



**WALTERBORO CITY COUNCIL  
REGULAR MEETING  
JANUARY 4, 2022  
CITY HALL  
6:15 P.M.**

**AGENDA**

**I. Call to Order:**

1. Invocation.
2. Pledge of Allegiance.

**II. Swearing-in of Newly Elected Councilmembers:**

**III. Public Input on Agenda Items:**

**IV. Public Hearing:**

1. **Ordinance # 2021-08**, AN ORDINANCE PROVIDING FOR THE ISSUANCE OF AND SALE OF NOT EXCEEDING FOUR MILLION DOLLARS (\$4,000,000) HOSPITALITY AND ACCOMMODATIONS FEE IMPROVEMENT AND REFUNDING REVENUE BOND, SERIES 2022 OF THE CITY OF WALTERBORO, SOUTH CAROLINA; PROVIDING FOR THE ISSUANCE OF BOND ANTICIPATION NOTES; AND OTHER MATTERS RELATING THERETO (Walterboro Wildlife Sanctuary Boardwalk Replacement/Rehabilitation and other Improvements/Refinancing of 2018 Wildlife Center Bond).

**V. Approval of Minutes:**

1. Regular Meeting – July 6, 2021
2. Regular Meeting – September 7, 2021
3. Special Called Meeting – December 14, 2021
4. Special Called Meeting – December 22, 2021

**VI. Old Business:**

1. **Ordinance # 2021-08**, AN ORDINANCE PROVIDING FOR THE ISSUANCE OF AND SALE OF NOT EXCEEDING FOUR MILLION DOLLARS (\$4,000,000) HOSPITALITY AND ACCOMMODATIONS FEE IMPROVEMENT AND REFUNDING REVENUE BOND, SERIES 2022 OF THE CITY OF WALTERBORO, SOUTH CAROLINA; PROVIDING FOR THE ISSUANCE OF BOND ANTICIPATION NOTES; AND OTHER MATTERS RELATING THERETO (Walterboro Wildlife Sanctuary Boardwalk Replacement/Rehabilitation and other Improvements/Refinancing of 2018 Wildlife Center Bond).

**VII. New Business:**

1. Consideration of Rescheduling the February 1, 2022, City Council Meeting.
2. Notice of 2022 Annual Retreat, Location and Time.

**VIII. City Manager's Report:**

1. 2022 Capital Project Sales Tax Projects.

**IX. Executive Session:**

1. Contractual Matter – I-95 Business Loop Project Phase 2.

**X. Open Session:**

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

**XI. Adjournment:**



December 21, 2021

## Recommendation Memorandum

To: Jeff Molinari, City Manager  
Amy Risher, Finance Director

From: Jeremy Niedfeldt, Managing Director – PFM Financial Advisors LLC

Re: Recommendation Memo – Hospitality and Accommodations Fee Improvement and Refunding Revenue Bond, Series 2022

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PFM Financial Advisors LLC (“PFM”) was engaged by the City of Walterboro, South Carolina (the “City”) to serve as financial advisor for the City’s issuance of a Hospitality and Accommodations Fee Improvement and Refunding Revenue Bond, Series 2022 (the “2022 Bond”) to finance the costs of reconstruction and rehabilitation to the City’s Wildlife Sanctuary, and to refund, on a current basis, all of the City’s outstanding Hospitality and Accommodations Fee Revenue Bond, Series 2018 (the “2018 Bond”), in an amount not to exceed \$4,000,000. PFM recommended the above combined refunding and new money project structure to achieve significant debt service and interest cost savings, as later described. Based on the desire to move in an expediated manner to take advantage of historically low interest rates, PFM recommended the City pursue a privately placed direct bank loan which was expected to be an efficient and cost-effective method of financing.

At the City’s direction, PFM distributed a request for proposals (“RFP”) on November 19, 2021 to a list of local, regional, and national financial institutions to identify the financial institution that could provide the City with a fixed rate, bank qualified term loan at the lowest overall borrowing cost, pursuant to certain conditions as determined by the City. Prior to the submittal deadline (12:00 pm on December 17, 2021) the City received three (3) proposals from the following institutions: Signature Public Funding, SouthState, and Truist. A summary of each proposal is included as **Exhibit A**.

Based on PFM’s review and discussions with City staff and Bond Counsel, it was determined that SouthState provided the best combination of interest rate and terms most favorable to the City. SouthState offered a fixed interest rate of 1.27%, which would be held through the anticipated closing date of January 10, 2022, thus eliminating any risk associated with rising interest rates. Their proposal also includes the ability to prepay the 2022 Bond at any time without penalty. SouthState is also the current provider of the 2018 Bond to be refunded. A copy of SouthState’s proposal is included as **Exhibit B**.

Based on the fixed interest rate, flexible prepayment, and acceptable terms and conditions provided in their proposal, PFM recommends selecting SouthState as the loan provider for the 2022 Bond. By issuing the new money and refunding together, the City was able to achieve a more competitive rate for the issuance based on a shorter loan duration (average life). Through the combined new money and refunding structure of the 2022 Bond, the City will save approximately \$100k in net present value debt service savings, or on average, \$14,800 per year until 2028; since the new money debt service goes out until 2031, the combined structure also benefits the City by resulting in a shorter average life for the new money and overall interest cost savings on the new money portion. Through the combined structure, the City will pay approximately \$440K in debt service annually through 2031.

We anticipate bringing the Ordinance to the City Council for a 2<sup>nd</sup> reading at the January 4, 2022 meeting. If you have any questions, please feel free to contact Jeremy Niedfeldt at (407) 949-2248 or niedfeldtj@pfm.com.



**Exhibit A**  
**Summary of Proposals**



City of Waterboro, SC  
 Hospitality and Accommodations Fee  
 Improvement and Refunding Revenue Bond,  
 Series 2022  
 RFP Summary

	Signature Public Funding	SouthState	Truist
<b>Contact Information</b>	Dennis M. McDermott Executive Sales Officer (470) 597-9280 dimcdermott@signatureny.com	Lee T. Petrolawicz Senior Vice President (843) 599-2223 Lee.Petrolawicz@SouthStateBank.com	Andy Smith Managing Director (803) 413-4991 Andrew.Smith@truist.com
<b>Tax-Exempt Bank Qualified Interest Rate</b>	1.662%	1.27%	1.770%
<b>Final Maturity Date</b>	6/1/2031	6/1/2031	6/1/2031
<b>Interest Rate Fixed or Indicative?</b>	Fixed	Fixed	Fixed
<b>Rate Locked to Closing, or Date to be Set</b>	Rate held through anticipated closing date of 1/17/2022	Rate held through anticipated closing date of 1/10/2022	Rate held through 1/31/2022
<b>Prepayment Provisions</b>	Prepayable in whole at par on or after 6/1/2027	Prepayable anytime at par	Prepayable in whole at anytime without penalty
<b>Legal/Other Fees</b>	\$1,500	\$0	\$5,000
<b>Other Conditions &amp; Notes</b>	A) Taxability gross-up if results from City's actions or inactions None		A) ABT: 1.20x B) City to provide financial statements within 270 days of each fiscal year end



**Exhibit B**  
**SouthState Term Sheet**



520 North Jefferies Blvd.  
Walterboro, SC 29488

December 16, 2021

City Of Walterboro, South Carolina  
Amy Risher, Finance Director, arisher@walterborosc.org  
Jeremy Niedfeldt, PFM Financial Advisors, LLC, niedfeldtj@pfm.com  
Aurora Pavlish-Carpenter, PFM Financial Advisors, LLC, pavlishcarpentera@pfm.com  
Lawrence Flynn, Pope Flynn Group, lflynn@popeflynn.com  
300 Hampton Street  
Walterboro, SC 29488

Re: Proposal for \$4,000,000.00 Hospitality and Accommodations Fee Improvement and Refunding Revenue Bond, Series 2022 of City of Walterboro, South Carolina

Dear Mrs. Risher:

For all, but not part, of the \$4,000,000.00 Hospitality and Accommodations Fee Improvement and Refunding Revenue Bond, Series 2022 of City of Walterboro, South Carolina, (the "Bond") as more fully described in the attached Official Request for Proposals ("RFP") which is, by reference, hereby made a part of this bid, we will fund \$4,000,000.00.

Term: Issue date on or about January 10, 2022. All outstanding principal and interest due June 1, 2031 as shown on the attached amortization schedule in the RFP.

Rate: The rate will be a Bank Qualified / Tax-Free fixed rate of 1.27%. Interest calculations will be based on a 30/360 basis.

Payment: Principal shall be due and payable beginning on June 1, 2022 and continuing annually thereafter until paid in full. The schedule is further described in the RFP. Interest shall be due and payable semi-annually on June 1 and December 1, beginning on June 1, 2022.

Fees: None will be paid to or on behalf of the Bank. This includes the initial closing of the Bond and on an annual basis. It is understood that the City's Bond Counsel will prepare documents to be reviewed by Bank and its counsel.

Security: The 2022 Bond shall be payable solely from and shall be secured by a pledge of the Hospitality Fees imposed and collected pursuant to the Hospitality Fee Ordinance, and the Accommodations Fees imposed and collected pursuant to the Accommodations Fee Ordinance (the Hospitality Fees and Accommodations Fees, together, the "Revenues") and a contractual lien upon the Revenue Fund.

Prepayment: No prepayment penalty. Bond callable anytime at par.

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520 North Jefferies Blvd.  
Walterboro, SC 29488

We acknowledge that the City of Walterboro, South Carolina may reject any and all bids and to the extent permitted by law may waive any irregularity or informality in any bid. We acknowledge that we may not alter, modify, or withdraw our bid after we have submitted it to the City of Walterboro, South Carolina.

We acknowledge that the aggregate principal amount and the maturity of the Bond are subject to adjustment, both before and after the receipt and opening of sealed bids for their purchase. We acknowledge that the dollar amount bid for the principal by the successful bidder may be adjusted to reflect any reduction in the aggregate principal amount of the Bond, but the interest rate specified by the successful bidder for the Bond will not change.

Respectfully submitted,

  
Lee T. Petrolawicz  
Senior Vice President  
SouthState Bank, N.A.

Accepted this \_\_\_\_ day of December, 2021.

City of Walterboro, South Carolina:

By: \_\_\_\_\_  
Amy Risher  
Its: Director of Finance

Attachment

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**ORDINANCE # 2021-8**

2022 SERIES ORDINANCE

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT EXCEEDING FOUR MILLION DOLLARS (\$4,000,000) HOSPITALITY AND ACCOMMODATIONS FEE IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2022 OF THE CITY OF WALTERBORO, SOUTH CAROLINA; PROVIDING FOR THE ISSUANCE OF BOND ANTICIPATION NOTES; AND OTHER MATTERS RELATING THERETO.

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Dated January 4, 2022

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BE IT ORDAINED by the City Council of the City of Walterboro (the “**City Council**”), the governing body of the City of Walterboro, South Carolina (the “**City**”):

Section 1. Findings of Fact. As an incident to the enactment of this ordinance (this “**2022 Series Ordinance**”), and the issuance of the indebtedness provided for herein, the City Council finds that the facts set forth in this Section 1 exist and the following statements are in all respects true and correct:

(a) The City Council recognizes that tourism is an effective way of redistributing wealth in a community. Vibrant tourism provides: (a) economic benefits by providing jobs, increased spending, economic diversification and infrastructure redevelopment; (b) social benefits by creating community identity and pride; and (c) environmental benefits through financial support or in-kind support of local environmental and natural resources.

(b) The City Council previously enacted an Amended and Restated General Bond Ordinance (the “**Bond Ordinance**”) on June 5, 2018, providing for the issuance of Hospitality and Accommodations Fee Revenue Bonds as described in Section 3.01 therein. Terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Bond Ordinance.

(c) City Council has now determined that it is in the best interest of the City to finance the costs of reconstruction and rehabilitation to the City’s Wildlife Sanctuary (the “**Project**”).

(d) Upon completion, the Project is expected to attract tourists (as such term is used in Act No. 284), promote tourism in and to the City and optimize the economic, social and environmental benefits discussed above. The Project is further expected to: (a) encourage visitors to the City; (b) showcase the City’s existing assets; (c) allow for community events and cross-promotional endeavors; (d) expand regional and intergovernmental cooperation; (e) stimulate spending in the City; and (f) serve as an inducement to economic development and private investment within the City.

(e) For these and other reasons, the Project constitutes both a “tourism-related cultural...facility” and a “tourism-related ... recreational...facility” as provided at Section 6-1-530 of the Accommodations Fee Act and Section 6-1-730 of the Hospitality Fee Act.

(f) The City Council has determined at this time, due to prevailing conditions in the municipal bond market and upon advice of its Financial Advisor (as defined herein) that a savings in debt service may be obtained by refunding the City’s originally issued \$2,000,000 Hospitality and Accommodations Fee Revenue Bond, Series 2018 (the “**Series 2018 Bond**”).

(g) The City has determined to issue a Hospitality and Accommodations Fee Improvement and Refunding Revenue Bond, Series 2022 (the “**Series 2022 Bond**”) to (1) provide for the redemption in full of the Series 2018 Bond; (2) defray the costs of the Project, including the recoupment of funds previously expended; and (3) to pay the costs of issuance of the Series 2022 Bond.

(h) By reason of the foregoing, the City has determined to adopt this 2022 Series Ordinance in accordance with the terms and provisions of the Bond Ordinance in order to provide for the issuance of the Series 2022 Bond under the terms hereof.

Section 2. Definitions. The terms defined above and in this Section 2 and all words and terms defined in the Bond Ordinance (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this 2022 Series Ordinance have the respective meanings given to them in the Bond Ordinance and in this Section 2.

“**2022 Debt Service Fund**” shall mean that fund established pursuant to Section 6.03(a) of the Bond Ordinance and Section 5(a) of this 2022 Series Ordinance.

“**2022 Debt Service Reserve Fund**” shall mean the fund, if any, established pursuant to Section 6.04 of the Bond Ordinance and Section 5(c) of this 2022 Series Ordinance.

“**2022 Series Ordinance**” shall mean this 2022 Series Ordinance.

“**City Manager**” shall mean the City Manager of the City.

“**Escrow Agent**” means a financial institution appointed by the City Manager to hold funds for the purpose of defeasing all or a portion of the Series 2022 Bond in accordance with Section 12 of this 2022 Series Ordinance.

“**Government Obligations**” means (1) direct obligations of the United States of America for the payment of which the full faith and credit of the United States of America are pledged; (2) obligations, the payment of the principal (if any), or the interest (if any) on which is fully guaranteed as a full faith and credit obligation of the United States of America; (3) non-callable, U.S. Treasury Securities – State and Local Government Series Securities; and (4) AAA-rated general obligation bonds (based upon a rating issued by at least one nationally recognized credit rating organization) of the State, its institutions, agencies, school districts and political subdivisions.

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

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

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

“**Purchaser**” means the banking or financial institution that purchases the Series 2022 Bond.

“**Taxable Bond**” means a Series of the Series 2022 Bond that have been designated as taxable under the Code by the City Manager.

Section 3     Authorization of Series 2022 Bond, Maturity and Interest Rate.

(a)     The Date of Issue of the Series 2022 Bond shall be the date of its original delivery. The Series 2022 Bond shall be issued as a single typewritten, fully registered bond in the denomination of the principal amount thereof, and shall bear interest at the rate determined in accordance with the provisions contained herein (calculated per annum on the basis of a 360-day year of twelve 30-day months); however, that in no event shall the principal amount of the Bond exceed \$4,000,000.

The Series 2022 Bond shall be in substantially the form attached hereto as Exhibit A, with any necessary or appropriate variations, omissions, and insertions as are incidental to the series, number, denomination, maturity, interest rate, redemption provisions, and other details thereof or as are otherwise permitted or required by law or by the Bond Ordinance, including this 2022 Series Ordinance.

(b)     Interest on the Series 2022 Bond shall be determined pursuant to the sale provisions provided in Section 8 hereof. Interest on the Series 2022 Bond shall be payable on such dates as determined by the City Manager. The Record Dates for the payment of interest on the Series 2022 Bond shall be 15<sup>th</sup> day immediately preceding each principal or interest payment date.

(c)     The Series 2022 Bond shall mature on such date as to be determined by the City Manager.

(d)     As determined by the City Manager, the Series 2022 Bond may be sold in multiple series bearing any such designation as appropriate. Should the Series 2022 Bond not be issued in calendar year 2022, the designation for the Series 2022 Bond and all other references to “2022” recited herein shall be changed to appropriately reflect the year of such actual issuance. References herein to the Series 2022 Bond or Bonds shall include all Series of Bonds.

(e)     The City Council does hereby determine that the Series 2018 Bond to be refunded by the Series 2022 Bond may be conditionally or irrevocably called for redemption on such date or dates as determined by the City Manager. The City Manager is hereby authorized to (i) determine, upon the advice of the Financial Advisor, if and how the Series 2018 Bond shall be redeemed, (ii) determine and select which maturities of the Series 2018 Bond are to be refunded with a portion of the proceeds of the Series 2022 Bond, and (iii) provide for notices of defeasance and redemption, respectively and as applicable, in such manner, forms and times as required by the proceedings authorizing the issuance of the Series 2018 Bond.

Section 4     Redemption Provisions. The Series 2022 Bond shall be subject to redemption prior to maturity, at the option of the City upon the terms agreed to by and between the City Manager and the Purchaser.

Section 5     Establishment of Funds.

(a)     In accordance with Section 6.03 of the Bond Ordinance, there is hereby established the 2022 Debt Service Fund. The 2022 Debt Service Fund shall be held in the complete control and

custody of the City. Deposits thereto shall be made in accordance with the provisions of the Bond Ordinance.

(b) In accordance with Section 6.05 of the Bond Ordinance, there is hereby established the Series 2022 Construction Fund. Upon delivery of the Series 2022 Bond, the proceeds thereof shall be deposited into the Series 2022 Construction Fund. Disbursements shall be made from the Series 2022 Construction Fund to defray the costs of the Project and costs of issuance of the Series 2022 Bond. To the extent the City, acting through the City Manager, determines to redeem the Series 2018 Bond (under Section 3(e) above), such amounts shall be disbursed from the Series 2022 Construction Fund, or, alternatively, may be disbursed directly to the respective holders thereof at the closing of the Series 2022 Bond. The Series 2022 Construction Fund shall be held, maintained and controlled by the City or as the City otherwise directs.

(c) In accordance with Section 6.04 of the Bond Ordinance, a 2022 Debt Service Reserve Fund may be established, if required by the Purchaser.

(d) As permitted by the Bond Ordinance, the City shall maintain the Hospitality Fund and the Accommodations Fund.

Section 6 Certain Findings and Determinations. The City finds and determines:

(a) This 2022 Series Ordinance supplements the Bond Ordinance, constitutes and is a “Series Ordinance” within the meaning of the quoted term as defined and used in the Bond Ordinance, and is enacted under and pursuant to the Bond Ordinance.

(b) The Series 2022 Bond constitutes and is a “Bond” within the meaning of the quoted word as defined and used in the Bond Ordinance.

(c) The Hospitality Fee Revenues and Accommodations Fee Revenues pledged under the Bond Ordinance are not encumbered by any lien or charge thereon or pledge thereof other than as permitted under the Bond Ordinance.

(d) There does not exist an Event of Default, nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute an Event of Default under the Bond Ordinance.

(e) The Series 2022 Bond is being issued for the purposes described in Section 1(g) of this 2022 Series Ordinance.

(f) In accordance with Section 4.10 of the Bond Ordinance, no Trustee has been appointed under this 2022 Series Ordinance and the Clerk shall serve as Registrar for the Series 2022 Bond.

(g) Payment of the final bond payment due on this Bond shall be made when the same is due and payable upon the presentation and surrender for cancellation of the Bond at the

administrative office of the City as Registrar; however, final presentment and surrender of the Bond may be waived by a mutual, written agreement of the City and the Holder.

Section 7    Continuing Disclosure. Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the City covenants to file with a central repository for availability in the secondary bond market, when requested, an annual independent audit, within 30 days of its receipt of the audit; and event specific information within 30 days of an event adversely affecting more than 5% of its revenue or tax base. The only remedy for failure by the City to comply with the covenant in this Section 7 shall be an action for specific performance of this covenant. The City specifically reserves the right to amend this covenant to reflect any change in or repeal of such Section 11-1-85, without the consent of any Purchaser.

Section 8    Sale of Series 2022 Bond.

(a) The City Manager is hereby authorized to solicit bids from such banking institutions and upon such terms as he shall determine for the purchase of the Series 2022 Bond. Unless all of the bids are rejected, the award of the Series 2022 Bond shall be made to the party offering the terms most advantageous to the City. The City Manager, in his sole discretion, shall determine what grounds constitute the terms most advantageous to the City, considering the lowest overall borrowing costs to the City and any terms or conditions specific to each bid. Alternatively, the City Manager, with the assistance of the Financial Advisor, is authorized to negotiate the sale of the Series 2022 Bond directly with such banking institutions as he shall determine.

(b) A copy of this 2022 Series Ordinance shall be filed with the minutes of this meeting.

(c) The City Council hereby authorizes and directs all of the officers and employees of the City to carry out or cause to be carried out all obligations of the City under the Bond Ordinance and this 2022 Series Ordinance and to perform all other actions as they shall consider necessary or advisable in connection with the issuance, sale, and delivery of the Series 2022 Bond.

Section 9    Tax Covenants.

(a) *General Tax Covenant.* The City will comply with all requirements of the Code in order to preserve the tax-exempt status of the Bond, including without limitation, (1) the requirement to file Form 8038-G, *Information Return for Tax-Exempt Government Obligations*, with the Internal Revenue Service, and (2) the requirement to rebate certain arbitrage earnings to the United States Government pursuant to Section 148(f) of the Code. In this connection, the City covenants to execute any and all agreements or other documentation as it may be advised by Bond Counsel will enable it to comply with this Section 9, including its certification on reasonable grounds that the Series 2022 Bond is not an “arbitrage bond” within the meaning of Section 148 of the Code.

(b) *Tax Representations.* The City hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest on the Series 2022 Bond to become includable in the gross income of the Registered Holder thereof for federal income tax purposes pursuant to the provisions of the Code. Without limiting the generality of the foregoing, the City represents and covenants that:

- (1) All property financed or refinanced with the proceeds of the Series 2022 Bond will be owned by the City or another political subdivision of the State so long as the Series 2022 Bond is Outstanding in accordance with the rules governing the ownership of property for federal income tax purposes.
- (2) The City shall not use, and will not permit any party to use, the proceeds of the Series 2022 Bond, or any bonds refunded thereby, in any manner that would result in (i) 10% or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any Nongovernmental Person, (ii) 5% or more of such proceeds being considered as having been used directly or indirectly in any trade or business of any Nongovernmental Person that is either “unrelated” or “disproportionate” to the governmental use of the financed facility by the City or by any other Governmental Unit (as the terms “unrelated” and “disproportionate” are defined for purposes of Section 141(b)(3) of the Code) or (iii) more than 5% of such proceeds, but in no event more than \$5,000,000, being considered as having been used directly or indirectly to make or finance loans to any Nongovernmental Person.
- (3) The City is not a party to, and will not enter into or permit any other party to enter into, any contract with any person involving the management of any facility financed or refinanced with the proceeds of the Series 2022 Bond or by notes paid by the Series 2022 Bond that does not conform to the guidelines set forth in Revenue Procedure 2017-13, or a successor revenue procedure, or Code provision.
- (4) The City will not sell, or permit any other party to sell, any property financed or refinanced with the Series 2022 Bond to any person unless it obtains an opinion of Bond Counsel that such sale will not affect the tax-exempt status of the Series 2022 Bond.
- (5) The Series 2022 Bond will not be “federally guaranteed” within the meaning of Section 149(b) of the Code. The City shall not enter into, or permit any other party to enter into, any leases or sales or service contract with any federal government agency with respect to any facility financed or refinanced with the proceeds of the Series 2022 Bond and will not enter into any such leases or contracts unless it obtains the opinion of Bond Counsel that such action will not affect the tax-exempt status of the Series 2022 Bond.

(c) *Arbitrage Bonds, Rebate.* The City covenants that no use of the proceeds of the sale of the Series 2022 Bond shall be made which, if such use had been reasonably expected on the date of issue of the Series 2022 Bond, would have caused the Series 2022 Bond to be “arbitrage bonds” as defined in the Code, and to that end the City shall:

- (1) comply with the applicable regulations of the United States Department of Treasury previously promulgated under Section 103 of the Internal Revenue Code of 1954,

as amended, and any regulations promulgated under the Code, so long as the Series 2022 Bond is Outstanding;

- (2) establish such funds, make such calculations, and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebate of certain amounts to the United States Government;
- (3) make such reports of such information at the time and places required by the Code; and
- (4) take such other action as may be required to assure that the tax-exempt status of the Series 2022 Bond will not be impaired.

(e) *Tax Certificate.* The City Manager is hereby authorized and directed to execute, at or prior to delivery of the Series 2022 Bond, a certificate or certificates specifying actions taken or to be taken by the City, and the reasonable expectations of such officials, with respect to the Series 2022 Bond, the proceeds thereof, or the City. The City agrees to comply with its undertakings on its part set forth in any such certificate delivered with respect to Bond.

(f) *Reimbursement Declaration.* The City hereby declares its intention to reimburse itself for a portion of the costs of the Project with the proceeds of the Series 2022 Bond. To that end, the City Council determines and declares as follows:

- (1) No funds from any sources other than the Series 2022 Bond are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to the budget or financial policies of the City for the financing of the portion of the costs of acquisition, construction, and equipping of the Project to be funded with the Series 2022 Bond;
- (2) The City reasonably expects that all or a portion of the expenditures incurred for the Project and the issuance of the Series 2022 Bond will be paid prior to the issuance of the Series 2022 Bond;
- (3) The City intends and reasonably expects to reimburse itself for all such expenditures paid by it with respect to the Project prior to the issuance of the Series 2022 Bond from the proceeds of the Series 2022 Bond, and such intention is consistent with the budgetary and financial circumstances of the City;
- (4) All of the costs to be paid or reimbursed from the proceeds of the Series 2022 Bond will be for costs incurred in connection with the issuance of the Series 2022 Bond, or will, at the time of payment thereof, be properly chargeable to the capital account of the Project (or would be so chargeable with a proper election) under general federal income tax principles; and
- (5) this 2022 Series Ordinance shall constitute a declaration of official intent under United States Department of the Treasury Regulation Section 1.150-2.



(g) *Taxable Bond.* Prior to or upon the issuance of the Series 2022 Bond, the City Manager may, in consultation with Bond Counsel, designate the Series 2022 Bond or a Series thereof as Taxable Bonds. The election to issue a Series of Taxable Bonds shall be clearly indicated by including the phrase “Taxable Series,” or words to that effect, in the series designation of such Taxable Bonds. The above provisions of this Section 9 shall not be applicable to any Series of Taxable Bonds.

#### Section 10      Qualified Tax-Exempt Obligation - Designation.

The City expects to issue no tax-exempt obligations in calendar year 2022 which, along with the Series 2022 Bond, would aggregate more than \$10,000,000. Accordingly, the Series 2022 Bond is hereby designated as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code.

#### Section 11      Defeasance.

(a) If the Series 2022 Bond issued pursuant to this 2022 Series Ordinance shall have been paid and discharged, then the obligations of this 2022 Series Ordinance hereunder, and all other rights granted thereby shall cease and determine. The Series 2022 Bond shall be deemed to have been paid and discharged within the meaning of this section under any of the following circumstances:

- (1) The Escrow Agent shall hold at the stated maturities of the Series 2022 Bond, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the principal installment and interest, or redemption price, thereof; or
- (2) If default in the payment of the principal of the Series 2022 Bond or the interest thereon shall have occurred on any bond payment date, and thereafter tender of such payment shall have been made, and at such time as the Escrow Agent shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or
- (3) If the City shall elect to provide for the payment of the Series 2022 Bond prior to its stated maturity and shall have deposited with the Escrow Agent, in an irrevocable trust moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Escrow Agent at the same time, shall be sufficient to pay when due the principal installments, redemption price, and interest due and to become due on the Series 2022 Bond on and prior to its maturity date or redemption date, as the case may be. In the event that the City shall elect to redeem the Series 2022 Bond prior to its stated maturity, the City shall proceed to provide irrevocable direction to redeem the Series 2022 Bond.

Neither the Government Obligations nor moneys deposited with the Escrow Agent pursuant to this Section nor the principal or interest payments thereon shall be withdrawn or used for any purpose

other than, and shall be held in trust for, the payment of the principal installment and interest, or redemption price, of the Series 2022 Bond; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Escrow Agent, if not then needed for such purpose, shall, to the extent practicable, be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the principal installment, interest, or redemption price, to become due on the Series 2022 Bond on and prior to the maturity date or redemption date thereof, as the case may be, and interest earned from such reinvestments not required for the payment of the principal installment and interest, or redemption price, may be paid over to the City, as received by the Escrow Agent, free and clear of any trust, lien or pledge.

(b) In addition to the above requirements of paragraphs (a)(1), (2), and (3), in order for this 2022 Series Ordinance to be discharged, all other fees, expenses and charges of the Escrow Agent shall have been paid in full at that time.

(c) Notwithstanding the satisfaction and discharge of this 2022 Series Ordinance, the Escrow Agent, as applicable, shall continue to be obligated to hold in trust any moneys or investments then held by the Escrow Agent for the payment of the principal installments and interest, or redemption price, of the Series 2022 Bond, to pay to the Registered Holder of Bond the funds so held by the Escrow Agent as and when payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Escrow Agent to be paid reasonable compensation for all services rendered under this 2022 Series Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the performance of the powers and duties under this 2022 Series Ordinance.

(e) Any moneys which at any time shall be deposited with the Escrow Agent by or on behalf of the City for the purpose of paying and discharging the Series 2022 Bond shall be and are hereby assigned, transferred, and set over to the Escrow Agent, as applicable, in trust for the Registered Holder of the Series 2022 Bond, and the moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the Holders of the Series 2022 Bond shall no longer be entitled to enforce payment of their obligations, then, in that event, it shall be the duty of the Escrow Agent to transfer the funds to the City.

(f) Any Escrow Agent shall be appointed by the City Manager and shall accept in writing its acceptance to its obligations under this 2022 Series Ordinance.

Section 12 Interested Parties. Nothing in the Bond Ordinance or this 2022 Series Ordinance expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the City and the Purchaser, any right, remedy or claim under or by reason of the Bond Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in the Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Purchaser.

Section 13 Additional Provisions. The Bond Ordinance remains in full force and effect and shall govern the issuance of the Series 2022 Bond.

Section 14 Additional Documents; Further Authorization. The City Manager and the City Clerk are fully authorized and empowered to take any further action and to execute and deliver any closing documents as may be necessary and proper to effect the delivery of the Series 2022 Bond in accordance with the terms and conditions hereof. The actions by any of the authorized officers in executing and delivering documents in any such form as he or she shall approve is hereby fully authorized. Additionally, any actions taken by the above-mentioned officials affecting the delivery of the Series 2022 Bond prior to the enactment of this 2022 Series Ordinance are hereby approved and authorized.

Section 15 Section Headings. The headings and titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this 2022 Series Ordinance.

Section 16 Required Publications and Public Hearing. By the terms of the Bond Ordinance and the Enabling Act, the Series 2022 Bond is being issued pursuant to the procedures in Section 4-29-68 of the Code of Laws of South Carolina 1976, as amended (“**Section 4-29-68**”). As required by Section 4-29-68, a public hearing shall be held prior to enactment of this 2022 Series Ordinance. Notice of such public hearing shall in the form set forth in Exhibit B attached hereto.

Section 17 Severability. If any one or more of the covenants or agreements provided in this 2022 Series Ordinance on the part of the City or the Trustee, if any, to be performed should be contrary to applicable law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 2022 Series Ordinance.

Section 18 Professional Services. The City Council hereby authorizes, approves or ratifies, as applicable, the engagement of PFM Financial Advisors, LLC to act as financial advisor (the “**Financial Advisor**”) and Pope Flynn, LLC to act as Bond Counsel in connection with the issuance of the Series 2022 Bond and authorizes (or ratifies, as applicable) the City Manager to engage the services of such other professionals and institutions of a type and in a manner customary in connection with the issuance of municipal bonds, including, but not limited to, contractual arrangements with other professionals, rating agencies, verification agents, financial and trust institutions, printers and the suppliers of other goods and services in connection with the sale, execution and delivery of the Series 2022 Bond, as is necessary and desirable.

Section 19 Effective Date. This 2022 Series Ordinance shall become effective immediately upon its enactment.

DONE, RATIFIED AND ENACTED THIS 4th day of January 2022.

CITY OF WALTERBORO, SOUTH CAROLINA

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk  
City of Walterboro, South Carolina

First Reading:       December 7, 2021  
Public Hearing:       January 4, 2022  
Second Reading:     January 4, 2022



City, as paying agent, to the person in whose name this Bond is registered on the Record Date at the address shown on the registration books. [The City and the Registered Holder have mutually agreed to waive all requirements for presentation and surrender of this Bond in connection with the payment thereof; provided, however that upon the payment of final bond payment, the Registered Holder will either (1) present and surrender this Bond, (2) provide other indicia of satisfaction, or (3) [insert mutually agreed mechanism].]

This Bond is issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the "**State**"), including particularly Act No. 284 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 2010, now codified at S.C. Code Ann. Section 6-1-760 of the Code of Laws of South Carolina 1976, as amended and including the procedures of Section 4-29-68 of the Code of Laws of South Carolina 1976, as amended, a Hospitality Tax Ordinance duly enacted by the City Council of the City (the "**City Council**"), the governing body of the City, on April 4, 2006 (the "**Hospitality Fee Ordinance**"), an Accommodations Tax Ordinance duly enacted by the City Council on June 27, 2006 (the "**Accommodations Fee Ordinance**"), an Amended and Restated General Bond Ordinance duly enacted by the City Council on June 5, 2018 (the "**General Bond Ordinance**") and a Series Ordinance duly enacted by the City Council on January 4, 2022 (the "**Series Ordinance**" and together with the General Bond Ordinance, the "**Ordinance**"). Certain capitalized terms used herein and not otherwise defined shall have the meaning ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court for Colleton County, South Carolina.

[redemption provisions]

Both the principal of and interest on this Bond, as the same shall become due, are payable solely from the Hospitality Fees imposed and collected pursuant to the Hospitality Fee Ordinance (the "**Hospitality Fees**") and the Accommodations Fees imposed and collected pursuant to the Accommodations Fee Ordinance (the "**Accommodations Fees**" and, together with the Hospitality Fees, the "**Revenues**"). This Bond is not secured by, or in any way entitled to, a pledge of the full faith, credit or taxing power of the City and shall not in any event constitute an indebtedness of the City within the meaning of any provision, limitation or restriction of the Constitution or statutes of the State, other than those provisions authorizing indebtedness payable solely from a special source, which source does not involve revenues from any tax or license. This Bond is not a pecuniary liability of the City or a charge against the City's general credit or taxing power. The City is not obligated to pay this Bond, or the interest hereon, save and except from the Revenues.

Unless otherwise limited, suspended or terminated by the General Assembly, the City has covenanted that it shall not at any time, during the term that this Bond is outstanding, reduce the percentage of the Hospitality Fee below one percent (1%) of the gross proceeds of sales of prepared meals and beverages sold in establishments within the City and, unless otherwise limited, suspended or terminated by the General Assembly, the City has covenanted that it shall not at any time, during the term that this Bond is outstanding, reduce the percentage of the Accommodations Fee below one and one-half percent (1.5%) of the gross proceeds derived from rental or charges for accommodations furnished to transients for consideration within the City.

For the payment of the principal of and interest on this Bond, there are hereby irrevocably pledged the Revenues and a contractual lien upon the Revenues (as defined in the Ordinance) has been granted to the Bank. The Ordinance authorizes the issuance of additional Bonds on a parity with the pledge and a lien given to secure this Bond which, when issued in accordance with the provisions of the General Bond Ordinance, will rank equally and be on a parity therewith (this Bond and all bonds heretofore or hereafter issued on a parity therewith are hereinafter referred to as the "**Bonds**").

The Ordinance provides that, in addition to other remedies, upon a default thereunder, the Bank, under certain circumstances, may declare this Bond immediately due and payable.

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

The person in whose name this Bond shall be registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of the principal of this Bond shall be made only to or upon the order of the Registered Holder or his legal representative. All payments made in this manner shall be valid and effective to satisfy and discharge the liability of the City upon this Bond to the extent of the sum or sums paid. No person other than the Registered Holder shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under this Bond against the City.

For every exchange or transfer of this Bond in accordance with the terms of the Ordinance, the City may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

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

Whenever the terms of this Bond require any action be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State or in any state where the corporate trust office of the trustee or custodian, if then appointed, is located, the action shall be taken on the first business day occurring thereafter.

The Ordinance contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements, and other obligations of the City made therein may be discharged at or prior to the maturity of this Bond with provisions for the payment thereof in the manner set forth in the Ordinance; and sets forth the terms and conditions under which the Ordinance may be amended or modified with or without the consent of the Registered Holder of this Bond. Reference is hereby made to the Ordinance, to all the provisions of which any Registered Holder of this Bond by the acceptance hereof thereby assents.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and laws of the State to exist, to happen, and to be performed precedent to or in the issuance of this Bond exist, have happened, and have been done and performed in regular and due time, form, and manner, and that the amount of this Bond does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, THE CITY OF WALTERBORO, SOUTH CAROLINA, has caused this Bond to be executed by the Mayor of the City of Walterboro, South Carolina and attested to by the City Clerk of the City of Walterboro, South Carolina and its corporate seal to be impressed hereon, all as of the \_\_\_ day of \_\_\_\_\_ 2022.

**CITY OF WALTERBORO, SOUTH CAROLINA**

(SEAL)

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk



**(FORM OF ASSIGNMENT)**

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto  
\_\_\_\_\_  
within bond and does hereby irrevocably constitute and appoint  
\_\_\_\_\_  
attorney to transfer the within bond on the books kept for registration thereof, with full power of  
substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Authorized Officer)

\_\_\_\_\_  
Notice: The signature to the assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

NOTICE OF PUBLIC HEARING

The City Council of the City of Walterboro (the “City Council”), the governing body of the City of Walterboro, South Carolina will hold a public hearing in its chambers on Tuesday, January 4, 2022 at 6:15 p.m. (or as soon thereafter as the agenda permits) (the “Hearing”). The Hearing will occur during the City Council’s regularly scheduled meeting. The City Council’s chambers are located on the 2nd floor of City Hall, 242 Hampton Street, Walterboro, South Carolina.

The City Council is considering the enactment of “AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT EXCEEDING FOUR MILLION DOLLARS (\$4,000,000) HOSPITALITY AND ACCOMMODATIONS FEE IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2022 OF THE CITY OF WALTERBORO, SOUTH CAROLINA; PROVIDING FOR THE ISSUANCE OF BOND ANTICIPATION NOTES; AND OTHER MATTERS RELATING THERETO.” The Hearing shall be conducted publicly and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel.

Walterboro City Council  
Walterboro Wildlife Center  
July 6, 2021

## MINUTES

A Regular Meeting of Walterboro City Council at City Hall on Tuesday, July 6, 2021 at 6:15 P.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Joined in the meeting were: Mayor Bill Young, Councilmembers: Paul Siegel, Judy Bridge, Greg Pryor, James Broderick, Carl Brown. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, Finance Director Amy Risher, Utilities Director Wayne Crosby, City Clerk Callie Seals, Police Chief Wade Marvin, Fire Chief Paul Siegler and City Attorney George Cone were present, as well as Vicki Brown from The Press and Standard and George Crosby, II from Lowcountry Council of Governments. Councilmember Ladson Fishburne was absent.

### **CALL TO ORDER:**

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

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

The Mayor stated public input on agenda items had been distributed to Council by email.

### **APPROVAL OF MINUTES:**

Upon motion of Councilmember Pryor, seconded by Councilmember Broderick, the following meeting minutes were unanimously approved.

1. Minutes of July 6, 2021.

### **OLD BUSINESS:**

1. **Ordinance # 2021-06**, AN ORDINANCE TO REPEAL CHAPTER 8, BUSINESS LICENSE AND BUSINESS REGULATIONS, ARTICLE I, IN GENERAL AND ARTICLE II, BUSINESS LICENSE ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF WALTERBORO, SOUTH CAROLINA, AND TO REPLACE SAID CHAPTER 8 ORDINANCE WITH CHAPTER 8 ENTITLED BUSINESS LICENSE ORDINANCE. (Second and Final Reading).

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

City Manager Molinari stated that in September 2020, the General Assembly passed Act 176 which streamlines the business license process. This is an effort that has been worked on for the past several years with the Municipal Association and the General Assembly. As part of the legislation, Cities are

required to update and adopt a standard business license ordinance that will have to be in effect by January 1, 2022.

**NEW BUSINESS:**

1. **Ordinance # 2021-07**, AN ORDINANCE TO AMEND ORDINANCE # 2021-03, SO AS TO SET THE LOCAL OPTION SALES TAX CREDIT FACTOR IN THE FISCAL YEAR 2021-2022 BUDGET (First Reading).

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

City Manager Molinari stated that every year this time of year we must establish the local sales tax credit factor so that we can get the information to the County and that will go out in the tax bills in the fall. I put down the breakdown of the formula that we use to arrive at the local option sales tax and it's a simple formula where we take the total anticipated annual collections and divide it by the fair market value of real and personal tax inside the city and that gives you the local option sales tax credit factor of .001992. Staff asks for Councils favorable consideration.

2. **Resolution #2021-10**, A RESOLUTION COMMITTING THE CITY OF WALTERBORO TO PROVIDING A PROGRAM FEE FOR THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA RETAIL RECRUITMENT TRAINING PROGRAM IN PARTNERSHIP WITH THE RETAIL COACH IF THE CITY IS ACCEPTED INTO THE PROGRAM AND SUPPORTING THE CITY'S APPLICATION THERETO.

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

City Manager Molinari stated this is a new program that the Municipal Association announced a few weeks ago. They have partnered with a firm called "The Retail Coach" and in the fall they're going to be doing a series of training sessions for retail recruitment. If we were to be accepted into the program, we would send a representative to the International Council of Shopping Centers Conference in Las Vegas, Nevada at the beginning of December. That's the largest trade show for retailers and developers. The program is \$5,000, and as part of that fee it includes sending one individual to that conference, the six training sessions, as well as a market analysis for the City. Assistant City Manager Amundson and I have had numerous conversations about this and thought that it would be beneficial for the City to apply and if Council were to adopt the resolution tonight, we must submit the application to the Municipal Association July 23<sup>rd</sup>. Staff asks for Councils favorable consideration.

3. **Resolution #2021-11**, A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO COMMIT AN ADDITIONAL \$120,051 TO FUND THE CITY MATCH PORTION OF THE SUBSYSTEM 3 AND 1-EAST SEWER UPGRADE PROJECT AND TO MEET THE MATCHING REQUIREMENT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

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

City Manager stated as you are aware the City was awarded grant through CBDG program in the amount of \$2,321,834.00. This is to upgrade sewer lines in the Gadson Loop-River Street area. As you are

aware, with the CBDG grant program the City must provide a 10% match. We were extremely fortunate that we were fully funded. Typically, these types of grants are capped at \$750,000. However, as a result we are required to pass another resolution authorizing an additional \$120,051 as match and these funds will come from the bond issued back in March for water and sewer projects.

4. Consideration of a Request for Road Closure from Criterium Committee/Tourism Director, Madison Terry, relating to the Annual Waltherboro Criterium 2021 on August 25, 2021 (Memorandum attached).

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

Tourism Director Terry said we're excited to have it again this year, and it will be coming back again next April.

### **CITY MANAGER'S REPORT:**

1. Consideration of Bids for the I-95 Business Loop Project Phase 2 (Memorandum attached).

City Manager Molinari stated you have a memo and supporting documentation. At the beginning of last month, we conducted the bid opening for Phase 2 of the I-95 Business Loop Project. This is the section that will extend from Exit 53 at I-95 to the intersection of N. Jefferies Blvd. and Bells Hwy. We received four bids for the project with the low bid coming from Wildwood Contractors out of Waltherboro. The funding for the project will come from the capital project sales tax. The City currently has \$3,844,033 in sales tax funding remaining for the Loop project. Staff recommends awarding the contract to Wildwood Contractors. As I had indicated to Council a few weeks ago, this just includes the streetscape portion of the project and not all the resurfacing which was bid out separately. We are actively working to secure funding for the resurfacing which is about \$1.6 million.

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

2. Consideration of Bids for Black Street/Sub-basin 12 Sewer Upgrade Project (Memorandum attached).

City Manager Molinari stated as you can see in your agenda packet, we had a bid opening for the Black Street Sub-basin sewer project. This is another CDBG project and staff is recommending that we go with Gulf Coast Underground, LLC. Also including nine additional bid items for a total cost of \$47,571.51 for a total cost of construction of \$1,393,064.014. The City received a CDBG grant of \$1,348,00 for the project. The City will be required to provide additional funding of almost \$45,000 and this will come from the 2021 revenue bond. We have our Utilities Director, Wayne Crosby, here if you have any technical questions. Mr. Crosby stated we have a couple of rehab projects coming up, this one and the one Jeff mentioned earlier. We are in desperate need of some rehabilitation of our sewer system. We have a lot of inflow and infiltration at the WWTP and we need to stop that because we don't want to be treating the ground water.

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

3. Consideration of a Request for Design and Engineering Services for Sub-systems 3 & 1-East Sewer Upgrade Project. (Memorandum attached)

City Manager Molinari stated he mentioned earlier the city match portion for the sub-system 3 & 1-East which is the Gadson Loop River Street area. The design and engineering would be included as the City match and we asked Hybrid Engineering to do that proposal. They submitted a proposal in the amount of \$261,210. The total projected cost of the project is \$2,674,000 and City staff asks for Council's favorable consideration of this engineering proposal.

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

4. Consideration of a Request to Purchase a Backhoe (Memorandum attached).

City Manager Molinari stated I've enclosed in your agenda packet a memo and supporting documentation from the Public Works Director, Michael Crosby, to purchase a new backhoe for the department. The fiscal year 2021-2022 budget allocated \$99,003 for the purchase of a backhoe. We received three bids and staff is recommending that we award the bid to Blanchard Cat out of Walterboro for the purchase of a Cat 430 loader in the amount of \$93,693.57. We also received a \$49,800 grant from USDA to help fund the purchase.

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

5. Consideration of a Request to Purchase a Fire Truck (Memorandum attached).

City Manager Molinari stated you have in your packets a memo from Fire Chief Seigler to purchase a new fire truck with equipment. The fiscal year 2021-2022 fire department budget allocated \$462,258 for the purchase of a new fire truck with equipment. We were also awarded a \$50,000 from USDA to help fund the new truck. We received two bids, one no bid and one no response. The Fire Chief is recommending that we purchase the E-1 unit from Wayne Godfrey of Safe Industries based out of Easley, SC in the amount of \$460,100. I asked Chief Seigler to give a brief overview since we are not recommending the low bidder and our justification. Chief Seigler stated our lower bid was by about \$21,000, but it was with a company that I wasn't familiar with their work. I talked with some of the representatives and wasn't comfortable with their setup and how they would service the engine, and this is too big of a project and investment for the City to go with something like that. We have all E-Ones right now, so we know what we're dealing with, and we get good service. Lead time on this apparatus is anywhere from 10-12 months, so that is why we have it before you in July to get the piece of equipment ordered. What we would be looking at doing is a five-year lease purchase as we have with our previous truck that we purchased five years ago, and debt service won't show up until the subsequent budget year.

Motion: Councilmember Bridge; Pryor: Councilmember Bridge  
Discussion: Councilmember Brown inquired with Chief Seigler about the bidding process.  
Carried: Mayor Young, Councilmembers Bridge, Broderick, Pryor, and Siegel voting in favor, Councilmember Brown opposed.

6. Consideration of a Request to Purchase Police Vehicles (Memorandum attached).

City Manager Molinari stated you have in your packets a memo and supporting documents from Police Chief Marvin to purchase two new police vehicles. The police department received bids from two

vendors and one no bid. The police department is recommending purchasing two new Dodge Charger pursuit vehicles from Performance Dodge out of Clinton, NC in the amount of \$101,521.60 which includes the two vehicles plus the police upfit for each vehicle. We received a \$49,000 grant from USDA. We also received one bid from a local vendor in applying the local preference option as outlined in the City's Code of Ordinances, and Rizer Chevrolet did not qualify for the opportunity to match the price presented by Dodge Performance. Staff recommends purchasing the vehicles from Performance Dodge in the amount of \$101,521.60.

Motion: Councilmember Broderick; Second: Councilmember Bridge  
Discussion: Councilmember Pryor then questioned if GMC offered a sedan. Chief Marvin stated they do not. They made a "caprice" at one time, but no longer. Councilmember Pryor asked what the turnaround time was on ordering the vehicles, and Chief Marvin responded saying about a week.  
Carried: All ayes.

7. Consideration of a Request to Purchase a Pickup Truck (Memorandum attached).

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

City Manager Molinari stated you have in your packets a memo and supporting documents from Public Works Director, Michael Crosby, to purchase a new full-size pickup truck. We received three bids and staff recommends purchasing from Walterboro Motor Sales a 2021 Ford-F150 Crew Cab in the amount of \$40,385. This is a non-budgeted expenditure to replace the Public Works Directors vehicle. Our insurance carrier SCMIRF issued a check for \$35,000 to replace the vehicle, and the additional \$5,385 will be absorbed by the Sewer Support budget. Staff asks for Council's favorable consideration of this request.

8. Consideration of a Request to Purchase Emergency Generator for the Wastewater Treatment Plant (Memorandum attached).

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

City Manager Molinari stated you have in your packets a memo and supporting documents from Utilities Director Crosby. The generator at the WWTP is approximately 35 years old, which failed during a scheduled exercise a few weeks ago. As a result, Mr. Crosby has been looking at several different options. As you are aware, as part of the WWTP upgrade we are going to put in a new natural gas generator as part of that project. However, given that that project is still a year or two away we really need to have an emergency generator now especially with hurricane season on the way. Mr. Crosby recommends purchasing a used generator in the amount of \$71,915.04 that can be paid from net position in the Water/Sewer Enterprise Fund. Once construction on the WWTP is completed, this generator will continue to be utilized in our water and sewer system. It is my understanding that this generator is about 20 years old, so with this purchase we can get some additional utility after its done and the WWTP is complete. However, we obviously need to have a generator in the interim until construction is complete.

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

Motion: Councilmember Bridge; Second: Councilmember Brown  
Discussion: None.

Carried: All ayes.

City Manager Molinari stated the A-Tax Committee met on June 17<sup>th</sup> and we have three requests for the City's tourism fund. They are the Walterboro Criterium, SC Artisans Center-billboards, and Walterboro Festivelo. The A-tax Committee is recommending \$3,375 for the Criterium, \$15,600 for billboards for the SC Artisans Center and \$10,750 for the Festivelo. These requests are approved as submitted. The projected remaining balance is approximately \$107,129 and those remaining funds will be up for consideration at our next meeting in October.

10. Appointment to the Accommodations Tax Advisory Committee (Memorandum attached).

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

City Manager Molinari stated you have a memo in your packet indicating we currently have two vacancies on the Tax Advisory Committee. One of the vacancies is at large and the other is to be filed by a representative from a cultural organization. Christie Slocum the cultural coordinator at the Colleton County Museum and Farmer's Market has expressed interest in serving on the A-Tax Committee and is an appointee from a cultural organization. If appointed her term would expire in January 2022 and staff recommends her appointment.

11. Recognition of Certificate of Achievement for Excellence in Financial Reporting for the City of Walterboro.

This is the 9<sup>th</sup> year in a row that the City has received the Recognition of Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association, therefore I'd like to recognize our Finance Director Amy Risher and her staff for their excellent work as we continue to be awarded this credential. Mayor Young then congratulated Ms. Risher for the achievement.

A motion was made to go into Executive Session by Councilmember Bridge, seconded by Councilmember Broderick.

**EXECUTIVE SESSION**

1. Personnel Matter – City Council Appointments.

There being no further business to consider, a motion to adjourn was made by James Broderick, seconded by Councilmember Pryor, and passed unanimously. The Mayor adjourned the meeting at 7:23 P.M. Notice of this meeting were distributed with the agenda packets, to all local media, posted on City Hall bulletin boards and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Adrienne Nettles  
City Clerk

**APPROVED:**



**Walterboro City Council  
Regular Meeting  
September 7, 2021  
City Hall**

**Minutes**

A Regular Meeting of Walterboro City Council at City Hall on Tuesday, September 7, 2021 at 6:15 P.M. with Mayor Bill Young presiding.

**PRESENT WERE:** Joined in the meeting were: Mayor Bill Young, Councilmembers: Paul Siegel, Judy Bridge, Carl Brown, James Broderick, Greg Pryor, Ladson Fishburne. City Manager Jeff Molinari, and Public Works Director Michael Crosby.

**CALL TO ORDER:**

With the above-mentioned Councilmembers present, the Mayor called the meeting to order, and invited everyone to join in as he gave the invocation. Councilmember Bridge led the pledge of allegiance to our flag.

**PUBLIC INPUT ON AGENDA ITEMS:**

There was no public input on agenda items.

**NEW BUSINESS:**

1. **RESOLUTION # 2021-R-16,** A RESOLUTION DESIGNATING AN AUTHORIZED REPRESENTATIVE AND CONTACT PERSON FOR PURPOSE OF THE AMERICAN RESCUE PLAN ACT OF 2021.

City Manager Jeff Molinari stated before you, you have a resolution to designate myself and Finance Director Amy Risher for purposes of drawing down Recovery Act money. As you are aware, the South Carolina Department of Administration submitted its request to draw down the money to the Treasury department. The last thing that is required is for City Council to designate the City Manager as our authorized representative and designate Finance Director Amy Risher as the contact person. Once we do that we can go into the portal and sign the documents and bring the money back to the city.

Motion: Councilmember Broderick; Second: Councilmember Pryor

Discussion: None

Carried: All ayes.

**CITY MANAGER'S REPORT:**

1. Consideration of bids to purchase high pressure sewer cleaner (memorandum and material attached).

City Manager Molinari stated you have in your agenda a memo and supporting documentation from our Public Works Director Michael Crosby to purchase a new high pressure sewer cleaner. This new piece of equipment will replace the one that has been in service since 1988. The city received three bids. The fiscal year 2021-2022 Sewer Support budget allocated \$107,614 for this purchase. Staff has recommended accepting the lower bid to purchase the Model 747-FR 2000 Sewer Cleaner from JetVac Equipment

Company based out of Atlanta, Georgia. The amount of this purchase will cost \$114,552.80. The \$6,938.80 shortfall will be absorbed by the Sewer Support Department. The staff recommends Council's approval.

Councilmember Broderick asked, can you give a quick description of what this machine is used for. Public Works Director Michael Crosby stated that the machine is used for basic maintenance for the sewer mains. If they have a blockage in the mains, they can use this machine to run down the line and clear the blockage. We use this machine daily. This machine is the larger of the two machines that we have now.

Motion: Councilmember Brown; Second: Councilmember Broderick

Discussion: None

Carried: All ayes.

**EXECUTIVE SESSION:**

1. Personnel Matter- City Attorney candidates

A motion was made to go into Executive Session by Councilmember Bridge, seconded by Councilmember Broderick.

A motion to come out of Executive Session was made by Councilmember Pryor, seconded by Councilmember Broderick. All in favor, the motion carries.

A motion to appoint Brown McLeod as City Attorney effective September 8, 2021, was made by Councilmember Brown, seconded by Councilmember Broderick. All in favor, motion carries.

There being no further business to consider, a motion to adjourn was made by Councilmember Broderick, seconded by Councilmember Brown, and passed unanimously. Mayor Young adjourned the meeting at 6:50 P.M. Notice of this meeting was distributed with agenda packets, to all local media, posted of City Hall bulletin board and on the City's website at least twenty-four hours prior to meeting time.

Respectfully,

Adrienne Nettles  
City Clerk

Approved:

**WALTERBORO CITY COUNCIL  
SPECIAL CALLED MEETING  
DECEMBER 14, 2021  
CITY HALL**

**MINUTES**

A Special Called Meeting of Walterboro City Council at City Hall on Tuesday, December 14, 2021 at 4:30 P.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Joined in the meeting were: Mayor Bill Young, Councilmembers Paul Siegel, Carl Brown, James Broderick, and Ladson Fishburne. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Clerk Adrienne Nettles and City Attorney Brown Mcleod were also present. Councilmembers Judy Bridge and Greg Pryor were absent.

**CALL TO ORDER:**

With the above-mentioned Councilmembers present, the Mayor called the meeting to order.

**PUBLIC INPUT ON AGENDA ITEMS:**

There was no public input on agenda items.

**EXECUTIVE SESSION:**

1. Receipt of Legal Advice:
  - a. Wastewater Treatment Plant Improvement Project.
  - b. Lowcountry Regional Airport
  
2. Contractual Matter- I-95 Business Loop Project Phase 2.

A motion was made to go into Executive Session by Councilmember Brown, seconded by Councilmember Broderick.

A motion to come out of Executive Session was made by Councilmember Brown, seconded by Councilmember Fishburne. All in favor, motion carries.

There being no further business to consider, a motion to adjourn was made by Councilmember Broderick, seconded by Councilmember Fishburne, and passed unanimously. Mayor Young adjourned the meeting at 5:37 P.M. Notice of this meeting was distributed with the agenda packets, to all local media, posted on City Hall bulletin board and on the City's website at least twenty-four hours prior to the meeting time.

Respectfully,

Adrienne Nettles  
City Clerk

**Walterboro City Council  
Special Called Meeting  
December 22, 2021**

**Minutes**

A special called meeting of Walterboro City Council Phone/Video Conference Virtual meeting using Zoom was held by Walterboro City Council at City Hall on Wednesday, December 22, 2021 at 10:00 A.M., with Mayor Bill Young presiding.

**PRESENT WERE:** Joined in the meeting were: Mayor Bill Young, Councilmember: Paul Siegel, Judy Bridge, James Broderick, Ladson Fishburne, and Carl Brown. City Manager Jeff Molinari, Assistant City Manager Hank Amundson, City Attorney Brown Mcleod, and Attorney Hank Wall were in attendance. Councilmember Greg Pryor was absent.

**CALL TO ORDER:**

With the above-mentioned Councilmembers present, the Mayor Called the meeting to order.

**PUBLIC INPUT ON AGENDA ITEMS:**

There was no public input on agenda items.

**EXECUTIVE SESSION:**

1. Receipt of Legal Advice- Wastewater Treatment Plant Improvement Project.

A motion was made to go into Executive Session by Councilmember Bridge, seconded by Councilmember Siegel. All in favor, motion carries.

A motion to come out of Executive Session was made by Councilmember Bridge, seconded by Councilmember Broderick. All in favor, motion carries.

**OPEN SESSION:**

A motion to authorize the City Manager to execute a settlement agreement with AECOM as directed by City Council and recommended by the City attorneys in the amount of \$96,000.00.

Motion: Mayor Young; Seconded Councilmember Bridge.

Discussion: None

Carried: All ayes

There being no further business to consider, a motion to adjourn was made by Councilmember Broderick, seconded by Councilmember Brown, and passed unanimously. Mayor Young adjourned the meeting at 10:26 A.M. Notice of the meeting was distributed to all local media, posted on the City's website and the City Hall bulletin board at least twenty-four hours prior to meeting time.

Respectfully,

Adrienne Nettles  
City Clerk

**NOTICE OF  
ANNUAL RETREAT  
WALTERBORO CITY COUNCIL**

Walterboro City Council will conduct its 2022 City Council Planning Retreat Friday, January 14, 2022, to be held at: Walterboro Wildlife Center, 100 S. Jefferies Blvd., Walterboro, SC 29488. No formal action will be taken on any items at this retreat. Any action items will be brought back to a regular Council meeting for Council's consideration.



## MEMORANDUM

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**TO:** Mayor and City Council  
**FROM:** City Manager  
**DATE:** December 30, 2021  
**RE:** 2022 Capital Project Sales Tax Projects

Pursuant to the projects identified by City Council at the City's annual retreat, staff has identified the following projects to submit to the Capital Project Sales Tax Commission:

1. I-95 Business Loop Project Phase 3 - \$6,802,045
2. Ireland Creek Revitalization Project - *awaiting estimate from Wood Environment & Infrastructure Solutions*
3. Water and Sewer System Improvement Projects - \$6,418,427
  - a. Lower and Middle Ireland Creek Sewer Trunk Line Improvements (\$1,276,808)
  - b. Northwest Walterboro Water & Wastewater Improvements Feasibility Study/Design & Engineering (\$800,535)
  - c. Wastewater Treatment Plant - demolition of existing structures no longer in use (\$1,200,000) and generator (\$1,892,647)
  - d. Forest Hills Water System Improvements - \$1,248,437

Staff recommends submission of the I-95 Business Loop Project Phase 3, Ireland Creek Revitalization Project, and Water and Sewer System Improvement Projects to the Capital Project Sales Tax Commission. If you have any questions, comments, or suggestions, please do not hesitate to call me, or come by City Hall at your convenience.

Sincerely,

Jeffrey P. Molinari  
City Manager