

**AGENDA
COLLETON COUNTY COUNCIL
VIRTUAL REGULAR MEETING
TUESDAY, JANUARY 5, 2021
6:00 P.M.**

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
 - a) Regular Meeting December 8, 2020
 - b) Special Meeting December 16, 2020
5. Awards and Recognitions
6. Appearances & Public Presentations
7. Administrator's Briefing
8. Public Hearing
 - a) Kimberly Mullinax- To Solicit Public Input on Community Needs & Priorities for Housing, Public Facilities and Economic Development in the County Under CDBG Program
9. New Business
 - a) Emergency Ordinance 21-O-01, Temporarily Suspending the Existing Procedures for Conducting Meetings of the Colleton County Council and Its Boards and Commissions to the Extent Necessary to Protect the Citizens of Colleton County, Colleton County Staff, Board and Commission Members, and County Council Members from the COVID-19 Pandemic and Establishing Temporary Procedures for Such Meetings
 - b) Emergency Ordinance 21-O-02, An Emergency Ordinance Requiring That Face Coverings Or Masks Be Worn In Public In The City Of Walterboro And The Unincorporated Areas Of Colleton County During The Covid-19 Public Health Emergency And Recovery
 - c) Resolution 21-R-01, To Authorize Acceptance and Budgeting of Various Grants for FY 2020-2021
 - d) Resolution 21-R-02, To Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy

e) Resolution 21-R-03, To Approve Acceptance of a Grant from Coastal Electric Cooperative, Inc. in the amount of \$144,125 for Industrial Infrastructure Development

10. Items for Information and Public Record
11. Public Comments (3 minutes per person/max time 20 min.)
12. Council Time
13. Adjournment
14. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON JANUARY 5, 2021

Colleton County Council will hold a regular meeting on Tuesday, January 5, 2021, at 6:00 pm. Due to the COVID-19 pandemic, County Council will be holding the meeting virtually and the public will be able to stream the meeting from a link on the County's home page or by going to **www.colletoncounty.org/live**. Individuals who would like to participate in public comment can do so at **www.colletoncounty.org/comment**.

Sponsor(s): County Council
Reading and Adoption: January 5, 2021
Effective Date: January 5, 2021

EMERGENCY ORDINANCE NO. 21-O-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Emergency Ordinance Temporarily Suspending the Existing Procedures for Conducting Meetings of the Colleton County Council and Its Boards and Commissions to the Extent Necessary to Protect the Citizens of Colleton County, Colleton County Staff, Board and Commission Members, and County Council Members from the COVID-19 Pandemic and Establishing Temporary Procedures for Such Meetings.]

WHEREAS:

1. In response to the COVID-19 pandemic in South Carolina and threat to public health, the Governor of the State of South Carolina has issued a number of Executive Orders declaring a public health emergency in the state and directing, among other things, citizens to engage in certain social distance practices and local governments to use "any available technology or other reasonable procedures to conduct meetings and accommodate public participation via virtual or other remote or alternate means"; and
2. The South Carolina Freedom of Information Act recognizes that a public meeting may be conducted by means of electronic equipment, and two or more opinions of the South Carolina Attorney General conclude that public entities may conduct public meetings through telephonic meetings; and
3. South Carolina Code Sections 4-9-25 and 4-9-130 authorize county councils to adopt emergency ordinances to protect life, health and safety; and
4. County Council has determined that due to the public health risks caused by COVID-19 to citizens, County staff, County board and commission members, and Council members and due to the directives of the Governor, County Council, board and commission meetings should be conducted temporarily in a manner that reduces the exposure of persons to each other by various means including, but not limited to, limiting attendance at the meetings and allowing the public to listen to and/or view those meetings and participate in those meetings as allowed under County ordinances and Council, board and commission rules and procedures by electronic, telephonic or other alternative means.

NOW, THEREFORE, BE IT ENACTED BY THE COLLETON COUNTY COUNCIL AS AN EMERGENCY ORDINANCE THAT:

1. For the reasons set forth above, the Colleton County Council hereby declares that a public health emergency exists in Colleton County and hereby temporarily suspends

the existing procedures for conducting meetings of County Council and County boards and commissions that are provided by ordinances of Colleton County or the Council's, board's or commission's rules or usual procedures subject to compliance with the South Carolina Freedom of Information Act.

2. Only the Chairman, members of County Council, the County Administrator, Department Heads, Council Clerk, County Attorney, security personnel, other essential County staff, some media representatives, and persons who have a direct interest in an ordinance or resolution listed on the agenda may attend meetings of County Council in person.
3. Members of County Council may participate in the Council meetings, discussions, and voting by telephonic and other electronic means that are feasible for the County to implement. The participation of a Council member by telephonic or electronic means shall constitute being present for determining a quorum, making motions, seconding motions and all other purposes related to participating in the meeting as a member of Council.
4. Members of the public who have a direct interest in an ordinance or resolution listed on the agenda may be allowed to make comments or ask questions as appropriate under the existing ordinances, rules and procedures applicable to Council meetings in person at the meeting or by electronic means that are feasible for the County to implement. Those with direct interest must submit their intentions to be present for comment to the Clerk of Council at least 24 hours prior to the meeting.
5. Members of the public who have a general interest in a matter listed on the agenda for a public hearing may not attend the meeting in person, but shall be allowed to make comments or ask questions on that matter as appropriate under the existing ordinances, rules and procedures applicable to public hearings before Council by electronic means that are feasible for the County to implement.
6. The County shall make means available for the general public to make public comments about the meetings using email or similar means. Such comments will be posted on the web at the location that the telephonic or electronic means of the meeting are delivered to the public. Comment shall be no more than 400 words as is the standard for 3 minutes of public comment as appropriate under the existing ordinances, rules and procedures applicable to public comment.
7. During public meetings of the Colleton County Planning Commission, Board of Appeals, Board of Assessment Appeals and other boards and commissions that are subject to the ordinances of the County Council, only members of the boards and commissions, essential staff, the County Attorney, some media representatives and persons with a direct interest on a matter listed on the agenda for a meeting will be allowed to attend the meetings. Members of the public who have a direct interest in a matter listed on the agenda may be allowed to make comments or ask questions as appropriate under the existing ordinances, rules and procedures applicable to the board

or commission in person at the meeting or by telephonic or electronic means that are feasible for the County to implement. Persons with a general interest on a matter listed in the agenda for the meeting that includes a public hearing may not attend the meeting but shall be allowed to make comments or ask questions on that matter as appropriate under the existing ordinances, rules and procedures applicable to the meeting by telephonic or electronic means that are feasible for the County to implement. Members of the boards or commissions may participate in the meeting, discussions, and voting by telephonic and other electronic means that are feasible for the County to implement. The participation of a board or commission member by telephonic or electronic means shall constitute being present for determining a quorum, making motions, seconding motions and all other purposes related to participating in the meeting as a board or commission member.

8. Any requirement that this Emergency Ordinance be referred to a committee of Council is hereby waived.
9. This Emergency Ordinance shall automatically expire as of the sixty-first day following the date of its adoption or at such earlier date as approved by action of County Council.
11. 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.

This Emergency Ordinance shall become effective as of January 5, 2021, upon adoption by Council and does not require second or third readings.

Adopted at the regular meeting of Colleton County Council on January 5, 2021.

ATTEST:

SIGNED:

Ruth Mayer, Clerk to Council

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s) : County Council
Reading and Adoption : January 5, 2021
Effective Date : January 5, 2021

EMERGENCY ORDINANCE NO. 21-O-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO AND THE UNINCORPORATED AREAS OF COLLETON COUNTY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.]

WHEREAS:

1. It is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and
2. On March 11, 2020, the World Health Organization declared a world-wide pandemic; and
3. On March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and
4. On March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a state of emergency for the State of South Carolina; and
5. S.C. Code Ann. §4-9-130 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and
6. COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and,
7. As of December 29, 2020, there were 275,285 confirmed cases throughout the State of South Carolina, 1,659 cases in Colleton County, 4,782 deaths statewide, and 53 deaths in Colleton County; and
8. Colleton County is located on the I-95 corridor and as such is exposed to visitors from across our country and is particularly vulnerable to infection; and
9. The number of cases is growing rapidly and if COVID-19 continues to spread in the County, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and
10. It is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

11. The Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and
12. SCDHEC data shows that the use of face coverings and masks have proven successful in slowing the spread of Covid-19; and
13. On August, 12, 2020, SCDHEC released data showing that jurisdictions that have mask requirements in place have shown a 46.3% greater decrease in the total number of cases during the four (4) weeks after the mask requirements were implemented compared to jurisdictions that do not have mask requirements; and
14. On September 18, 2020 SCDHEC published an analysis that continues to show the effectiveness of mask use indicating that jurisdictions with mask ordinances experience as much as a 66.5% greater decrease in cases one month after their ordinance initiation; and
15. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the County’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and
16. In order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the County, the County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and
17. In light of the foregoing, County Council deems it proper and necessary to adopt this emergency Ordinance; and

NOW, THEREFORE, BE IT ENACTED BY THE COLLETON COUNTY COUNCIL AS AN EMERGENCY ORDINANCE THAT:

This 5th day of January 2021 that facial coverings or masks shall be required in public places and public buildings within the County to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment in the County must wear a face covering while inside the establishment. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well.
2. All restaurants, retail stores, salons, grocery stores, and pharmacies in the County must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.
4. Face coverings are not required in the following circumstances:
 - a) Children under age 2.

- b) Anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
 - c) In personal vehicles.
 - d) When a person is alone in enclosed spaces.
 - e) During outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times.
 - f) When a person is alone or only with other household members.
 - g) While actively drinking, eating, or smoking.
 - h) When wearing a face covering causes or aggravates a health condition.
 - i) When wearing a face covering would prevent the receipt of personal services.
5. A person who fails to comply with Paragraph 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
 6. A person who fails to comply with Paragraph 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the County by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Paragraph 2 of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the social distancing requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.
 7. Should any provision, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
 8. This Ordinance is effective as of 6:00 a.m., Wednesday, January 6, 2021.
 9. This Emergency Ordinance may be terminated by the enactment of another ordinance terminating same; and if not terminated sooner shall expire automatically as of the sixty-first day following the date of enactment.

ATTEST:

Ruth Mayer, Council Clerk

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s) : County Council
Adopted : January 5, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Acceptance and Budgeting of Various Grants for FY 2020-2021.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The Colleton County Fire-Rescue Emergency Management Division is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY21 received from the Federal Emergency Management Agency (FEMA), as described below.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenues and expenditures in the following fund for the grants and unbudgeted revenues for FY21 as listed:
 - a. Fund 120 – Special Revenue Fund; Federal Emergency Management Agency; \$290,066.83; Pre-Disaster Mitigation Grant; Colleton County SMN/Generator Mitigation Project; Grant #PDMC-PJ-04-SC-2019-001; match provided by the Capital Fund – Fund 115 in the amount of \$96,688.95.
2. The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY21 as requested for this grant/non-budgeted revenue received.

ATTEST:

Ruth Mayer, Council Clerk

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
 Adopted : January 5, 2021
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A

RESOLUTION NO. 21-R-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy.]

WHEREAS:

1. The Fleet Management department has evaluated various vehicles and equipment, and deemed it to be no longer suitable for County operations; and
2. The Technology department has evaluated various computer equipment, and deemed it to be no longer suitable for County operations; and
3. It is recommended that Council declare said vehicles and equipment surplus and authorize their sale or trade on upgraded equipment or contractual arrangements related to the equipment.

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

1. The following vehicles and equipment submitted by the Fleet Management department and the Technology department are hereby declared surplus to the needs of the County.

Description	Serial Number
2012 Ford F450	1FDOX4GY1CEA713040
2006 Ford F350	1FDWF37Y57EB05373
2004 Chevrolet C8500 Dump Truck	1GBT8C4C74F521767
2006 International/Wheel Coach 4300 Ambulance	1HTMNAAL17H454032
2008 International/Wheel Coach 4300 Ambulance	1HTMNAAL49H696011
Monitor	CN-0KH0NG-74261-71C-1UWL-A00
Monitor	CN-0WH319-72872-6CD-507S
Monitor	CN-0U4931-46633-53L-1F4M
Monitor	CN-0C552H-72872-89M-0PMS
Monitor	CN-0Y4299-71618-559-ADQN
Monitor	CN-0C552H-72872-89M-0PUS
Speaker	CN-0C730C-71623-89J-1318
Monitor	CN-0G302H-7426186G-1H2A-A00
Speaker	CN-0C730C-71623-87F-0258
Monitor	88-18320
Optiplex 330	1TJ5GH1

Optiplex 330	5P2JHH1
Gateway All in One	PWGBUP200412002D73000
Optiplex GX280	C69V081
Optiplex 980	861LNN1
Optiplex 7010	8W9P8Y1
Optiplex 7010	2RD8GX1
Optiplex 7010	2RCCGX1
Optiplex 7010	34C4Q22
Optiplex 990	JK1LHS1
Optiplex 3010	1V1JXV1
Optiplex 3010	1V0LXV1
Optiplex 3010	1V0HXV1
Optiplex 3010	1V1LXV1
Optiplex 3010	1V2DXV1
Optiplex 3010	1V6GXV1
Optiplex 3010	1V4FXV1
Optiplex 7010	2RC8GX1
Dell Precision T1500	8MVNQL1
Optiplex 780	9XCRDQ1
Optiplex 790	DS2MNS1
Optiplex 7010	BHQBGX1
Optiplex 7010	4C16RW1
Optiplex 7010	2MH8J02
Optiplex 330	FP2JHH1
Battery Back Up	
Optiplex 7020	6WQND22
Optiplex 7010	BHS8GX1
Optiplex 7020	JKZRD22
Optiplex 330	9SJ5GH1
Optiplex 755	H49WHF1
Optiplex 7020	JX7TFZ1
De 2330dn Printer	268MSG1
Desktop Computer	36CWHF1
Monitor	CN-0FP182-71618-7C5-RFCP
Speaker	CN-0UH837-48220-7AB-07CD
Dell MFP 3115cn Printer	41NVNC1
Monitor	CNC607P1J1
Monitor	CN-0R16JC-72872-2CC-CP3M
Monitor	CN0J6HFT7444538FAGPL

Monitor	CN-02H2VM-64180-1CF-0B3U
Monitor	CN07TKK572872216061I
Optiplex 3010	4MBBDZ1
Optiplex 3010	1V6JXV1
Optiplex 3010	1V4HXV1
Monitor	CN0Y01GTQDC007AA10HUA02
HP Laserjet Pro M501	PHBTQ11110

2. Said vehicles and equipment shall be placed for sale or for trade on upgraded equipment or contractual arrangements related to the equipment.
3. The proceeds from the sale of the above vehicles and equipment are to go into the Capital Fund – Fund 115.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED

Sponsor(s) : County Council
Adopted : January 5, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve Acceptance of a Grant from Coastal Electric Cooperative, Inc. in the amount of \$144,125 for Industrial Infrastructure Development.]

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The County is in receipt of \$144,125.00 from Coastal Electric Cooperative, Inc. to be used for the construction of infrastructure and other qualifying projects within the Colleton County Commerce Center, for water improvements, sewer improvements and road work, and for other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act No. 462 of 1996, as amended) and other applicable state laws.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures as follows:

Colleton County Industrial Development Fund 140; \$144,125.00 in revenues from Coastal Electric Cooperative, Inc. to be used for the construction of infrastructure and or qualifying projects within the Colleton County Commerce Center, for water improvements, sewer improvements and road work, and other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act No. 462 of 1996, as amended) and other applicable state laws.
2. The County Council Chairman is hereby authorized to execute the Contract (copy attached and included herein for reference) agreeing to receive and accepting the terms of the \$144,125.00 grant from Coastal Electric Cooperative, Inc.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: