion and restated as follows: "Motion to have a moratorium on enforcing the Sign Ordinance for 7 days in December". Council Member Smalls seconded the motion that passed with all members voting in favor.

4. Large Animal Variance Request - Carol Brown

Mayor Young informed Council a letter was received from Mr. Carl Brown, who had petitioned the City to keep two horses on his property (at 111 Camellia Drive) in the City Limits. City Manager Lord reported that Mr. Brown was unable to attend the meeting. He added that Mr. Brown owns about a 14 acre piece of property in the Forest Hills Subdivision. It has old stables on it, and he just recently acquired the property. He is asking permission to keep two horses on it. The City Code, Section 4-63(b) states that: No livestock shall be kept within the corporate limits without specific Council approval".

A motion was then made by Council Member Lucas to approve the large animal variance request submitted by Mr. Carl Brown. Council Member Parker seconded the motion. In discussing the motion, Council Member Smalls asked if animals had been kept on this piece of property in the past. Mr. Lord responded that the stables were existing. Council Member Buckner asked Mr. Lord if any residents from the Forest Hills area and voiced any concerns about the possibility of having horses in their neighborhood?

City Manager Lord responded, we have identified about 5 adjacent property owners. Of those, we tried to contact them all. We were able to get in touch with 3 of them. Two of them said "no problem whatsoever" and the third person did not offer an opinion.

City Attorney Cone stated that the ordinances provide that if this becomes a nuisance, then this permission can be revoked. It says by smell, noise, or anything else. So, this does not waive him having to comply with the ordinance, just because you allow him to keep the horses there. He has to keep all his neighbors happy.

The motion then passed with all members voting in favor.

With the Mayor's permission, Council Member Parker was then excused from the the meeting.

5. Acceptance of Resignation of Judy S. Bridge from the City Planning Commission Effective 1/2011

A motion was made by Council Member Buckner, seconded by Council Member Smalls to accept the resignation of Ms. Judy Bridge from the Municipal Planning Commission with regret effective 1/2011.

Speaking as a past member of the Planning Commission, Council Member Lucas commented that Ms. Bridge had done a tremendous job for the City and community, and from Council he expressed a heartfelt thank-you. The motion then passed unanimously, except Council Member Parker was ABSENT and did not vote.

6. Request for Street Closing for Martin Luther King Jr. Day Parade January 16, 2011

After a typo correction to the agenda by Councilman Buckner that the parade is scheduled for January 16, 2011 and not "January 17, 2010, a motion was made by

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Council Member Lucas to approve the street closing parade permit request as submitted for the Martin Luther King, Jr. Day Parade. Council Member Peters seconded the motion that passed with all members voting in favor, except Council Member Parker was ABSENT and did not vote.

7. Consideration of Canceling or Rescheduling the December 28, 2010 City Council Meeting

Council Member Lucas made a motion to cancel the December 28, 2010 Regular City Council Meeting. Council Member Smalls seconded the motion that passed unanimously, except Council Member Parker was ABSENT and did not vote.

COMMITTEE REPORTS:

There were no committee reports given.

The Mayor then entertained a motion to enter an Executive Session. Council Member Lucas So Moved. Council Member Lohr seconded the motion. The motion passed unanimously. The Mayor then announced that the meeting would convene into an Executive Session for a personnel matter of Boards and Commission Appointments.

The Meeting returned to Open Session with no action taken as a result of the Executive Session.

There being no further business to consider, a motion to adjourn was made by Council Member Lucas, seconded by Council Member Peters and passed unanimously. The Mayor adjourned the meeting at 7:30 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

RESOLUTION NO. 2010-R-12

WHEREAS, integrity in the election process with fair and impartial administration of the elections for the voters of Colleton County is of primary importance and deemed a fundamental and constitutional right of the citizens, and

WHEREAS, a spokesperson for a group of Colleton County citizens has expressed concern about the certification of unreconciled election results by the Colleton County Board of Elections and Voter Registration in the November 2 General Election, and

WHEREAS, the Board of Elections and Voter Registration currently seats only four appointed members of what should be a nine-member Board as mandated by S.C. Code of Laws Title 7, 7-27-280, and

WHEREAS, the Colleton County citizens desire the appointment of a full Board to conduct subsequent elections in the county.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Walterboro, South Carolina, that:

1. City Council hereby supports the citizenry in its expectation of integrity in the election process with the guarantee of fair and impartial administration of elections.
2. City Council shall make a formal request to the Colleton County Legislative Delegation asking the Delegation to proceed with all due diligence and speed to appoint a full nine-member Board of Elections and Voter Registration of qualified and capable citizens reflective of the makeup of Colleton County relative to race, gender, age, and political party.

ADOPTED, this 23rd day of November, 2010.

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

ATTEST:

Betty J. Hudson
City Clerk

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Walterboro City Council
Regular Meeting
December 14, 2010

MINUTES

A Regular Meeting of Walterboro City Council was held at City Hall on Tuesday, December 14, 2010, at 6:15 P.M., with Mayor Bill Young presiding.

PRESENT WERE: Mayor Bill Young, Council Members: Dwayne Buckner, Randy Peters, Charles Lucas, Ted Parker, Franklin Smalls and Tom Lohr. City Manager Jeff Lord, and City Clerk Betty Hudson were present. Mr. Thomas Howard was in attendance on behalf of the City Attorney George Cone, who was absent. There were approximately 15 persons present in the audience.

There being a quorum present, Mayor Young called the meeting to order and stated that this would be the last Council Meeting for 2010. He then called on Council Member Smalls for the invocation, and Council Member Lucas to lead the pledge of allegiance to our flag.

There being no objection, the Mayor added an additional agenda item No. 2 under the Executive Session, entitled, "A Discussion of Matters Related to Proposed Location, Expansion or Provision of Services."

PUBLIC INPUT ON AGENDA ITEMS: No comments were given on agenda items.

There were no Minutes before Council for approval.

OLD BUSINESS:

1. Consideration of Bids Received for Three (3) Vehicles for Police Department

City Manager Lord pointed out that this agenda item had been submitted to Council previously, but there had been mistakes in the calculation of the taxes. At the last meeting, Council voted to reconsider the matter. He stated that the low bidder was O.C. Welch Ford for \$98,618.07, and the next low bidder was Walterboro Motor Sales at \$100,422.00. He recommended the acceptance of either one of the two lowest bids, because both of those figures fall below the budgeted amount. The bids received were as follows:

Walterboro Motor Sales	\$100,422.00
OC Welch Ford	\$ 98,618.07
Vic Bailey Ford	\$101,400.00
Summerville Ford	\$102,399.00

A motion was made by Council Member Peters to purchase the three police vehicles locally from Walterboro Motor Sales at \$100,422.00. Council Member Lucas seconded the motion that passed with all members voting in favor.

NEW BUSINESS:

1. Ordinance # 2010-13, An Ordinance to Change the Zoning on a Parcel of Land on Memorial Avenue, Tax Map # 163-12-00-139 from Single Family Residential (SFR) to Neighborhood Commercial (NCD).

Planning Director David Dodd explained that Mr. Bert Duffie is looking at purchasing this property on the corner of Carn and Memorial to turn into his law office. The Planning Commission approved the request and is recommending it to Council for approval to rezone the property from Single Family Residential to Neighborhood Commercial. He is asking for a Neighborhood Commercial classification so he could have a professional office. The parking requirements for the building are not currently

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met, but there is a possibility of using the known free-parking available in the adjacent church parking lot. Mr. Dodd further stated, if this request passes Council's First Reading Approval tonight, we will pursue a parking variance through the Board of Zoning Appeals.

A motion was then made by Council Member Parker, seconded by Council Member Lucas giving First Reading Approval to Ordinance # 2010-13. In discussing the motion, Council Member Buckner asked if Mr. Duffie saw any problems with the parking. Does he foresee any issues concerning whether or not he will have sufficient parking? Mr. Dodd responded, he has at least four if not six spaces on the property. His staff consists of a total of four people. There is on-street parking in front of the building, and he believed he could get permission from the church to park there as well. Council Member Smalls asked if the church were aware of what is about to take place? Mr. Dodd responded that Mr. Duffie plans to contact them to make arrangements before he pursues with a parking variance with the Board of Zoning Appeals. He affirmed this would be with the church officials.

The motion for First Reading Approval then passed with all members voting in favor.

2. Consideration to Have the City Manager to Draft an Ordinance to Implement a Curfew in the City of Walterboro

Mr. Lord explained that he was asked to place this matter on the agenda for Council's consideration. Previously the topic of a curfew ordinance had been discussed as it relates to the Youth Advisory Commission.

Mayor Young then stated, it is my understanding that at the workshop we had on the Youth Advisory Commission, and Mr. Peters brought up the matter, and we discussed it a little. The direction given you (the City Manager) was to gather more information and for the Police Chief also to gather information and that we would discuss it at our retreat. That was my recollection of the matter. Mayor Young then asked if there was a motion to consider having the City Manager to do this? Does Council want to change the direction that it has given to the City Manager?

A motion was then made by Council Member Buckner to have the City Manager draft an ordinance to implement a curfew in the City of Walterboro. The motion died for lack of a second.

3. Request for Financial Support to Cover the Cost of Insurance for the Colleton African-American Arts Project - Ms. Jackie Cord

Ms. Jackie Cord appeared before Council requesting monies to cover the cost of insurance for the Colleton African-American Arts Project. The insurance cost is about \$1,300. This insurance will cover an exhibit that will be coming to the Colleton Center in the amount of about \$400,000.

Ms. Cord stated that our request tonight before you is actually twofold. One is for insurance and the other is to help with the arts project with the local school district, Colleton County School District. We have 3,500 students who plan to visit this exhibit and we are just looking for help with the supplies for the workshop and the insurance for the exhibit. The total request is about \$1,700, which includes the insurance and the workshop supplies.

Mayor Young suggested looking at using funds that might be left over from the gun buyback program. He then made a motion that the city would give the remainder of the gun buyback money to fund this request. Council Member Lucas seconded the motion.

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In discussing the motion, Council Member Parker asked if the County had participated in anyway in this? Ms. Cord responded that the County has participated in the fact that they have given us free space in the museum and waive a total of over several hundred dollars in rental fees.

Mr. Lohr asked if the School District had made any type of in-kind contribution? Ms. Cord responded that the School District, under the leadership of Ms. Williams, had agreed to transport the children and to work with the kitchen staff to provide food for the children.

Council Member Peters suggested that Council should go ahead and commit to the up-front money as far as the insurance is concerned so they can get along with the project. I don't see how we can commit funds that we are sharing with the county on the gun buyback program. City Manager Lord added that he had spoken with Pastor Maxwell regarding the funds and he thought it was a good way to use the money. Chief Rhodes stated, once the project is done this Saturday, what is not used will be returned back to the city in the form of a check or cash.

Council Member Buckner then congratulated Project Read for their work in trying to get this project together. Trying to get organizations to work together on a project take a lot of effort and planning. I think this is a great opportunity to bring people together and also to educate the children. I am in full support of it. My hope would be that we would do the entire \$1,785.00 as requested. In addition to what we get from the gun buyback program, my hope would be that we make up the difference so they will have the full amount of \$1,785.00. **(Note: It was stated the full amount was \$1785.00, but should have been \$1685.00 per the request).**

The motion to give the balance of the City's gun buyback money to the Read Project then passed with all members voting in favor.

Another motion was then made by Council Member Buckner that the City fund the entire amount of \$1,785.00 (**corrected to \$1,685.00 per the request**), and if the gun buyback monies do not meet this amount, then the City would come up with the rest from the City's budget. He asked Mr. Lord if there were an emergency fund? Mr. Lord responded, you have the General Fund and the Enterprise Fund. Councilman Buckner then said, my motion would be that the city would fund the **\$1685.00**. Council Member Smalls seconded the motion.

In discussing the motion, Council Member Lohr said, I'd like to know how much money I am voting on. I generally agree with what Mr. Buckner has said, but I'd rather know what I am voting on. That would be my only objection, and we won't know what that amount is until the gun buyback money is returned. City Manager Lord added, I know the county also gave money to the gun buyback, we can certainly approach them and see if they want to do the same thing.

The discussion concluded and the Mayor announced that the motion is to "fund the balance of what the gun buyback program does not fund up to a total of **\$1,685.00**". He explained that this will equal the entire amount of **\$1,685.00** when you add the two amounts together. The motion then passed with a vote of 4/2 with Council Members Buckner, Smalls, Lucas and Peters voting in favor and Mayor Young and Council Member Parker opposing the motion. Council Member Lohr was marked present. The Mayor announced, I opposed it just because we don't have it in the budget, but you will get some help from the city.

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Walterboro City Council
Regular Meeting
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COMMITTEE REPORTS:

Council Member Franklin Smalls then gave a brief report on the NLC meeting attended by some Council Members in Denver Colorado on November 30 - December 4, 2010. The conference was the 87th session and was made up of 49 states, including Washington, D.C. and currently has 19,000 members. The theme was "Helping City Leaders Build Better Communities." At the first conference session, the main speaker was Mayor Ronald Loveridge of Riverside, California. Some of his main points were:

- 1) Leaders are divided. If you are divided, come together. Councilman Smalls suggested that if the persons in D.C. could forget about the party, and get together and concentrate on what is needed for the people, that would solve that problem.
- 2) The economy will level off in about two years.
- 3) We have to accept the fact that things in life will not ever be exactly as it has been, and we have to accept that. It's going to get better, but it not going to be the same.
- 4) States need to stop using taxpayers' money to balance the budget.
- 5) Young people have lost trust in society and older people.
- 6) Cities need to find what in their city is short and in need, and start working on a way to solve it.

From breakout sessions attended by Councilman Smalls, some of the highlights were:

- 1) Policemen cannot solve all the problems by themselves. You cannot hire enough policemen to put one at everyone's door. The point is - until we can get churches, other organizations and each community to come together and feel that they need to help the policemen, if you are having problems, it may or may not get any better.
- 2) Youth obesity and overweight are a problem and it is getting higher. There are many youth who fail to be entered in the armed forces because they are overweight.
- 3) If immigration is a problem in your city, solve it. Do what it takes to fix it. Remember people come to America for a better quality of life.

In conclusion, Councilman Smalls gave some specific information on how the National League of Cities (NLC) is suppose to work:

- 1) They are to take whatever cities say to Washington, D.C. and make a hard effort to get it done.
- 2) Right now, one of the main things they are looking at is the division in Washington. I believe that if they put prayer back into their meetings, then some of their minds would change.

The Mayor then entertained a motion to enter an Executive Session for a personnel matter on Boards and Commission Appointments and a discussion of matters related to proposed location, expansion or provision of services. Council Member Buckner moved to approve said motion. Council Member Lucas seconded the motion that passed unanimously. The meeting then convened into an Executive Session.

The Meeting returned to Open Session and a motion was made by Council Member Peters, seconded by Council Member Lucas, to appoint the following persons to the nonprofit Walterboro Development Corporation: Kevin Griffin, Denise Mitchell and Mitch Mongel. The motion passed unanimously.

There being no further business to consider, a motion to adjourn was made by Council Member Lucas, seconded by Council Member Peters and passed unanimously. The Mayor adjourned the meeting at 7:10 P.M. Notice of this meeting was distributed

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Walterboro City Council
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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

**RESOLUTION NO. 2011-R-01
FOR CITIES AND TOWNS TO ADOPT THE
MUNICIPAL ASSOCIATION LEGISLATIVE AGENDA FOR 2011-2012**

WHEREAS, cities and towns in South Carolina are the government closest to the people providing the core services residents and businesses demand for a high quality of life;

WHEREAS, residents and businesses want their local city and town councils to have the flexibility to make decisions that are best for their communities while also being held accountable by their residents to spend wisely and govern locally;

WHEREAS, the flexibility for cities and towns to use their scarce dollars in challenging economic times can come from targeted changes in state law;

WHEREAS, on December 14, 2010, the Municipal Association board of directors approved the 2011-2012 legislative agenda that **supports local elected leaders making decisions based on local needs and priorities**;

WHEREAS, the legislative agenda is **based around three legislative principles** of promoting economic growth, enhancing a positive quality of life, and encouraging local accountability and fiscal responsibility **that support the core functions of government that cities and towns provide**;

WHEREAS, enclave annexation, municipal capital project sales tax, millage cap flexibility and codes enforcement are the four major legislative issues that local elected leaders determined can have the greatest impact on their hometowns;

WHEREAS, the agenda also focuses on fiscal, economic development, infrastructure and public safety issues that are important to cities and towns of all sizes and in all parts of the state;

WHEREAS, the City of Walterboro fully supports the agenda set forth by the Municipal Association of SC board of directors for cities and towns to govern locally for residents;

BE IT, THEREFORE, RESOLVED that the Council of the City of Walterboro affirms on this day, January 11, 2011, its support for the Municipal Association's 2011-2012 legislative agenda to direct more local decision making to the local elected officials that govern the state's 270 cities and towns.

DONE, AND RATIFIED this 11th day of January, 2011.

William T. Young, Jr., Mayor

Attest:

Betty J. Hudson, City Clerk

INTERGOVERNMENTAL AGREEMENT

RURAL INFRASTRUCTURE FUND

This Agreement (the "Agreement") is made this ____ day of _____, 2010 between the City of Walterboro, as grantee (the "Grantee"), and the South Carolina Department of Juvenile Justice, as subgrantee (the "Subgrantee").

WHEREAS, the Grantee and the Subgrantee have the authority pursuant to the South Carolina Home Rule Act to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually;

WHEREAS, the Grantee and the Subgrantee desire to cooperate in developing and implementing the Teen After School Center Plus (TASC Plus) program within the city limits of the Grantee (the "Project").

NOW, THEREFORE, the Grantee and the Subgrantee hereby mutually agree as follows:

1. The Grantee shall act as the lead entity in developing and carrying out the Project.
2. In its capacity of lead entity, the Grantee has been awarded a grant in the amount of up to \$71,000 from the Rural Infrastructure Fund (RIF) (the "RIF Grant") by the South Carolina Coordinating Council for Economic Development (the "Council").
3. The Grantee shall act as the grantee of the RIF Grant and any future funds awarded by the Council in connection with the Project. The Grantee and the Subgrantee shall be fully responsible for compliance with all financial management, recordkeeping, reporting, and other administrative requirements of the RIF Grant program and with the Grant Award Agreement between the Grantee and the Council. The Grantee shall be the sole contact for the Council in connection with the RIF Grant.
4. The RIF Grant funds shall be used for the Project as described in the application submitted by the Grantee and reviewed by the Subgrantee prior to entering into this Agreement (the "Application"). The Grantee and the Subgrantee shall each provide all information and assistance in the Project as set forth in the Application.
5. Eligible costs that can be paid from the RIF Grant funds shall include only those costs expressly set forth on the budget attached hereto as Exhibit A.
6. The Subgrantee will request a drawdown of needed funds by submitting a detailed invoice and request for payment to the Grantee at least three weeks in advance of need.

7. The Subgrantee agrees that it will return to the Grantee any unexpended grant funds provided by Grantee under this Agreement.
8. The Subgrantee will commit and provide monies from its own resources for cost overruns that are required to complete the Project. This Agreement creates no obligation on the part of the Grantee or the State to provide funds for the cost overruns.
9. Records related to the RIF Grant and all other pertinent grant records, including use and beneficiary/accomplishment data, financial records, supporting documents, and other records, shall be retained for a minimum of *three* years after final close-out of the RIF Grant. If, however, any litigation, claim or audit is started before the expiration of the *three* year period, then records must be retained for five years after the litigation, claim or audit is resolved.
10. The Subgrantee must comply with all applicable State or local procurement requirements.
11. The Subgrantee must provide a quarterly progress report in such format as may be required by the Grantee.
12. The terms of this Agreement may be modified or changed provided that the modifications or changes are in writing and agreed upon by both parties to this Agreement.
13. This Agreement shall remain in full force and effect for so long as the Grantee and the Subgrantee are pursuing RIF funds for the Project or carrying out any Project activities. Any party to this Agreement may terminate its participation in this Agreement six months after providing written notice of such termination to the other party to this Agreement unless a grant contract is in effect with the Council. In that case, the Council must approve such termination and arrangements for completing the Project.

IN WITNESS WHEREOF, the Grantee and the Subgrantee have executed this Agreement on the day first written above.

GRANTEE:

SUBGRANTEE:

For: City of Walterboro

By:
Title:

For: South Carolina Dept.
of Juvenile Justice

By:
Title:

Exhibit A

Budget

TASC Plus One Year Budget (New TASC Site)

TASC Operating Budget/Standard DJJ Funding Per Site	\$10,000
Salary and Fringe Benefits	\$20,700
Operating Expenses	\$4,648
Equipment (One Time Purchase)	\$300
Internship Stipends (60 student per year)	\$34,800
Meals (Summer Program): 30 student x \$3.50 per meal x 5 days	\$525
Total:	\$70,973

Total Student Served = 60

Cost per Student = \$1,183 (\$70,973 divided by 60)

Note: \$580 (80 hours x \$7.25 per hour) of the \$1,183 cost per student is paid to the students for their community internships.

**SOUTH CAROLINA COORDINATING COUNCIL
FOR ECONOMIC DEVELOPMENT
1201 Main Street, Suite 1600
Columbia, South Carolina 29201**

GRANT AWARD AGREEMENT

In accordance with the provisions of Section 12-28-2910 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Coordinating Council for Economic Development, hereinafter called the Council, does commit and grant to the City of Walterboro, hereinafter called the Grantee, the sum in dollars set forth in Section 3 below for the Project identified in Section 2 below. The acceptance of the Agreement creates a contract between the Council and the Grantee, legally binding the Grantee to carry out the activities and obligations set forth in the Application and this Agreement, all in accordance with the terms and conditions set forth in this Agreement and in any appendices attached hereto and any other documents or conditions referred to herein.

Section 1: DEFINITIONS:

- (a) Agreement means this Grant Award Agreement.
- (b) Application means the grant application forms submitted by the Grantee to the Council.
- (c) Company means the economic development corporate entity that is identified in the Application.
- (d) Contractor means a private contractor who undertakes all or part of the Project.
- (e) Council means the South Carolina Coordinating Council for Economic Development (CCED).
- (f) Grant means the dollars committed by the Council to the Grantee for the Project.
- (g) Grantee means the unit of government designated for the Grant and set forth above.
- (h) Project means the project identified and described in the Application.
- (i) State means the State of South Carolina and any agencies or offices thereof.

Section 2: PROJECT DESCRIPTION: These funds will be used to assist the City of Walterboro with implementing a job readiness and education program for at-risk high school students, which has been approved by the Council, and is included by reference as Rural Infrastructure Fund Grant #RIF10150252 – Community Safety Initiative.

Section 3: AWARD AMOUNT: The Council hereby commits an amount not to exceed \$71,000, to be used only for the Project and related costs, as described in the Application. Eligible costs that can be paid from the Grant shall include only those costs expressly set forth in the Application.

3.1: Approval of Third Party Contracts: The Grantee must submit all proposed agreements with third party contractors engaged to perform work within the scope of the Grant to the Council prior to finalizing those agreements.

3.2: Notice to Proceed: The Grantee must obtain from the Council written notice to proceed prior to incurring costs against the Grant. If the Grantee needs to incur expenses prior to the Council's notification to proceed, the Grantee must submit a written request to the Council and obtain prior written approval from the Council. Otherwise, any expenditure made prior to the date of the written notice to proceed is made by the Grantee or the Company at its own risk and expense and is not eligible for payment with Grant funds.

3.3: Engineering Costs: Reimbursement of engineering costs will be capped at 10 percent of the total grant award amount. Requests which exceed 10 percent must have substantial justification and require prior approval by the Council to be reimbursable.

Section 4: AMENDMENTS: Any changes in the scope of work of the Project, including change orders or cost increases, must be submitted in writing by the Grantee to the Council as a request for an award adjustment, and such request must clearly identify the need for the change or relief. Any adjustment granted by the Council shall be appended to this Agreement as an amendment.

Section 5: PERFORMANCE: By acceptance of this Grant, the Grantee warrants that it will complete or cause to be completed the Project as described in the approved Application, including any approved amendments appended hereto. Should Grantee fail to cause the completion of all or part of the Project, the Council shall be entitled to reimbursement from the Grantee of any Grant funds that were received by the Grantee for any work that was not performed.

Section 6: FUNDING OVERRUNS/UNDERRUNS: Except for relief granted under Section 4, the Grantee agrees that it will return surplus Grant funds that result from project cost underruns, and that it will commit and provide monies from its own resources for cost overruns that are required to complete the Project. This Agreement creates no obligation on the part of the Council or the State to provide funds for the cost overruns.

Section 7: AUDIT: The Grantee must include an examination and accounting of the expenditures of Grant funds in its first annual audit following the completion of the Project, and submit a copy of the audit report to the Council. The Grantee agrees that it will reimburse the Council for unauthorized and unwarranted expenditures disclosed in the audit, if so directed by the Council. Upon request of the Council, the Grantee shall make available, and cause the Company to make available, for audit and inspection by the Council and its representatives all the books, records, files and other documents relating to any matters pertaining to the Project, the Application or this Agreement. The Grantee shall have prepared an audit of Grant funds received under this Agreement that adheres to the following audit requirements, whichever is applicable:

- (a) Generally accepted auditing standards established by the American Institute of Certified Public Accountants, (AICPA);
- (b) The General Accounting Office (GAO) Standards for Audits of Governmental Organizations, Programs, Activities, and Functions, latest revised edition (yellow Book);

Section 8: CONTRACTOR SELECTION: If the Grantee desires to select a Contractor to undertake all or any part of the scope of work of the Project, then the selection of that Contractor by the Grantee must follow applicable procurement laws, regulations and guidelines. The Grantee warrants that it will adhere to all such applicable procurement laws, regulations and guidelines in the selection of the Contractor. In addition, the Grantee may not award contracts to any Contractors who are ineligible to receive contracts under any applicable laws or regulations of the State.

Upon request, the Grantee must make available to the Grantee's auditor, the Council, and its representatives, and the public Grantee's records and other documentation of the procurement process and any sole source justification. If the Grantee fails to adhere to procurement procedures required by law, Council may call for repayment by the Grantee for Grant funds that were expended in a disallowable manner.

A Contractor must represent that it has, or will secure at its own expense, all personnel required in the performance of the services covered by this Agreement. Such personnel shall not be employees of, or have any contractual relationship with the Council or the Grantee.

All of the services required to complete the Project will be performed by the Grantee and/or a Contractor, or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services.

The Grantee and/or a Contractor shall be liable for and pay all taxes required by local, state, or federal governments, which may include, but not be limited to, social security, worker's compensation, and employment security as required by law. No employee benefits of any kind shall be paid by the Council to or for the benefit of the Grantee and/or a Contractor or his employee or agents by reason of this Agreement.

The Grantee warrants that it will enforce all terms and conditions of this Agreement upon its Contractors.

Section 9: CONFIDENTIAL INFORMATION: Any reports, information, data, or other documentation given to or prepared or assembled by the Grantee under this Agreement which the Council requests to be kept confidential shall not be made available to any individual or organization by the Grantee without the prior written approval of the Council.

Section 10: DISCRIMINATION: The Grantee shall not, and shall impose on its Contractors the obligation not to, discriminate against any employee or applicant for employment because of race, color, religion, age, sex, national origin, or handicap. The Grantee and any Contractor shall be required to take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, age, sex, national origin, or handicap.

Section 11: INTEREST OF CERTAIN FEDERAL OR STATE OFFICIALS: No elected or appointed State or Federal Official shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.

Section 12: INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF GRANTEE, MEMBERS OF LOCAL GOVERNING BODY, OR OTHER PUBLIC OFFICIALS: No member, officer, or employee of the Grantee, or its designees or agents, no member of the governing body of the locality in which the Project is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project during his tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Project or this Agreement. The Grantee shall incorporate, or cause to be incorporated, in all of its contracts or subcontracts relating to the Project and this Agreement this provision prohibiting such interest.

Section 13: PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION: The assistance and Grant funds provided under this Agreement shall not be used for the payment of any bonus or commission for the purpose of obtaining the Council's approval of the Application, or the Council's approval of Applications for additional assistance or Grant funds, or any other approval or concurrence of the Council required under this Agreement. However, the payment from Grant funds of reasonable fees for bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as Project costs.

Section 14: MAINTENANCE OF RECORDS: The Grantee shall retain records for property purchased totally or partially with Grant funds for a period of three years after its final disposition. The Grantee shall maintain records relating to procurement matters for the period of time prescribed by applicable procurement laws, regulations and guidelines, but no less than three years. All other pertinent Grant and Project records including financial records, supporting documents, and statistical records shall be retained for a minimum of three years after notification in writing by the Council of the closure of the Grant. However, if any litigation, claim, or audit is initiated before the expiration of any such period, then records must be retained for three years after the litigation, claim, or audit is resolved.

Section 15: MBE OBLIGATION: The Grantee agrees to ensure that minority business enterprises, as identified in Article 21, Sections 11-35-5210 through 11-35-5270 of the 1976 Code of Laws of South Carolina, as amended, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with funds provided under this Agreement. In this regard, the Grantee and its Contractors shall take all necessary and reasonable steps to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. The Grantee and its Contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of contracts.

Section 16: PROJECT COMPLETION: The Grantee must complete the Project within eighteen (18) months of the Date of Award of this Grant. Completion is defined as the final documentation by Grantee to Council of Grant funds expended and issuance by Council of a notification in writing of the closure of the Grant. The Council may grant extensions to this completion period requirement at its discretion.

Section 17: SANCTIONS: If the Grantee fails or refuses at any time to comply with any of the terms and conditions of this Agreement, the Council may take, in addition to any relief that it is entitled to at law, any or all of the following actions: require repayment of all or a portion of any Grant funds provided; cancel, terminate, or suspend, in whole or in part, the Grant and this Agreement; or refrain from extending any further assistance or Grant funds to the Grantee until such time as the Grantee is in full compliance with the terms and conditions of this Agreement.

Section 18: APPLICABLE LAW: This Agreement is made under and shall be construed in accordance with the laws of the State of South Carolina, without regard to conflicts of laws principles. The federal and state courts within the State of South Carolina shall have exclusive jurisdiction to adjudicate any disputes arising out of or in connection with this Agreement.

Section 19: APPROPRIATIONS: Notwithstanding any other provisions of this Agreement, the parties hereto agree that the Grant funds awarded hereunder are payable by appropriations from the State. In the event sufficient appropriations, grants, and monies are not made available to the Council to pay the compensation and expenses hereunder for any fiscal year, this Agreement shall terminate without further obligation of the Council. In such event, the Council shall certify to the Grantee the fact that sufficient funds have not been made available to the Council to meet the obligations of this Agreement; and such written certification shall be conclusive upon the parties.

Section 20: COPYRIGHT: No material produced in whole or in part under this Grant shall be subject to copyright in the United States or in any other country. The Council shall have the unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Grant.

Section 21: TERMS AND CONDITIONS: The Council reserves the right to add or delete terms and conditions of this Agreement as may be required by revisions and additions to changes in the requirements, regulations, and laws governing the Council and any other agency of the State.

Section 22: REPORTING REQUIREMENTS: The Grantee agrees to submit quarterly progress reports that provide a status update and identification of any material issues affecting the Project. Progress reports will be due on the first day of the month beginning with the first full month after commencement of the Project. Failure to submit progress reports will be subject to sanctions identified in Section 17 herein. The Grantee further agrees to complete and submit all quarterly progress reports and any other reports, in such form and according to such schedule, to the extent not specified herein, as may be required by the Council.

Section 23: PROJECT START-UP: The project must begin within three (3) months of the Date of Award of the Grant. If the Grantee does not begin the Project within three (3) months of the Date of Award of the Grant, the Council reserves the right to rescind the Grant, require the repayment of any Grant funds provided to Grantee and terminate this agreement. For purposes of this section, Grantee shall have begun the Project once it has incurred material obligations in connection with the Project satisfactory to the Council to indicate that the Project will be timely completed.

Section 24: LIABILITY: The Grantee understands that Council accepts no liability for the Project nor any responsibility other than its agreement to provide the Grantee the

Grant funds for the Project in the amount shown in Section 3, insofar as such funds are expended in accordance with the terms and conditions of this Agreement. During the term of the Grant, the Grantee shall maintain tort liability insurance or shall have a self-funded and excess liability program with coverage amounts sufficient to meet the limits set forth under the SC Torts Claims Act in Section 15-78-120, as may be amended.

Section 25: PAYMENT: The Grantee must submit to the Council a certified request for payment for work that is documented by the Grantee. The Council, upon its approval of the request for payment, shall forward such requests to the Finance Department of the South Carolina Department of Commerce. Payments are issued from the Comptroller General's office. Payment requests should be submitted to the Council no more than once a month.

The Grantee will certify, to the best of its knowledge, information and belief, that the work on the Project for which reimbursement is requested has been completed in accordance with the terms and conditions of this Agreement, and that the payment request is due and payable from Grant funds.

All requests for payment must be certified as valid expenditures by an official representative of the Grantee. Invoices and canceled checks supporting the Grantee's request for reimbursement from Grant funds must be kept on file and be available for inspection at any time.

Section 26: RESPONSIBILITY FOR MAINTENANCE: Maintenance of new roads and other improvements to the Grantee's or Company's right of way and/or property is the sole responsibility of the Grantee. Neither the Council nor the State shall have any responsibility whatsoever to maintain such roads and other improvements relating to the Project. The Grantee may assign this responsibility to any agreeable party.

Section 27: SEVERABILITY: If any provision of this Agreement is or becomes illegal, invalid, or unenforceable in any respect, the legality, validity, and enforceability of the other provisions of this Agreement shall not in any way be affected or impaired thereby.

This Agreement shall become effective, as of the Date of Award, upon receipt of one copy of this Agreement which have been signed in the space provided below. The agreement must have original signatures and must be returned within fifteen (15) days from the Date.

Date of Award

Alan D. Young
Executive Director
Coordinating Council for Economic Development

ACCEPTANCE FOR THE GRANTEE

Signature of Official with Legal Authority
to Execute this Agreement for the Grantee

Date

Typed Name and Title of Authorized Official

ATTEST:

Signature of Elected City or County Council
Member, as appropriate

Signature of Elected City or County Council
Member, as appropriate

NOTICE OF ANNUAL RETREAT

Walterboro City Council

Walterboro City Council will conduct its 2009 City Council Planning Retreat beginning Friday, January 28, 2011 and running through Sunday morning, January 30, 2011 to be held at the Wild Dunes Conference Center, Isle of Palms, SC. No formal action will be taken on any item at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration.