

**AGENDA  
COLLETON COUNTY COUNCIL  
REGULAR MEETING  
TUESDAY, FEBRUARY 7, 2012  
6:00 P.M.  
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Roll Call
4. Changes to the Agenda
5. Appearances & Public Presentations-
6. Approval of Minutes
  - a) Regular Meeting January 10, 2012
7. Awards and Recognition's-
  - a) Sheriff Malone – 2010-2011 S.C Alcohol Enforcement Teams Law Enforcement Agency of the Year Award
8. Administrator's Briefing
9. Public Hearing  
**NONE**
10. Old Business
  - a) 3<sup>rd</sup> Reading Ordinance 11-O-28, An Ordinance to Further Amend the Agreement for Development of a Joint County Industrial Park, By and Between Colleton County, South Carolina, and Charleston County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Joint County Industrial Park.
  - b) 2<sup>ND</sup> Reading Ordinance 12-O-01, Granting an Easement to the City of Walterboro Across a Portion of the Property Located at the Corner of Washington Street and Jefferies Boulevard, the Site of the Colleton County Courthouse; Such Easement to be Used to Construct and Maintain a Part of the City's Planned Streetscape Improvement Project; to Authorize Execution and Recording of the Easement Document; and Other Matters Related Thereto

11. New Business

- a) Resolution 12-R-11, To Authorize the Purchase of a Used Fire Truck from Fire Services, Inc. of Lake Hills, Indiana.
- b) Resolution 12-R-12, To Authorize the Purchase of a Two Acres Parcel of Land on Augusta Hwy, East of the Intersection of Huckleberry Hill Lane, for Use as a Site for a Fire Station.
- c) Resolution 12-R-13, To Authorize the Execution of the Renewal of Contract/Service Agreement for the Fire-Rescue Air Test Program.
- d) Resolution 12-R-14, To Amend the Colleton County Personnel Policy to Include a Provision for Pre-Employment Background Checks.
- e) Resolution 12-R-15, To Authorize The Waiver Of Various Fees For The July 2012 World Changers Home Repair Program.
- f) Resolution 12-R-16, To Authorize Execution of a Contract By and Between the Colleton County Sheriff's Office and the Edisto Beach Police Department for the Provision of Victim Services for the Town of Edisto Beach and the Payment to Colleton County of Monies Collected by Edisto Beach for Such Services.
- g) Resolution 12-R-17, To Extend the Current Contract Agreement By and Between Colleton County and Robert Marvin/Howell Beach & Associates and R.W. Chambers Architect, LLC for Provision of Architectural/Engineering/Construction Administration Services for Various Construction/Building Improvement Projects for Fire-Rescue/Fleet Management; and to Authorize the County Administrator to Execute Said Contract Extension
- h) Resolution 12-R-18, Making Application To The State Budget And Control Board Of South Carolina For Approval Of The Issuance In One Or More Series By Colleton County, South Carolina, Of Refunding And Capital Improvement Special Source Revenue Bonds (Industrial Park Project), Series 2012 In An Aggregate Principal Amount Of Not Exceeding \$4,860,000, Pursuant To The Provisions Of Title 4, Chapters 1 And 29 Of The Code Of Laws Of South Carolina, 1976, As Amended.
- i) Resolution 12-R-20, To Appoint Members to Board Vacancies.
- j) Resolution 12-R-21, To Authorize the Council Clerk to Advertise for Board Vacancies.
- k) 1<sup>st</sup> Reading Ordinance 12-O-02, to Amend Chapter 2.28 - Boards, Committees, and Commissions Generally, Section 2.28.020 – Requirements, Duties and Responsibilities for all County-Appointed Boards and Commissions, by Repealing in its Entirety Paragraph H.

12. Items for Information and Public Record--**NONE**
13. Public Comments (3 minutes per person/max time 20 min.)
14. Council Time
15. Executive Session
  - a) Legal
16. Adjournment
17. Informal Meeting of the Whole

Sponsor(s): County Council  
First Reading: December 6, 2011  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: January 10, 2012  
Public Hearing: January 10, 2012  
Third Reading: February 7, 2012  
Effective Date: Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that  
this Ordinance was advertised  
for public hearing on \_\_\_\_\_.

## ORDINANCE NO. 11-O-28

### COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[An Ordinance to Further Amend the Agreement for Development of a Joint County Industrial Park, By and Between Colleton County, South Carolina, and Charleston County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park, so as to Include Additional Property in Colleton County as Part of the Joint County Industrial Park.]**

**WHEREAS**, Colleton County, South Carolina (the "County") and Charleston County, South Carolina (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

**WHEREAS**, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park effective as of September 1, 1995 (the "Original Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

**WHEREAS**, the Original Agreement was initially approved by Colleton County Council Ordinance 95-O-21, enacted on December 5, 1995, and by Charleston County Council Ordinance 972, enacted on September 19, 1995; was further amended from time-to-time to add to or remove property from the Park; and, in particular, was substantively amended by that First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the "First Modification"), which First Modification was approved by Charleston County Council Ordinance 1475, adopted December 5, 2006, and by Colleton County Council Ordinance 06-R-20 adopted January 2, 2007; and

**WHEREAS**, the Original Agreement, as amended, is referred to herein as the "Agreement," and

**WHEREAS**, the Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

**WHEREAS**, the Counties desire to amend the Agreement to include certain additional parcels in order to fulfill commitments made to a company which is considering expansion or location decisions;

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

**SECTION 1.** The Agreement is hereby amended so as to expand the Park premises located within Colleton County. Attached hereto as **Exhibit A** is the property description of the parcel to be added to the Park premises within Colleton County.

**SECTION 2.** All resolutions, ordinances, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

**SECTION 3.** This amendment to the Agreement shall become effective upon the later to occur of: (i) enactment of this Ordinance by the Colleton County, after third and final reading and public hearing and (ii) approval by resolution adopted by Charleston County Council. The Charleston County Council has been requested to give its approval to the amendment by resolution in accordance with the terms of the Agreement.

**SECTION 4.** Should any part of this ordinance be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect and shall not render any other section herein, nor this ordinance as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination or expiration hereof shall be deemed to survive.

COLLETON COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Evon Robinson, Chairman of County Council  
Colleton County, South Carolina

ATTEST:

By: \_\_\_\_\_  
Ruth Mayer, Clerk to County Council  
Colleton County, South Carolina

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Sean Thornton, County Attorney  
Colleton County, South Carolina

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-11**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**  
**[A Resolution To Authorize the Purchase of a Used Fire Truck from Fire Services, Inc. of Lake Hills, Indiana.]**

**WHEREAS:**

- (1) The Fire Commission has located a suitable used fire truck being sold by Fire Services, Inc. of Lake Hills, Indiana; and
- (2) The truck is a 1992 E-One/4-Door International Fire Truck and the cost is \$50,000 excluding sales tax; and
- (3) Money for the purchase would come from the 2012 Fire Improvement Bond; and
- (4) The Fire Commission recommends that Council authorize the purchase of the used vehicle contingent upon its passing an inspection by Colleton County personnel.

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

- (1) The purchase of the used 1992 E-One/4-Door International Fire Truck, VIN 1HTSDPBR7NH437622, at a cost of \$50,000 (excluding sales tax) from Fire Services, Inc. of Lake Hills, Indiana is hereby approved.
- (2) Such purchase is contingent upon the truck passing inspection by Colleton County personnel.
- (3) Funding for the purchase shall come from the 2012 Fire Improvement Bond.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-12**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution To Authorize the Purchase of a Two Acres Parcel of Land on Augusta Hwy, East of the Intersection of Huckleberry Hill Lane, for Use as a Site for a Fire Station.]**

**WHEREAS:**

- (1) The Fire Commission is working to place fire stations within five miles of population areas of the County; and
- (2) The Maple Cane Community in northeast Colleton County is an area in need of a station; and
- (3) A landowner, willing to sell two acres to Colleton County, has been located; and
- (4) The Fire Commission recommends that Council authorize the purchase of the two acres on Augusta Hwy, east of the intersection of Huckleberry Hill Lane at a cost of \$13,500 per acre.

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

- (1) The purchase of a two acre parcel of land, a portion of TMS 067-00-00-043 located east of the intersection of Augusta Hwy and Huckleberry Hill Lane, at a cost of \$13,500 per acre is hereby authorized.
- (2) Funding for the purchase shall come from the 2012 Fire Improvement Bond.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-13**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY  
[A Resolution To Authorize the Execution of the Renewal of Contract/Service Agreement  
for the Fire-Rescue Air Test Program.]**

**WHEREAS:**

- (1) The Fire Commission currently has a service agreement with Safe Air Systems for the testing of the various compressed air systems utilized by Fire-Rescue; and
- (2) The renewal contract contains an additional service for Before/After air analysis in accordance with NFPA standards; and
- (3) The additional service adds \$750 to the current service cost; and
- (4) Such additional cost will be covered within the Fire-Rescue budget; and
- (5) The Fire Commission recommends that Council authorize execution of the contract with the additional Before/After air analysis service.

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

- (1) The execution of the Service Agreement/Contract between Colleton County and Safe Air Systems is hereby authorized including the additional Before/After Air Analysis service.
- (2) Funding for the contract cost shall come from the Fire-Rescue Budget.
- (3) The County Administrator is hereby authorized to execute the Agreement/Contract pending approval of same by the County Attorney.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED



Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

## RESOLUTION NO. 12-R-14

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

#### [A Resolution To Amend the Colleton County Personnel Policy to Include a Provisions for Pre-Employment Background Checks.]

#### WHEREAS:

- (1) County Council deems it to be in the best interest of the County to perform pre-employment background checks as a part of the hiring process for all positions within the County; and
- (2) In order to accomplish this a Pre-Employment Background Check Policy must be added to the Personnel Policy.

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

Section 5.3F of The Colleton County Personnel Policy is hereby amended by repealing in its entirety the current provisions and adding the following:

#### 5.3F Pre-Employment Background Check Policy

##### 5.3F(1) Statement of Policy and Purpose

It is the policy of Colleton County to perform pre-employment background checks. The purpose of performing these checks is to determine and or confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered. This Policy will help ensure the safety of the public as well as a safe working environment at the County, and will help ensure that employment related decisions utilizing pre-employment background checks are made in accordance with applicable law.

##### 5.3F(2) Introduction

**5.3F(2)a** The County will perform pre-employment background checks on all candidates for employment. In addition, if an employee changes positions in the County, any additional background checks required for the new position, which have not previously been performed, will be performed in conjunction with the position change.

**5.3F(2)b** The components of each candidate's background check will depend on the job sought. Depending on the particular position, the County may perform criminal background checks (including sexual offender), credit checks, driving record, prior employment, and professional license verifications. This is a sample and is not meant to be a full list of potential checks.

**5.3F(2)c** The County complies with the federal Fair Credit Reporting Act (FCRA), similar state FCRA laws applying in the State of South Carolina, federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks.

**5.3F(2)d** The results of a pre-employment background check are confidential and are to be shared within the County on a strict “need to know” basis.

**5.3F(3) Disclaimers**

**5.3F(3)a** It is not the purpose of this Policy to provide detailed information or descriptions of each individual pre-employment background check that can be performed. It is not the purpose of this Policy to provide detailed information on how to make a final decision regarding the results of a pre-employment background check; every case must be decided on its own merits subject to the County’s requirement that all candidates be treated equally and consistently. It is not the purpose of this Policy to provide detailed information of all applicable law.

**5.3F(3)b** This Policy does not limit the County’s right to hire, discipline or terminate. This Policy does not create a contract of employment. All employment is at will unless contract or law applies to the contrary.

**5.3F(4) Procedures**

**5.3F(4) a** Notification: Written notification of the requirement to successfully pass a background check will be given during advertisement and at the time of application and interview. All candidates will be required to sign appropriate authorizations and consents prior to the performing of any pre-employment background checks.

**5.3F(4)b** Initiation of Check: Background checks will be initiated by Human Resources upon receipt of a completed and signed Authorization for Pre-Employment Background Check form. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision. The provision of false or misleading information on an application or authorization form shall eliminate the candidate from any further consideration.

**5.3F(4)c** Background Checks: Background checks will include, at a minimum, a multi-state criminal background check, including felonies and misdemeanors, a social security trace, and a National Sexual Offender Registry check. Background checks may also include a credit check (conducted in compliance with the Fair Credit Reporting Act), driver history check, and credential verification. Background checks conducted by the Department of Homeland Security for international non-citizen job candidates as part of the visa process may be considered adequate for the purposes of this policy if the candidate has not previously resided in the United States.

**5.3F(4)d** Pre-employment checks shall be completed before a candidate is offered a position. All job offers are conditioned upon satisfactory completion of the pre-employment background check.

**5.3F(4)e** All candidates shall be individually reviewed and decisions made with respect to employment based on the totality of the candidate’s qualifications and the results of the pre-employment background checks. In general the relevance of a particular pre-

employment background check to a candidate's eligibility for employment is based on the following factors:

- i. the nature of the job for which the applicant is being considered;
- ii. the nature of the adverse or negative information; in the case of a criminal matter, the facts surrounding the matter are particularly relevant;
- iii. the age of any adverse or negative information; the age of the applicant at the time of the adverse incident in relation to the present may also be relevant;
- iv. evidence of rehabilitation.

**5.3F(4)f** Having adverse information, including a criminal history or conviction does not automatically preclude a candidate's eligibility for employment. Only criminal convictions will be considered when making employment decisions. An applicant's arrest record, should not be provided and will not be considered if it is provided.

**5.3F(4)g** To the extent required by the Fair Credit Reporting Act (FCRA), applicants will be informed in writing of an adverse result discovered in the background check and will be given the opportunity to respond. Candidates will be provided a copy of a negative criminal history report, informed of any findings of concern, and given five business days to respond with any information he/she believes the County should consider prior to making a final hiring decision.

**5.3F(4)h** Reasonable caution will be exercised when interpreting background information to ensure that discrimination does not occur.

**5.3F(4)i** All results of the background check will remain confidential, will be maintained by Human Resources for the term of the search, and will be disclosed only to authorized employees who have a need to know in the performance of their job assignments.

**5.3F(4)j** Disqualification of a candidate based on information discovered in a background check is not subject to grievance or appeal by the candidate.

**5.3F(4)k** Responsibility for Costs: The County will be responsible for any costs associated with a background check.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-15**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution To Authorize The Waiver Of Various Fees For The July 2012 World Changers Home Repair Program]**

**WHEREAS:**

- (1) For several years now World Changers has sponsored a volunteer-staffed home repair project in Colleton County working on homes in the unincorporated and incorporated areas of the County; and
- (2) The 2012 Program, scheduled for July 9-14, will have between sixteen and eighteen crews working to complete needed home repairs for low income, senior adults, and people with special needs; and
- (3) The organization is requesting that the Council authorize the waiving of building department and Solid Waste disposal fees for this project as has been done in the past.

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

- (1) All fees for required building permits obtained by World Changers for the project period in July, 2012, are hereby waived; and
- (2) All inspections required by the International Building Code will be provided free of charge; and
- (3) All Solid Waste disposal fees for waste generated by the July 2012 World Changers project, in an amount not to exceed 20 tons, are hereby waived.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-16**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution To Authorize Execution of a Contract By and Between the Colleton County Sheriff's Office and the Edisto Beach Police Department for the Provision of Victim Services for the Town of Edisto Beach and the Payment to Colleton County of Monies Collected by Edisto Beach for Such Services.]**

**WHEREAS:**

- (1) Colleton County Sheriff's Office has historically provided Victim Services to the Town of Edisto Beach; and
- (2) Both the Town of Edisto Beach and Colleton County deem it to be in the best interest of the County to continue this relationship; and
- (3) The SC State Office of Victim's Services recommends that entities with such service provision/payment arrangements formalize the agreements in a contract; and
- (4) Staff recommends that Council approve the attached contract by and between the Town of Edisto Beach and the Colleton County Sheriff's Office for the provision of Victim Services and authorize the Sheriff and the County Administrator to execute said contract.

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

- (1) The contract by and between Colleton County Sheriff's Office and the Town of Edisto Beach for the provision of victim services (copy attached and included herein by reference) is hereby approved.
- (2) The Sheriff and the County Administrator are hereby authorized to execute said contract pending approval of same by the County Attorney.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-17**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution To Extend the Current Contract Agreement By and Between Colleton County and Robert Marvin/Howell Beach & Associates and R.W. Chambers Architect, LLC for Provision of Architectural/Engineering/Construction Administration Services for Various Construction/Building Improvement Projects for Fire-Rescue/Fleet Management; and to Authorize the County Administrator to Execute Said Contract Extension.]**

**WHEREAS:**

- (1) Robert Marvin/Howell Beach & Associates and R.W. Chambers Architect, LLC are currently under contract with the County for the provision of design, engineering, and construction administration for the Recreation project; and
- (2) Staff recommends that Council extend the current contract to cover similar services for impending fire station improvements and construction, and for potential expansion of the Fire/Rescue and Fleet Management (Mable T. Willis) facility.

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

- (1) The current contract with Robert Marvin/Howell Beach & Associates and R.W. Chambers Architect, LLC is hereby extended to include the provision of architectural, engineering and construction administration services for various improvements at and construction of fire stations and for the potential expansion of the Fire/Rescue and Fleet Management (Mable T. Willis) Facility.
- (2) The County Administrator is hereby authorized to execute said extension on behalf of the County.
- (3) Fees involved shall be dependent on projects undertaken, and monies shall come from the 2012 Fire Bond and Capital Projects fund.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

## RESOLUTION NO. 12-R-18

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[A Resolution Making Application To The State Budget And Control Board Of South Carolina For Approval Of The Issuance In One Or More Series By Colleton County, South Carolina, Of Refunding And Capital Improvement Special Source Revenue Bonds (Industrial Park Project), Series 2012 In An Aggregate Principal Amount Of Not Exceeding \$4,860,000, Pursuant To The Provisions Of Title 4, Chapters 1 And 29 Of The Code Of Laws Of South Carolina, 1976, As Amended.]**

**WHEREAS**, Colleton County, South Carolina (the "County") acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Title 4, Chapters 1 and 29 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, own, lease and dispose of properties through which the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or expand in and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State; and

**WHEREAS**, the County, subject to the provisions of the Act and subject to the approval of the State Budget and Control Board of the State of South Carolina (the "Budget and Control Board"), is authorized to issue special source revenue bonds payable solely from revenues from a payment in lieu of taxes pursuant to Section 13 of Article VIII of the Constitution of the State for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County and improved or unimproved real estate and personal property used in the operation of a manufacturing or commercial enterprise; and

**WHEREAS**, the County and Orangeburg County, South Carolina, have heretofore created a multicounty park pursuant to Section 13 of Article VIII of the Constitution of the State by entering into an Agreement for Development for Joint County Industrial Park dated May 19, 2003, as amended from time to time (the "Park Agreement") and entered into certain agreements with South Carolina Electric and Gas Company (the "Fee Payor") for the payment of a fee-in-lieu of taxes (the "Fee") in connection with certain investment by the Fee Payor at its Canady's Steam Plant; and

**WHEREAS**, on June 17, 2003, the Budget and Control Board adopted a Resolution approving the issuance by the County of its Special Source Revenue Bonds (Industrial Park Project) Series 2003A (the "Series 2003A Bonds") and Special Source Revenue Bonds (Industrial Park Project) Series 2003B (the "Series 2003B Bonds")(the Series 2003A Bonds and Series 2003B Bonds are hereinafter referred to collectively as the "Series 2003 Bonds") for the purpose of providing funds for the 2003 Project, as defined below; and

**WHEREAS**, the County thereafter issued, on June 19, 2003, the Series 2003A Bonds in the aggregate principal amount of \$2,300,000 and the Series 2003B Bonds in the aggregate principal amount of \$2,700,000, to defray a portion of the cost of designing, acquiring, by construction and

purchase, an industrial and business park and all infrastructure and other improvements deemed necessary, suitable, or useful by the County for the purpose of operating an industrial and business park and all activities relating (the "2003 Project"); and

**WHEREAS**, on March 19, 2008, the Budget and Control Board adopted a Resolution approving the issuance by the County of its Special Source Revenue Bonds (Industrial Park Project) Series 2008 (the "Series 2008 Bonds"); for the purpose of refunding the Series 2003A Bonds and providing additional funds in connection with the 2003 Project; the County subsequently issued the Series 2008 Bonds in the original principal amount of \$4,000,000 (i) to refund the outstanding Series 2003A Bonds, (ii) to defray the costs of designing, acquiring, constructing, improving, or expanding infrastructure, as defined in Section 4-29-68(A)(2), in connection with the 2003 Project in order to enhance the economic development of the County, and (iii) to defray the cost of issuance of the Series 2008 Bonds; and

**WHEREAS**, the County Council have determined, upon the advice of Morgan Keegan & Company, Inc., the County's financial advisor (the "Financial Advisor"), that the Series 2008 Bonds can now be refunded to achieve a debt service savings; and

**WHEREAS**, the County Council have recently determined to acquire, own, improve, lease and dispose of certain commercial and industrial properties (the "Property") for the purpose of promoting economic development in the County which constitutes infrastructure serving Colleton County or the Property and improved real estate used in the operation of a manufacturing or commercial enterprise (the "2012 Project"), and to provide permanent financing for the 2012 Project in an amount not to exceed \$1,000,000, from the proceeds of special source revenue bonds; and

**WHEREAS**, it has been determined that the estimated amount necessary to refund the Series 2008 Bonds requires that the Series 2012 Bonds in the aggregate principal amount of not exceeding \$4,860,000 which amount does not exceed an amount sufficient to refund the principal of the Series 2008 Bonds, together with any unpaid interest thereon, and any premiums, expenses, and commissions necessary to be paid in connection therewith; and

**WHEREAS**, the County desires to issue and sell the County's Refunding and Capital Improvement Special Source Revenue Bonds (Industrial Park Project), Series 2012 (the "Series 2012 Bonds") to Branch Banking & Trust Co. ("BB&T"); the Series 2012 Bonds are to (i) be issued under and pursuant to the provisions of the Act, (ii) be secured by and payable solely from the Fee, (iii) contain such terms and provisions as are set forth in an Indenture or Loan Agreement or similar agreement (the "Indenture") by and between the County and a corporate trustee or other financial institution to be designated as provided by the County Administrator, and (iv) bear interest at such rate or rates as determined to be in the County's best interest by the County Administrator; the proceeds from the Series 2012 Bonds are to be applied (a) for the refunding of the Series 2008 Bonds, (b) for the costs of the 2012 Project, and (c) for the payment of costs of issuance of the Series 2012 Bonds, all as set forth in the Indenture; and

**WHEREAS**, it is now deemed advisable by the County Council to file with the State Budget and Control Board of South Carolina, in compliance with the Act, the petition of the County requesting approval of the proposed financing by the State Budget and Control Board.



**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Colleton County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared as follows:

(a) The facilities to be financed with the Series 2012 Bonds constitute infrastructure that serves Colleton County or improved real estate used in the operation of a manufacturing or commercial enterprise and subserve the purposes of the Act;

(b) The facilities to be financed or refinanced with the Series 2012 Bonds benefit the general public welfare of Colleton County by providing services, employment, recreation or other public benefits not otherwise provided locally;

(c) Neither the facilities financed or refinanced with the Series 2012 Bonds, nor the Series 2012 Bonds, nor any documents or agreements entered into by the County in connection therewith, will constitute or give rise to a pecuniary liability of the County or a charge against the general credit or taxing power of the County;

(d) Adequate provision will be made in the Indenture for the payment of principal of and interest on the Series 2012 Bonds and any necessary reserves therefore and for the operation, repair, and maintenance of the 2012 Project, including all proper insurance with respect thereto solely from the Fee and other funds pledged or made available therefore;

(e) There is a need for the 2012 Project in the area in which it is to be located in Colleton County;

(f) The public facilities, including utilities and public services necessary for the facilities financed with the Series 2012 Bonds, will be made available; and

(g) The portion of the Series 2012 Bonds to be used to refund Series 2008 Bonds shall be sufficient but shall not exceed the amount necessary to refund the principal of the bonds to be refunded, together with any unpaid interest thereon and any premiums, expenses and commissions necessary to be paid in connection therewith.

Section 2. There is hereby authorized and directed to be submitted, on behalf of the County, a petition of the County Council requesting the approval of the proposed financing by the State Budget and Control Board of South Carolina pursuant to the provisions of the Act, said petition to be in substantially the form attached hereto as Exhibit A with such changes, insertions, and omissions as may be approved by the Chairman of County Council, his execution being conclusive evidence of such approval.

Section 3. The Chairman of the County Council is hereby authorized and directed to execute said petition in the name and on behalf of the County and the Clerk of County Council is hereby authorized and directed to affix the seal of the County Council to said petition and to attest the same and thereafter to submit an executed copy of this resolution along with said petition to the State Budget and Control Board in Columbia, South Carolina.

Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed and this resolution shall take effect and be in full force from and after its passage and approval.

Adopted this 7<sup>th</sup> day of February, 2012.

---

Chairman of County Council  
Colleton County, South Carolina

(SEAL)

ATTEST:

---

Clerk to County Council  
Colleton County, South Carolina

Sponsor(s) : County Council  
Adopted: : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-20**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**(To Appoint Members to Board Vacancies.)**

**WHEREAS:**

1. Keep Colleton Beautiful has five vacancies; and  
Applicants: William Scott Catterton
2. Colleton County Recreation Commission has four vacancies; and  
Applicants: Cornelius Hamilton, Charles Scott Craven, Charles A. Strickland, Franklin M."Matt" Avant, James A. Smoak
3. The County Council is the appointing authority for Boards.

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

The Colleton County Council hereby appoints the following:

Keep Colleton Beautiful \_\_\_\_\_

Colleton County Recreation Commission \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

SIGNED:

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted: : February 7, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-21**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**(To Authorize the Council Clerk to Advertise for Board Vacancies.)**

**WHEREAS:**

1. Colleton County Commission of Alcohol & Drug Abuse has two vacancies; and
2. Keep Colleton Beautiful has four vacancies; and
3. Colleton County Board of Disabilities & Special Needs has four vacancies; and
4. Colleton County Land Use Zoning Board of Appeals has two vacancies; and
5. Edisto River Canoe & Kayak Trail Committee has three vacancies (1 At-Large, 1 Recreation Commission, 1 Chamber of Commerce; and
6. The County Council is the appointing authority for Boards.

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

- 1) The Council Clerk is hereby directed to advertise for the vacancies.

ATTEST:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

SIGNED:

\_\_\_\_\_  
Evon Robinson, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s): County Council  
First Reading: January 10, 2012  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: February 7, 2012  
Public Hearing: March 6, 2012  
Third Reading: March 6, 2012  
Effective Date: Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that  
this Ordinance was advertised  
for public hearing on \_\_\_\_\_.

## ORDINANCE NO. 12-O-01

### COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[An Ordinance Granting an Easement to the City of Walterboro Across a Portion of the Property Located at the Corner of Washington Street and Jefferies Boulevard, the Site of the Colleton County Courthouse; Such Easement to be Used to Construct and Maintain a Part of the City's Planned Streetscape Improvement Project; to Authorize Execution and Recording of the Easement Document; and Other Matters Related Thereto.]**

#### WHEREAS:

Colleton County Council deems it to be in the best interest of the County to grant an easement to the City of Walterboro across a portion of the property located at the corner of Washington Street and Jefferies Boulevard, the site of the Colleton County Courthouse, in order to allow the City to construct and maintain their planned Streetscape Improvement Project.

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

- 1) The document attached and included herein by reference grants an easement to the City of Walterboro across a portion of the property located at the corner of Washington Street and Jefferies Boulevard, the site of the Colleton County Courthouse, in order to allow the City to construct and maintain their planned Streetscape Improvement Project.
- 2) The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
- 3) Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
- 4) All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
- 5) If any provision of this Ordinance or the application thereof to any person or circumstance is held to be 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: \_\_\_\_\_  
Evon Robinson, Chairman of County Council  
Colleton County, South Carolina

Sponsor(s): County Council  
First Reading: February 7, 2012  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: March 6, 2012  
Public Hearing: April 3, 2012  
Third Reading: April 3, 2012  
Effective Date: Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that  
this Ordinance was advertised  
for public hearing on \_\_\_\_\_.

**ORDINANCE NO. 12-O-02**

**COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance to Amend Chapter 2.28 - Boards, Committees, and Commissions Generally, Section 2.28.020 – Requirements, Duties and Responsibilities for all County-Appointed Boards and Commissions, by Repealing in its Entirety Paragraph H.]**

**WHEREAS:**

1. The Colleton County Code of Laws, Chapter 2.28 - Boards, Committees, and Commissions Generally, Section 2.28.020 – Requirements, Duties and Responsibilities for all County-Appointed Boards and Commissions, Paragraph H currently reads:  
“Except by unanimous vote of County Council, no member or any board or commission shall serve on that board or commission for more than two consecutive terms or eight years, whichever is the lesser.” ; and
2. County Council deems it to be in the best interest of the County to eliminate this term limit for service on a board or commission.

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

1. Paragraph H of Section 2.28.020 – Requirements, Duties and Responsibilities for all County-Appointed Boards and Commissions, of Chapter 2.28 - Boards, Committees, and Commissions Generally, of the Colleton County Code of Laws is hereby repealed and removed in its entirety.
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: \_\_\_\_\_  
Evon Robinson, Chairman of County Council

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Ruth Mayer, Clerk to County Council

By: \_\_\_\_\_  
Sean Thornton, County Attorney