AMENDED AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
MONDAY, JANUARY 13, 2014
6:00 P.M.
COLLETON MUSEUM, 506 E. WASHINGTON ST.

1. Call to Order

2. Invocation and Pledge of Allegiance

3. Roll Call

4. Appearances & Public Presentations
   a) Introduction of Animal & Environmental Control Director
   b) Presentation to County Council by the Friends of the Edisto River

5. Approval of Minutes
   a) Regular Meeting December 3, 2013

6. Awards & Recognitions

7. Administrator’s Briefing

8. Public Hearing

9. Old Business
   a) 2\textsuperscript{nd} Reading Ordinance 13-O-14, To Amend Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance.

   b) 2\textsuperscript{nd} Reading Ordinance 13-O-15, To Amend Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance.

   c) 2\textsuperscript{nd} Reading Ordinance 13-O-16, To Amend Chapter 14.08 – Zoning, Section 14.08-11 Definitions, of the Colleton County Zoning Ordinance.

   d) 2\textsuperscript{nd} Reading of Ordinance 13-O-17, To Create Chapter 3.36 – Property Taxes, of Title 3 – Revenue and Finance, of the Code of Ordinances of Colleton County and Section 3.36.20 – Installment Payment of Taxes as Part of Chapter 3.36.

10. New Business
   a) Resolution 14-R-01, To Appoint a Member to the Fire-Rescue Control Board.

   b) Resolution 14-R-02, To Authorize Payment from the Council Contingency Fund in the Amount of $2,550.00 on Behalf of the Colleton Business Alliance to Cover
Expenses Related to Billboard Advertisements for the Crime Stoppers of Colleton County.

c) Resolution 14-R-03, To Authorize the Submittal of a Grant Application Related to the South Carolina Department of Public Safety Justice Assistance Grant (JAG) program for a Street Gang Unit.

d) Resolution 14-R-04, To Award Bid CC-11 for New Road Construction at Venture Park.

e) Resolution 14-R-05, To Authorize a Provision of Office Space to South Carolina Department of Corrections Young Offender Parole & Reentry Services.

f) 1st Reading **BY TITLE ONLY** Ordinance 14-O-01, Authorizing The Execution And Delivery Of Certain Instruments Relating To The Acquisition, Use, And Installation Of Improvements To 604 Wichman Street, Walterboro, South Carolina (The "Farm Market Commercial Kitchen Project"); Approving The Issuance Of A CCEDC Two, Inc. Installment Purchase Revenue Note; Authorizing The Execution And Delivery Of A Public Facilities Purchase And Occupancy Agreement Among Colleton County, CCEDC Two, Inc., And Palmetto Rural Telephone Cooperative, Inc.; And Other Matters Relating Thereto.

g) 1st Reading **BY TITLE ONLY** Ordinance 14-O-02, Authorizing A Loan From The South Carolina Public Service Authority To Colleton County, South Carolina To Finance The Construction Of An Industrial Building In The Colleton County Commerce Center For The Economic Development Of Colleton County; Authorizing The Execution And Delivery Of An Intergovernmental Loan Agreement Between The South Carolina Public Service Authority And Colleton County And A Promissory Note From Colleton County To The South Carolina Public Service Authority Related Thereto; And Other Matters Relating Thereto

11. Items for Information and Public Record

12. Public Comments (3 minutes per person/max time 20 minutes)

13. Council Time

14. Executive Session
   a) Contractual – Edisto Civic Center
   b) Legal Advice– Procurement, Contractual
   c) **Mutual Aid Agreement- City of Walterboro**

15. Adjournment

16. Informal Meeting of the Whole
ORDINANCE 13-O-14

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance.]

WHEREAS:

1. The County adopted the Zoning Ordinance in September 2010, and there have been changes in the County’s land use over time; and

2. The Zoning Ordinance has been under review by the Planning Commission, and it has found the need to make adjustments based on past requests; and

3. The Planning Commission, in their November meeting, voted to recommend an amendment to the Zoning Ordinance regarding Zoning District Regulations.

NOW, THEREFORE, BE IT ORDEIGNED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:

1. Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance is hereby amended to read as follows:

14.08-2.050 Rural Development-1, B.1.e., Cemeteries
Remove “family and accessory (excluding principal use)”.

14.08-2.060 Rural Development-2, B.3. (Special Exceptions): i, j, & n.
Remove “up to 5000 sqft and excluding alcohol sales” from Retail uses; Add “Drinking Establishments” to Restaurants and Remove “up to 2500 sqft”; and Add “Wholesale Trade” as a use.

Remove “up to 10,000 sqft” from Office uses; Add “Drinking Establishments” to Restaurants; Remove “up to 5000 sqft and excluding alcohol sales” from Retail uses; Remove “up to 5000 sqft” from Service uses; Add Wholesale Trade; and under Section B.3 (Special Exceptions): e., Remove “Liquor stores”, h., Remove “Retail uses 5,001 to 50,000 sqft”.

Remove “up to 10,000 sqft” from Office uses; Remove “up to 50,000 sqft and excluding alcohol sales” from Retail uses; Remove “up to 10,000 sqft” from Service uses and Add “Drinking Establishments” to Restaurants and under Section B.3 (Special Exceptions): e., Remove “Liquor stores”, h., Remove “Retail uses (more than 50,000 sqft)”.
Remove “Convenience stores”; Remove “up to 30,000 sqft excluding alcohol sales” from Retail uses; 
Add “Drinking Establishments” to Restaurants; Remove “excluding towers” from 
Telecommunications and under Section B.3 (Special Exceptions): f. Remove “Liquor stores”; j., 
Remove “Retail uses (more than 30,000 sqft)”; Add “Recycling (Household paper, plastic, tins and 
glass)”.

Remove “Convenience stores”; Remove “Liquor stores” Add “Drinking Establishments” to 
Restaurants; Remove “up to 50,000 sqft” from Retail uses; Remove “excluding towers” from 
Telecommunications and under Section B.3 (Special Exceptions): g., Remove “Liquor stores” , l., 
Remove “Retail uses (more than 50,000 sqft)”.

14.08-2.120 Industrial, B.1. (Permitted Uses):
Add “Restaurants & Drinking Establishments”; Add Retail uses; Add Telecommunications and under 
Section B.3 (Special Exceptions): a., Remove “Communication towers”; and g., Remove 
“Restaurants”.

14.08-2.130 Light Industrial, B.1. (Permitted Uses): p., Remove “up to 50,000 sqft excluding 
alcohol sales” from Retail uses; and under Part s., Remove “excluding towers” from 
Telecommunications.

2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.

3. If any provision of this Ordinance or the application thereof to any person or circumstance is held 
invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be 
given effect without the invalid provision or application and to this end, the provisions of this 
Ordinance are severable.

By: 
 Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE: 
OPPOSED:

ATTEST:
By: ____________________________
Ruth Mayer, Clerk to County Council

APPROVED AS TO FORM:
By: ____________________________
Sean Thornton, County Attorney
ORDINANCE 13-O-15

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance.]

WHEREAS:

1. The standards set by the current ordinance have resulted in confusion and enforcement concerns regarding the placement of political signs in the SCDOT and County rights-of-way; and

2. In order to be consistent to the current practice in the field, it is necessary to allow political signs in the County rights-of-way; and

3. The Planning Commission, in their November meeting, voted to recommend an amendment to the Zoning Ordinance regarding political signs.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:

1. Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance is hereby amended to read as follows:

   Repeal: Section 14.08-6.060 A.3.g. Political Signs

   Amend: Section 14.08-6.050 B.6.e. Other to read: “Political signs shall not be displayed on utility poles and shall be placed no closer than 5 feet from a street or curb.”

2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.

3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.
By: ________________________________
Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:
OPPOSED:

ATTEST:

By: ________________________________
Ruth Mayer, Clerk to County Council

APPROVED AS TO FORM:

By: ________________________________
Sean Thornton, County Attorney
ORDINANCE 13-O-16

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 14.08 – Zoning, Section 14.08-11 Definitions, of the Colleton County Zoning Ordinance.]

WHEREAS:

1. With the increase in water-related activities, it is necessary to add clarity regarding the activities allowed under the term marina; and

2. The Planning Commission, in their November meeting, voted that the County’s Zoning Ordinance be amended to include the definition of marina.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:

1. Chapter 14.08 – Zoning, Section 14.08-11.040 Definitions, of the Colleton County Zoning Ordinance is hereby amended to read as follows:

   Marina means a facility located along a shoreline that may have docks, moorings, supplies and services for watercraft and watercraft passengers, to include storage, docking, sales and repair and construction activities.

2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.

3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.
By: Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:  
OPPOSED:

ATTEST:  
By: Ruth Mayer, Clerk to County Council

APPROVED AS TO FORM:  
By: Sean Thornton, County Attorney
ORDINANCE 13-O-17

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Create Chapter 3.36-Property Taxes, of Title 3 - Revenue and Finance of the Code of Ordinances of Colleton County and Section 3.36.020 - Installment Payment of Property Taxes as Part of Chapter 3.36.]

WHEREAS:

1. Colleton County Council desires to provide the option for its citizens to pay taxes in installment payments; and

2. The procedure for installment payment of taxes is set forth in the South Carolina Code of Laws, §12-45-75 as amended.

NOW, THEREFORE, BE IT ORDEIGNED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED THAT:

1. Title 3 of the Colleton County Code of Ordinances is hereby amended to add Chapter 3.36 to be titled “Property Taxes” and to include Section 3.36.20- Installment Payment of Property Taxes, to read as follows:

3.36.20. Installment payments of property taxes

A. Colleton County Council adopts the procedure set forth in the South Carolina Code of Laws, §12-45-75, as amended, to provide taxpayers with the option to pay ad valorem taxes in installments.

1. An installment election is not allowed for taxes paid through an escrow account.

2. A taxpayer electing to pay ad valorem taxes in installments, must notify the County Treasurer in writing no later than January 15th of the tax year for which they installments are applicable, and no earlier than December 1st of the preceding tax year. If the Treasurer does not receive written notification from December 1st to January 15th, the taxpayer must pay ad valorem taxes in the same manner as the previous taxable year.
3. The Treasurer must notify the County Auditor and County Assessor of each taxpayer electing the installment payment option or election to opt out of paying installments. If the County Assessor determines the property has diminished in value, and estimated property tax obligation must be adjusted to reflect the reduced value. Upon being notified of an adjustment for reduced value from the Assessor, the County Treasurer must notify the property owner of the adjusted estimated property tax obligation.

B. An installment payment is based on the total property tax due for the previous property tax year, after applying all applicable credits and adjustments reflecting reduced value as determined by the County Assessor. An amount equal to sixteen and two-thirds percent of the estimated property tax obligation must be paid to the County Treasurer in each of five installments according to the following schedule:

In the case of the following estimates, the due date is on or before:

<table>
<thead>
<tr>
<th>First</th>
<th>February 15</th>
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<tbody>
<tr>
<td>Second</td>
<td>April 15</td>
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<tr>
<td>Third</td>
<td>June 15</td>
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<td>Fourth</td>
<td>August 15</td>
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<tr>
<td>Fifth</td>
<td>October 15</td>
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</table>

The remaining balance is due on or before January 15th of the following taxable year in accordance with the South Carolina Code of Laws, §12-45-70, as amended. The Treasurer must notify the County Auditor of the amount of a property owner's payments received no earlier than October 15th and no later than November 15th. A notice of the remaining tax due and other authorized charges and information must then be prepared and mailed to the property owner.

C. If a taxpayer electing to pay in installments does not timely make each payment pursuant to the schedule in subsection B, the County may refuse to accept all other installment payments. If the County refuses to accept other installment payments, the remaining balance is due in accordance with South Carolina Code of Laws, §12-45-70, as amended.

D. Estimated property taxes paid in installments during a property tax year are a credit against the total property tax due on the real property for the property tax year. The estimated property taxes paid in installments during a property tax year must be deposited by the County Treasurer in an interest-bearing account. The interest is to be retained by the Treasurer to offset the administrative expenses of installment payments. Once the
final payment is made, and no later than January 15th of the following taxable year, the installment payments must be credited to the accounts of property taxing entities in the County in the same proportion that millage was imposed by such entities in the previous tax year with the necessary adjustments made to reflect current tax year millage impositions when property taxes for the current year are paid.

E. If the credit allowed for estimated property tax paid during the property tax year results in an overpayment of property tax, the overpayment must be refunded to the taxpayer together with the actual interest earned by the County Treasurer on said overpayment, running from the later of the due date of the installment resulting in the overpayment, without regard to additional amounts paid, or the actual date the overpayment was received by the County Treasurer, to the date the refund is issued. Except that if the overpayment is issued to the taxpayer within forty-five days of the installment payment that resulted in the overpayment, the Treasurer may retain the interest earned.

F. Every tax notice for real property, for which the installment payment option has been elected, must contain a calculation of any estimated property tax due and a payment schedule and return envelopes for these payments.

G. The payment of estimated property tax as provided in this section and the credit allowed arising from these payments in no way alters the due date, penalty schedule and enforced collection of property taxes as provided by law.

2. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

3. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

By:
Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:
OPPOSED:
RESOLUTION NO. 14-R-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint a Member to the Fire-Rescue Control Board.]

WHEREAS:

1. Mr. Randy Langdale, a representative on the Fire-Rescue Control Board for Station 5, is no longer a member of the department; and

2. Station 5 nominated Mr. Josh Thomas to replace Mr. Randy Langdale on the Fire-Rescue Control Board for Station 5; and

3. County Council is the final authority for appointing for the vacancy.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

Josh Thomas is hereby appointed to serve as the representative for Station 5 on the Fire-Rescue Control Board, in the seat vacated by Randy Langdale.

ATTEST:                     SIGNED:

Ruth Mayer, Council Clerk    Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:
RESOLUTION NO. 14-R-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize Payment from the Council Contingency Fund in the Amount of $2,550.00 on Behalf of the Colleton Business Alliance to Cover Expenses Related to Billboard Advertisements for the Crime Stoppers of Colleton County.]

WHEREAS:

1. The Colleton Business Alliance purchased three billboard faces for six months each from Marlin Outdoor Advertising for the Crime Stoppers of Colleton County; and

2. The total cost of the billboard advertisements is $2,550.00; and

3. Mr. J. Barnwell Fishburne, on behalf of the Colleton Business Alliance, and Sheriff R. A. Strickland have requested that County Council provide payment for the Crime Stopper billboard advertisements.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

Colleton County Council hereby authorizes payment from the Council Contingency Fund in the amount of $2,550.00 on behalf of the Colleton Business Alliance to cover the cost of the Crime Stoppers of Colleton County billboard advertisements.

ATTEST:                       SIGNED:

Ruth Mayer, Council Clerk       Phillip M. Taylor, Sr., Chairman
RESOLUTION NO. 14-R-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Submittal of a Grant Application Related to the South Carolina Department of Public Safety Justice Assistance Grant (JAG) program for a Street Gang Unit.]

WHEREAS:

1. The Sheriff's Office has requested authorization for the submittal of a grant application related to the South Carolina Department of Public Safety Justice Assistance Grant Program in the amount of $226,990; and

2. The Sheriff's Office has requested approval for 10% match funding to be budgeted in the Sheriff's FY 2015 Budget related to the application for the South Carolina Department of Public Safety Justice Assistance Grant (JAG) in the amount of $22,698 for a Street Gang Unit; and

3. The Street Gang Unit will have the sole purpose of gang suppression, investigation, and education; and

4. The grant will provide 90% of the funding for salaries, fringe benefits, all law enforcement equipment and office equipment for two investigator positions; and

5. The Sheriff's Office will be eligible to apply for the grant for two additional years.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby authorizes the application to the South Carolina Department of Public Safety Justice Assistance Grant (JAG) on behalf of the Sheriff's Office for a Street Gang Unit in the amount of $226,990, and County Council and the Colleton County Sheriff agree that funding will be budgeted in the Sheriff's FY 2015 Budget to be used for the 10% match in the amount of $22,698.

2. The total number of vehicles in the Sheriff's fleet will not exceed the 86 that are currently allotted.

3. The Sheriff's Department is responsible for preparing the grant application and for providing a copy of the grant application to the Finance Department.

4. The Sheriff's Department is responsible for notifying the Finance Department related to the award of this grant application.

ATTEST: 

Ruth Mayer, Council Clerk

SIGNED:

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:

R.A. Strickland, Sheriff

OPPOSED:
RESOLUTION NO. 14-R-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award Bid CC-11 for New Road Construction at Venture Park.]

WHEREAS:

1. As a portion of the SarlaFlex, LLC Economic Development incentive plan, the County advertised a Request for Bids, CC-11, for the Extension of Venture Park Lane; and

2. Five bids were received, and JR Wilson Construction Co., Inc. is the low bidder and meets all qualifications of the bid;

3. Funding for the project was awarded to the County from the South Carolina Department of Commerce in the form of a Rural Infrastructure Fund Grant. Local vendor preference does not apply

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. County Council hereby awards the bid in accordance with Bid CC-11 to JR Wilson Construction Co., Inc. in the amount of $422,493.90, which is binding for 60 calendar days.

2. Funding for this expenditure is provided in Fund 120, Special Revenue Fund.

3. Work will begin on this project after a Notice to Proceed is received from the South Carolina Department of Commerce.

ATTEST:                   SIGNED:

Ruth Mayer, Council Clerk           Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:
RESOLUTION NO. 14-R-05
COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize a Provision of Office Space to South Carolina Department of Corrections Young Offender Parole & Reentry Services.]

WHEREAS:

1. Colleton County Council desires to assist the South Carolina Department of Corrections with its operation of Young Offender Parole and Reentry Services by making certain office space available within the Bernard Warshaw Complex; and

2. The South Carolina Department of Corrections Young Offender Parole and Reentry Services wishes to be provided office space and has agreed to maintain said space and operations therein; and

3. The current contract with the South Carolina Department of Corrections Young Offender Parole and Reentry Services has expired, and they wish to renew said contract.

NOW THEREFORE BE IT RESOLVED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

The Colleton County Council hereby authorizes the County Administrator to execute a Lease Agreement for the use of office space within the Bernard Warshaw Complex for use by the South Carolina Department of Corrections for its operation of Young Offender Parole and Reentry Services.

ATTEST: ____________________ SIGNED: ____________________

Ruth Mayer, Council Clerk Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE: OPPOSED:
ORDINANCE 14-O-01

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ACQUISITION, USE, AND INSTALLATION OF IMPROVEMENTS TO 604 WICHMAN STREET, WALTERBORO, SOUTH CAROLINA (THE "FARM MARKET COMMERCIAL KITCHEN PROJECT"); APPROVING THE ISSUANCE OF A CCEDC TWO, INC. INSTALLMENT PURCHASE REVENUE NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC FACILITIES PURCHASE AND OCCUPANCY AGREEMENT AMONG COLLETON COUNTY, CCEDC TWO, INC., AND PALMETTO RURAL TELEPHONE COOPERATIVE, INC.; AND OTHER MATTERS RELATING THERETO.]
ORDINANCE 14-O-02

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE AUTHORIZING A LOAN FROM THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO COLLETON COUNTY, SOUTH CAROLINA TO FINANCE THE CONSTRUCTION OF AN INDUSTRIAL BUILDING IN THE COLLETON COUNTY COMMERCE CENTER FOR THE ECONOMIC DEVELOPMENT OF COLLECTON COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL LOAN AGREEMENT BETWEEN THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND COLLETON COUNTY AND A PROMISSORY NOTE FROM COLLETON COUNTY TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY RELATED THERETO; AND OTHER MATTERS RELATING THERETO.]