

AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, JULY 26, 2022
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
 - a) Regular Meeting June 7, 2022
5. Awards and Recognitions
6. Appearances & Public Presentations
 - a) Department of Juvenile Justice – Torsha Anderson, County Director
 - b) NAACP – Ed Williams, Chairman
7. Administrator’s Briefing
8. Public Hearing
 - a) Ordinance 22-O-08, To Impose, Subject to Referendum Approval and Pursuant to the Capital Project Sales Tax Act, a One Percent (1%) Sales and Use Tax (The "Tax") Within Colleton County for Not More Than Seven (7) Years; To Order a County-Wide Referendum On The Question of Imposing the Tax and to Prescribe the Contents of the Ballot Question; To Specify the Purposes For Which the Proceeds From the Tax Are To Be Used, the Maximum Time For The Imposition Of The Tax; and To Provide For Other Matters Relating Thereto.
 - b) Ordinance 22-O-09, To Authorize the Rezoning a 4.3 Acre Parcel at Bennett’s Point, Identified as T.M.S. No. 334-00-00-74, from Community Commercial (CC) to Rural Conservation-2 (RC-2).
9. Old Business
 - a) 3rd Reading Ordinance 22-O-08, To Impose, Subject to Referendum Approval and Pursuant to the Capital Project Sales Tax Act, a One Percent (1%) Sales and Use Tax (The "Tax") Within Colleton County for Not More Than Seven (7) Years; To Order a County-Wide Referendum On The Question of Imposing the Tax and to Prescribe the Contents of the Ballot Question; To Specify the Purposes For Which the Proceeds From the Tax Are To Be Used, the Maximum Time For The Imposition Of The Tax; and To Provide For Other Matters Relating Thereto.

- b) 3rd Reading Ordinance 22-O-09, To Authorize the Rezoning a 4.3 Acre Parcel at Bennett's Point, Identified as T.M.S. No. 334-00-00-74, from Community Commercial (CC) to Rural Conservation-2 (RC-2).
 - c) 2nd Reading Ordinance 22-O-10, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, by and between Colleton County, South Carolina and a Company Known to the County as Project Waterfall, as Sponsor, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits; to Further Amend the Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina and Hampton County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial Business Park, so as to Include Property in Colleton County as part of the Park; and Other Matters Related Thereto
10. New Business
- a) 1st Reading Ordinance 22-O-11, By Title Only, An Ordinance to Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals
 - b) Resolution 22-R-36, To Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy
 - c) Resolution 22-R-37, Identifying a Project to Satisfy the Requirements of Title 12, Chapter 44 of the South Carolina Code, so as to Allow Investment Expenditures Incurred by a Company known to the County as Project Waterfall, Its Affiliates and Related Entities, to Qualify as Expenditures Eligible for a Fee-in-Lieu of Taxes Arrangement with Colleton County, South Carolina; Providing for Other Related Economic Development Incentives, Including Special Source Revenue Credits; and Other Matters Related Thereto
 - d) Resolution 22-R-38, To Authorize the Abandonment of Maintenance on Runner Lane
 - e) Resolution 22-R-39, To Appoint Members to Board Vacancies
11. Items for Information and Public Record
12. Public Comments (3 minutes per person/max time 20 min.)
13. Council Time
14. Executive Session
- a) Legal – Walterboro-Colleton Chamber of Commerce
15. Adjournment
16. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON JULY 26, 2022

Colleton County Council will hold a regular meeting on Tuesday, July 26, 2022, at 6:00 pm. 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.

MINUTES
TUESDAY, JUNE 7, 2022
REGULAR MEETING
6:00 P.M.

Colleton County Council
Council Chambers, Old Jail Building
109 Benson Street
Walterboro, SC 29488

Present: Chairman Steven Murdaugh called the meeting to order with Council Members Dr. Joseph Flowers, Phillip Taylor, and Art Williams in attendance, with Council Member Gene Whetsell appearing virtually.

Others Included: Sean Thornton, Meagan Utsey, Jon Carpenter, Kaela Brinson, Barry McRoy, Joshua Rowland, Matt Mardell, Christie Slocum, Theodore Reed, Bill Davies, Jeremiah B. Craven, Jr., Joanne Boone, Sintelain and Jacqueline Brown, Mark Aakhus, Ed Williams, Doug Bostick, Ashley Shearin, Nikeya Hammonds, Henry Pinckney, Austin Ruger, Charles Bridges, Charles Bright, Jr., Robby Robbins, Frank Santorella, Josh Westbury, Carl Doyle, Sarah Miller, Scott Biering, Brittany Smith, Clarence Wiggins, George Cone, Robert Renner, and Joey Bagwell.

Phillip Taylor gave the invocation and led the Pledge of Allegiance.

Chairman Murdaugh: Stated we have a contingent with us from Edisto Beach, Mayor Crawford Moore, who will introduce his council members.

Mayor Crawford Moore: Stated we have with us Councilman Robert Renner, Councilman Joey Bagwell, and Councilman Jay Watts. We look forward to working with you all. We also have a new Assistant Town Administrator, Mark Aakhus. We also have our Town Administrator, Iris Hill with us today.

Chairman Murdaugh: Stated that he appreciated that you all came tonight. Also, we have with us tonight one of our Representatives, Robby Robbins, he is the newly elected District 97. If council doesn't oppose he would like to make a couple comments to address us.

Robby Robbins: Stated I just won a special election to fill House Seat 97. That seat was vacated in December, we had a primary election in March, and a general election in May. I was elected on May 17th as I have told everybody my prize for winning that election, is that I get to run again next week. So, we have another primary election June 14th followed by a general election in November. Right now I am your Representative and will be through the end of this year, and hopefully I will be your Representative for the next two years. I have thoroughly enjoyed being here and representing this district. Prior to the redistricting, District 97 was primarily in Dorchester County, about 90%. There were only two precincts, Maple Cane and Round O, that were in Colleton County. The redrawing of the maps in December by the Legislator, the district is now 50% Dorchester and 50% Colleton (describes the areas that make up District 97). I have really enjoyed being over here and campaigning and meeting the people. I grew up in Saint George, so I am

familiar with this area. I have worked in this area, so I feel like I am at home here. I have been welcomed by a number of people and reconnected with a number of folks. I have enjoyed the campaign trail and look forward to serving you. I promise you I will work hard, and I promise you I will be responsive and available. I can tell you that the matters I have campaigned on, and as I talked with them I heard the same things coming back from them. Economic development, infrastructure, schools, and public safety are the things I identified early on in my campaign. Mr. Chairman, I appreciate being able to speak to y'all.

Chairman Murdaugh: Thank you.

Approval of Minutes

- A. Regular Meeting May 3, 2022— Dr. Flowers moved to approve the minutes of the Regular Meeting held on May 3, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.

Awards and Recognitions

Proclaiming the Week of June 30- August 6, 2022 as Gullah Geechee Nation Appreciation Week— Chairman Murdaugh read the Proclamation aloud. Councilman Williams moved to approve the Proclamation and the motion was seconded by Councilman Taylor. The motion carried unanimously.

Appearances and Public Presentation

- A. South Carolina American Revolution Sestercentennial Commission– Bill Davies, Vice Chair – Stated that he is here to discuss two projects representing the South Carolina American Revolution Sestercentennial Commission. We have been assigned to commemorate all the events during the Revolutionary War in South Carolina.
Mr. Davies continued to discuss the commission further in depth and showed a brief illustration of the project, The Liberty Trail SC. Information may be found at <https://www.southcarolina250.com/about-us/>.
- B. Pillars4Hope– Nikeya Hammonds, Executive Director; Jessica Hunt, Quality Assurance Manager; and Ashley Shearin, Prevention Director– Discussed in detail the information provided to council and attached hereto. This informational overview is regarding the local Colleton County Commission of Alcohol and Drug Abuse, doing business as Pillars4Hope.

Councilman Taylor: Stated that he noticed that in the packet Pillars4Hope talked about large item needs. The parking lot might be an easier reach than a new building. What resources, or have you talked to the state in regard to those needs?

Ms. Hammonds: Stated we have spoken with them and they do know about our parking lot. They are aware that we are parking on the grass so that our patients have enough space to park. We have been doing this since we expanded two years ago.

Councilman Williams: Stated hats off to you and your staff you all have been doing an amazing job. I have seen the growth over there, and it's our citizens here in Colleton County. I know you talked about parking and Edisto Beach, which is still our citizens. We hope that any assistance that we can leverage and be able to provide to you all...inaudible...We will do whatever we can within reason for you all to continue to be prosperous.

Chairman Murdaugh: Stated that he would like to echo the same sentiment, Thank you all for what you do. We will look into this and see if there isn't something we can do to help.

Public Hearing

- A. **Ordinance 22-O-01, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement By and Between Colleton County and Gehl Foods Southeast, LLC (formerly known to the County as Project Ruby), Whereby Colleton County will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC; Providing for Payment by Gehl Foods Southeast, LLC of Certain Fees In Lieu of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Gehl Foods Southeast, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release from Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC; and Other Matters Relating Thereto**
- B. **Ordinance 22-O-06, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto**

Councilman Taylor made a motion to move into of public hearing. The motion was seconded by Dr. Flowers. The motion carried unanimously.

No comments made.

Councilman Taylor moves to close public hearing. The motion was seconded by Dr. Flowers. The motion carried unanimously.

Old Business

- A. **3rd Reading Ordinance 22-O-01, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement By and Between Colleton County and Gehl Foods Southeast, LLC (formerly known to the County as Project Ruby), Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC; Providing for Payment by Gehl Foods Southeast, LLC of Certain Fees In Lieu**

of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Gehl Foods Southeast, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release from Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC; and Other Matters Relating Thereto

Dr. Flowers moved to approve the 3rd Reading Ordinance 22-O-01, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement By and Between Colleton County and Gehl Foods Southeast, LLC (formerly known to the County as Project Ruby), Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC; Providing for Payment by Gehl Foods Southeast, LLC of Certain Fees In Lieu of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Gehl Foods Southeast, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release from Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC; and Other Matters Relating Thereto. The motion was seconded by Councilman Williams. The motion was carried unanimously.

B. 3rd Reading Ordinance 22-O-06, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto

Councilman Taylor moved to approve the 2nd Reading Ordinance 22-O-06, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2022 through June 30, 2023 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto. The motion was seconded by Dr. Flowers. The motion was carried unanimously.

C. 2nd Reading Ordinance 22-O-08, To Impose, Subject to Referendum Approval and Pursuant to the Capital Project Sales Tax Act, a One Percent (1%) Sales and Use Tax (The "Tax") Within Colleton County for Not More Than Seven (7) Years; To Order a County-Wide Referendum On The Question of Imposing the Tax and to Prescribe the Contents of the Ballot Question; To Specify the Purposes For Which the Proceeds From the Tax Are To Be Used, the Maximum Time For The Imposition Of The Tax; and To Provide For Other Matters Relating Thereto.

Dr. Flowers moved to approve the 2nd Reading Ordinance 22-O-08, To Impose, Subject to Referendum Approval and Pursuant to the Capital Project Sales Tax Act, a One Percent

(1%) Sales and Use Tax (The "Tax") Within Colleton County for Not More Than Seven (7) Years; To Order a County-Wide Referendum On The Question of Imposing the Tax and to Prescribe the Contents of the Ballot Question; To Specify the Purposes For Which the Proceeds From the Tax Are To Be Used, the Maximum Time For The Imposition Of The Tax; and To Provide For Other Matters Relating Thereto. The motion was seconded by Chairman Murdaugh.

Councilman Williams: Chairman and members of council, I think we have done a very good job listening to the citizens thus far. My number one concern is that the committee that was formed, we have misled them in believing that there was no property available for the stand alone pool facility. I have been hearing from the street committee that one of the reasons the stand alone pool facility was not on the ballot was because we would not have had property if we did not demolish the jail that we currently have. I do not know where the rumors started from, but if that is the case I think it is misleading to the committee members. The second concern that I have is we start off initially ranking the projects ourselves as a council, and at no time did we ever make any motions, ordinances, or resolutions to yield our duties and responsibilities to the commission we established. If we look under SC 4-10-30, it does not say anything about what we initially heard from the council, that the school could not participate in the process of being a part of the penny sales tax. I think that is really something that needs to be cleared up and addressed. As I have said before, let's not rush through the process, let's bring all our citizens along. We have done a good job of listening to the citizens from the past and let's continue to listen to them and make sure we don't push something along so fast that it's not approved and we wasted all that time and effort the committee has put into it. The committee has done a very good job with the packet. I do not know why we are so hasty with the process and we need to make sure we have everybody on board before we continue alone with this process. We just need to think about it and review this SC Code 4-10-30.

Chairman Murdaugh: Stated that the way this process works by capital projects sales tax, that by law we establish the committee, but it is the committee's job to ultimately make the decision and recommendation on the projects. The county puts forth projects, the city puts forth projects, and now there was a couple projects that were entered; a school district project, and under law I believe there was an airport and a school project that didn't qualify. The school district project didn't qualify based on the statutory definition, but it is set up this way specifically for the purpose of keeping politics out of this process. Even though we rank projects as a council we submit them to this commission. The commission by law is totally in their right, they don't have to recognize the manner in which we rank projects. They can go back and do it themselves. I think the committee has done a good job at ranking the projects. I don't think there is a single one of us that would rank the projects the way they do. That is their job, not my job. My job is to once we get the ranking to put them to a referendum. I don't think we're acting hastily, because we have to get this ready to go onto the ballot. Of course, we are getting close to that time frame and we have to get everything in order. I am not sure about the property situation you're talking about, because

I have not heard anything specifically about that. I assume that the committee is doing their job and they had all the information that was available to them. I think we need to go forward with this so that we can be ready.

The motion carried 4-1 votes, Councilman Williams opposed.

D. 2nd Reading Ordinance 22-O-09, To Authorize the Rezoning a 4.3 Acre Parcel at Bennett's Point, Identified as T.M.S. No. 334-00-00-74, from Community Commercial (CC) to Rural Conservation-2 (RC-2).

Councilman Williams moved to approve the 2nd Reading Ordinance 22-O-09, To Authorize the Rezoning a 4.3 Acre Parcel at Bennett's Point, Identified as T.M.S. No. 334-00-00-74, from Community Commercial (CC) to Rural Conservation-2 (RC-2). The motion was seconded by Dr. Flowers. The motion was carried unanimously.

New Business

A. 1st Reading Ordinance 22-O-10, By Title Only, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, by and between Colleton County, South Carolina and a Company Known to the County as Project Waterfall, as Sponsor, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits; the Enlargement of the Boundaries of a Multi-County Industrial or Business Park Previously Created by Colleton County and Hampton County to Include Certain Property Located in Colleton County, South Carolina Now or to be Hereafter Owned and/or Operated by Project Waterfall, or One or More Companies Related Thereto; and Other Related Matters

Councilman Williams moved to approve the 1st Reading Ordinance 22-O-10, By Title Only, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, by and between Colleton County, South Carolina and a Company Known to the County as Project Waterfall, as Sponsor, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits; the Enlargement of the Boundaries of a Multi-County Industrial or Business Park Previously Created by Colleton County and Hampton County to Include Certain Property Located in Colleton County, South Carolina Now or to be Hereafter Owned and/or Operated by Project Waterfall, or One or More Companies Related Thereto; and Other Related Matters. The motion was seconded by Councilman Williams.

B. Resolution 22-R-29, To Authorize Renewal of the Lease Agreements By and Between Colleton County and Colleton Genealogy Society and By and Between Colleton County and the Lowcountry Community Action Agency (LCAA) for the Use of County Facilities Located on Black Street in Walterboro

Dr. Flowers moved to approve Resolution 22-R-29, To Authorize Renewal of the Lease Agreements By and Between Colleton County and Colleton Genealogy Society and By and Between Colleton County and the Lowcountry Community Action Agency (LCAA) for the Use of County Facilities Located on Black Street in Walterboro. The motion was seconded by Councilman Taylor. The motion carried

C. **Resolution 22-R-30, To Authorize the Expenditure of Funds Related to Special Projects as Recommended by the Colleton County Accommodations Tax Committee from the State Accommodations Tax Fund – Fund 152 During the Fiscal Year Ending June 30, 2022 and Other Matters Related Thereto**

Dr. Flowers moved to approve Resolution 22-R-30, To Authorize the Expenditure of Funds Related to Special Projects as Recommended by the Colleton County Accommodations Tax Committee from the State Accommodations Tax Fund – Fund 152 During the Fiscal Year Ending June 30, 2022 and Other Matters Related Thereto. The motion was seconded by Councilman Williams. The motion carried unanimously.

D. **Resolution 22-R-31, To Authorize the Waiver of Various Fees for the Summer 2022 Mission Serve Home Repair Program**

Dr. Flowers moved to approve Resolution 22-R-31, To Authorize the Waiver of Various Fees for the Summer 2022 Mission Serve Home Repair Program. The motion was seconded by Councilman Williams. The motion carried unanimously.

E. **Resolution 22-R-32, To Award the Contract for Construction Engineering and Inspection Services for Local and State Road Resurfacing**

Dr. Flowers moved to approve Resolution 22-R-32, To Award the Contract for Construction Engineering and Inspection Services for Local and State Road Resurfacing. The motion was seconded by Councilman Taylor. The motion carried unanimously. CDM Smith, Inc. was awarded the bid.

F. **Resolution 22-R-33, To Support the South Carolina American Revolution Sestercentennial Commission and to Recognize and Approve the Colleton County 250 Committee**

Dr. Flowers moved to approve Resolution 22-R-33, To Support the South Carolina American Revolution Sestercentennial Commission and to Recognize and Approve the Colleton County 250 Committee. The motion was seconded by Councilman Taylor. The motion carried unanimously.

Councilman Williams: Stated Mr. Davis called a few names out and none of them were identifiable to me other than Ms....inaudible. I want to be sure that we include adequate

amount of African Americans in this committee, not just one but we want a proportionate amount.

Mr. Davis: Recommends Councilman Williams.

Councilman Williams: Replied that if he can serve that he would, but he would yield to someone who has a history background.

No further comment.

G. Resolution 22-R-34, To Advertise Board Vacancies

Councilman Taylor moved to approve Resolution 22-R-34, To Advertise Board Vacancies. The motion was seconded by Dr. Flowers. The motion carried unanimously.

Chairman Murdaugh: Read allowed the vacancies.

H. Resolution 22-R-35, To Appoint Members to Board Vacancies

Councilman Williams moved to approve Resolution 22-R-35, to Appoint Members to Board Vacancies. The motion was seconded by Councilman Taylor. The motion carried unanimously.

The following appointments were made by acclamation: Patti Lohr–Colleton County Board of Disabilities; Gary Stroble–Colleton County Board of Assessment Appeals, James C. Bryan and Jason Legare– Colleton County Resource and Development Board, and Joseph Heyward– Colleton County Keep Colleton Beautiful.

Public Comment

Paula Todd: Stated that I am a Lifelong resident of Colleton County. I would like to speak to the referendum. I am 70 years old, and I have two grandchildren that I take outside of the county in order for them to have swim lessons. I also drive out of town for affordable fitness. I think also that the committee has done an excellent job of the things they have decided to put on the referendum. I am having a little difficulty, because I never put people, especially children, behind other things and I think without them we do not have anything. However, as the Chairman mentioned, all of us in here would probably rank differently. What I do want to say is that I know that the recreation center is crowded to say the very least. It is hard to find parking some days, and I say that to say that what's wrong with some of these properties? I assume the county owns them. We just demolished the old Colleton Stadium, seems like the perfect place to have an aquatic center to me, or to even expand the Ace Basin Recreation Facility. Everywhere I have lived, other than here, has had aquatic centers. We had recreational swimming there, leisurely swimming, and also Olympic type competitions; our weather is perfect for that. People are traveling to Florida and training there and doing all these things when we could bring attention to our county by not only

helping our senior citizens, people who are competitive in College, and people who are just coming up like ages 2-3 learning how to swim. I had the opportunity coming up in my career to actually work in a YWCA, and I was a program director there. In addition to having excellent swimming instructors, I hired over 100 part-time instructors who taught all kinds of things that would give our seniors and young people, men and woman, all kinds of things that they can do to grow themselves. I think that we all have private places that teach these things, but when you go with an established place like a Y, that has a proven record of having safe, and just great things, and wonderful community partners in terms of what they give back, not just being there. I wish we would look at something else rather than the Ace Basin Recreation Center to put a pool, but even to expand the gym. We could have all these things at another location, and have it in a part of the county that people can walk to and bicycle to. The Ace Basin is a little haul from where I live, and I would love to do that, but when I get there I am going to have parking issues, issues with getting into the fitness center due to the time I choose, all because of the volume. That is a safety issue as well. I do not have to talk about the history of water sports in the south, but I will say a pool anywhere in this county is going to attract. You are not talking about a small amount of people going and coming, you are talking about people that want that service. I just want your consideration, thank you.

Chairman Murdaugh: Stated, Thank you.

Michael Sweat: Stated I just basically wanted to “piggy back” off what the lady who was just up here said. I think a pool would absolutely be essential in this area. The pool in the long run would pay for itself. I moved back here 5 years ago and travel to Beaufort, SC to the YMCA there. I am paying \$69 a month, which means I have already donated \$4,100 to the YMCA in Beaufort. I have a disease that effects my spinal cord. I have been in a wheel chair and have had to learn how to walk again over 4 different times. That pool is what got me walking again like I am now. I have kids in the area that have to go out of the county to learn how to swim. As kids of color, drowning is a huge problem. So, if we can add a pool to the county, I think it would work well.

Jeremiah Craven: I have been a resident of Colleton County of 22 years. The last time I was here was approximately 4 years ago with a complaint on nuisance barking dogs. I thought I had something figured out. Animal control and I went to court for the nuisance barking dogs. I got in there and they said I had no rights at all, I lost, and that is all over with. Since then it has grown, I have 12 dogs that live around me now and two of them are pit bulls. I was going out of my house the other day and I barely made it to my car before a dog came over in my yard and almost bit me. I have heart trouble, a bad knee, and bad hip...I am worn out. I can't walk, because of my bad knee so I ride my bicycle to get my cardio. I go down the road to ride my bike and pit bulls come after me and I have to defend myself with my bicycle so they can't bite me. I am just asking for some help with these dogs. I also would like to let y'all know that on Cannon Road there is the worst insect problem with biting flies that draw blood. My next complaint or comment for your information is we have people tearing up the road out there just like on highway 21. So, I just wanted to let y'all know those things today, because if a dog bites me it is in y'all's hands. I have called animal control and Sheriff's office and no one can do anything for me, so I am letting y'all know. I thank y'all for all that y'all do and for listening to me.

Mr. Edward Williams: Stated that he is the President of NAACP, but I was reading in the paper the ranking. I looked at the ranking and nothing was put in there for infrastructure, when we need roads paved, and why isn't something done to get equipment to public works. I look at education, I know the state tells you that you have to give the school district so much money and that is all you do, but when you put the capital sales tax in front of all the people, and you're bringing in 40 million dollars...we say, why can't we do better? We want to bring industry to this county, well I remember what Charleston County said awhile back, "If we don't educate the children we won't have the work force for BMW and Volvo and all the other companies we want to bring in. I remember when they used to do machine shop at TCTC. I remember a lot of things that is not there anymore, but y'all sit here and make decisions. Mr. Chairman I heard what you said about that committee and you keep politics out of it and that it is independent, but at the end of the day this council is the ones that is going to say we are doing the referendum, not the committee. That is your legal obligation. It is my opinion that y'all are hiding behind the committee, but you don't need to hide behind the committee...inaudible I would ask that you all consider education, homelessness, YMCA...inaudible...something we need to look at all around the county. I know this isn't going to happen overnight. If you are going to submit a 7 year plan then you need to submit one that is going to address some of those things. I am going to say to you all we should look at item 2, 3, 7 & 8, then go back to the ranking of 1, 4, 5, 6, 9 and 10. Williams has been fighting for a long time to get their water system straight. Those are the recommendation that I make for Colleton County. Do not hide behind the committee...do what is right by the people of Colleton County. There are people pushing buggies with their belongings and living in hotels, that is homelessness. So, you guys have to consider these things when you...inaudible...because when you look at it for tourism...inaudible. Land you got it, you want to build a swimming pool...you used to have one at the golf course...put one out there.

Chairman Murdaugh: Stated, "Would anyone else like to make a comment?"

Marilyn Brown: Stated that I would like to address the referendum about the Y. I am not going to restate what the young lady so eloquently, well spoken, has already said. I do know that I am in education, and I highly value education. I do know that by building a swimming pool that is more accessible that it will have a high impact on most of the people in Colleton County. I say that the old Colleton County Stadium, and you might want to do some research, and I know you have a committee. Like the young gentleman said, you have a committee, but it is ultimately you that has to make that decision. We highly recommend and encourage you to use data to make your informed decision. Where is the data to support to put the Y? I recommend that you would revisit where and to put a Y. I travel to Summerville or Beaufort, and all the connecting counties have a Y. The Y has a lot of amenities other than aquatics, after school tutoring, trips, there are things for the children to do. There are families working two or three jobs and when those kids visit the Y and by the time they are picked up those needs have already been met. Once again I highly suggest going back and revisiting that referendum.

Council Time

Councilman Williams: Stated I think it was back in March, we had a discussion and I requested that we have a joint meeting with the other elected official in this County. If we have joint meeting

then we get to know one another, and we don't have issues that this whether we omitted someone on the list or whatever the case is. I am asking again, since the last time I inquired something about this we were supposed to have something in June. Where are we with the joint meeting with the other Towns, Municipalities, Cities, and I would like to include the School Board as well. They are elected officials and I would like to include all the elected officials and work differences out and make sure we are all on the same page when making decisions, thank you.

Chairman Murdaugh: Stated I will have to get with Mr. Griffin. I know he was working on getting that together in the Month of June. Of course, he is not here tonight so I am not sure what the time frame on that is. I will certainly find that out. Are there any other comments?

Executive Session

Councilman Taylor moved to go into executive session to discuss the following: Legal – LCAA, Legal – Opioid Litigation, and Economic Development – Project Waterfall. Dr. Flowers seconded the motion. The motion carried unanimously.

Chairman Murdaugh stated that we were back in open session, during Executive Session we discussed: Legal – LCAA, Legal – Opioid Litigation, and Economic Development – Project Waterfall.

Dr. Flowers moved to exit executive session. Councilman Williams seconded the motion, which carried unanimously.

Adjournment

Councilman Taylor moved to adjourn the meeting, Councilman Williams seconded the motion, which carried unanimously.

This 26th day of July, 2022.

Steven D. Murdaugh, Chairman

ATTEST:

Kaela Brinson, Clerk to Council

**The remainder of this page intentionally left blank.

Sponsor(s)	: County Council	
First Reading	: May 3, 2022	I, _____
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: June 7, 2022	
Public Hearing	: July 26, 2022	
Third Reading	: July 26, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO IMPOSE, SUBJECT TO REFERENDUM APPROVAL AND PURSUANT TO THE CAPITAL PROJECT SALES TAX ACT, A ONE PERCENT (1%) SALES AND USE TAX (THE "TAX") WITHIN COLLETON COUNTY FOR NOT MORE THAN SEVEN (7) YEARS; TO ORDER A COUNTY-WIDE REFERENDUM ON THE QUESTION OF IMPOSING THE TAX AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTION; TO SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS FROM THE TAX ARE TO BE USED, THE MAXIMUM TIME FOR THE IMPOSITION OF THE TAX; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.]

BE IT ORDAINED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA, AS FOLLOWS:

Section 1: Findings.

The County Council (the "Council") of Colleton County, South Carolina (the "County"), hereby find and determine:

- (a) Counties are authorized by the Capital Project Sales Tax Act, codified as Sections 4-10-300 through 390, Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), subject to approval by a majority of the votes cast in a referendum, to impose county-wide a one percent sales and use tax (the "Tax") for the purpose of generating funds to pay for certain capital improvements;
- (b) The Enabling Act establishes a procedure for imposing the Tax, including the passage of an enacting ordinance ("Enacting Ordinance") and the creation of a commission for the purpose of considering proposals for funding capital projects and formulating the referendum question that is to appear on the ballot;
- (c) By passage of a Resolution adopted on April 6, 2021, Council created the Colleton County Capital Project Sales Tax Commission (the "CPST Commission"), and the CPST Commission has submitted to the Council a referendum question; and

(d) The purpose of this ordinance is to serve as the Enacting Ordinance in accordance with the Enabling Act.

Section 2: Imposition of Sales and Use Tax.

It is imposed in the County a one percent sales and use tax (the “Tax”) in accordance with and pursuant to the Enabling Act, provided, that, a majority of the votes cast in the referendum are in favor of imposing the Tax. If approved in the referendum, the Tax is imposed on the first of May following the date of the referendum.

Section 3: Referendum; Ballot Question.

(a) There is hereby ordered a referendum to be held in the County on November 8, 2022 (the “Referendum”), at which there shall be submitted to all electors qualified to vote under the Constitution and laws of the State of South Carolina, the question set forth in Section 3(b) hereof. The Colleton County Board of Elections and Voter Registration (the “Board”) shall supervise and conduct the Referendum.

(b) As formulated by the CPST Commission, the referendum question to be on the ballot is:

Must a special one percent sales and use tax be imposed in Colleton County for not more than seven (7) years to raise the amounts specified for the following purposes:

The cost of acquiring (including, in certain instances, the acquisition of real property), constructing, furnishing, and equipping:

<u>No.</u>	<u>Project Description</u>	<u>Amount</u>
1	Colleton County Animal Services Facility	\$ 3,330,550.00
2	Veteran's Park	\$ 988,200.00
3	Town of Smoaks - Johnsville/Smoaks Community Center	\$ 937,000.00
4	Colleton County Emergency Operations Center	\$ 2,719,185.00
5	Colleton County Recreation Center Additions (New Gym and Activity Rooms)	\$ 2,953,575.00
6	Colleton County Recreation Center Additions (Pool Facility)	\$ 2,029,690.00
7	Town of Cottageville - Park Expansion	\$ 455,000.00
8	Town of Williams - Water Infrastructure Improvements	\$ 250,000.00
9	City of Walterboro - I-95 Business Loop Project Phase 3	\$ 6,802,045.00
10	Edisto Municipal EOC and Town Hall Complex Phase 1	\$ 10,000,000.00
11	City of Walterboro - Ireland Creek Greenway Park and Stream Restoration	\$ 9,889,816.00
	Total Amount of Sales and Use Tax Proceeds for All Capital Projects	\$ 40,355,061.00

and must the County Council of Colleton County be authorized to issue not exceeding \$40,355,061.00 principal amount of general obligation bonds of Colleton County, provided that the proceeds of such bonds shall be applied to defray the costs of the foregoing purposes, plus issuance costs, and provided further that in the event the sales and use tax to be imposed as stated herein is inadequate for the payment of such bonds, the bonds shall be payable from an ad valorem tax imposed on all taxable property in Colleton County?

Yes

No

INSTRUCTIONS TO VOTERS: If you are in favor of the question, touch the screen next to the word “Yes”; if you are opposed to the question, touch the screen next to the word “No.”

Section 4: Required Information.

The Enabling Act requires the Enacting Ordinance to specify certain information. The following information is provided to satisfy the content requirements:

- (a) Use of Proceeds: The proceeds of the Tax are to be used to pay the costs of the projects set forth in the question above or to pay debt service for bonds issued to fund such costs.
- (b) Maximum Time: The Tax will be imposed for a period not to exceed seven years from the date of imposition.
- (c) Maximum Amount of Bonds: The maximum amount of general obligation bonds of the County to be issued pursuant to the Referendum, in one or more series, to pay the costs of the projects is \$40,355,061.00. The proceeds of the Tax are to be pledged to the payment of bonds issued to pay the costs of the projects. The bonds shall be additionally secured by a pledge of the full faith, credit, and taxing power of the County.
- (d) Sources of Funds to Pay for Projects: Revenues from the Tax shall be used and expended to pay debt service on the bonds or to defray the costs of the projects. The County anticipates that other sources of funds will also pay a portion of the costs of some of the projects, including, without limitation, the United States Department of Agriculture (USDA), the South Carolina Department of Natural Resources (SCDNR), the South Carolina Department of Commerce Rural Infrastructure Fund, the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development (CDBG), U.S. Department of Commerce Economic Development Administration (EDA), the South Carolina Rural Infrastructure Authority (RIA), the South Carolina Department of Transportation (SCDOT) Transportation Enhancement Funds, South Carolina Department of Parks, Recreation and Tourism, United States Department of Homeland Security, United States Department of the Treasury, and Federal Community Project Funding Grants.

- (e) Maximum Amount of Project Costs to Be Funded from the Tax: The maximum amount of the costs of each project to be funded from the Tax are the respective amounts set forth in section 3(b) above with respect to each project.
- (f) Maximum Amount of Net Proceeds: The maximum amount of net proceeds to be raised by the Tax expected to be used to pay the cost of the projects or debt service on the bonds is \$48,000,000.00.
- (g) Priority of Projects: The priority of funding of the projects shall be the numerical order set forth in section 3(b) above. If bonds are issued for all or a portion of the projects, however, it is anticipated that those projects funded with bonds may be funded simultaneously.

Section 5: Ordinance to Election Commission.

The Clerk to Council shall send a certified copy of this ordinance to the Colleton County Board of Elections and Voter Registration no later than August 15, 2022.

Section 6: Controlling Ordinance.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Colleton County Code or other County Ordinances, the provisions of this Enacting Ordinance supersede all other provisions and this ordinance is controlling.

Section 7: Severability.

If any provision of this Enacting 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.

Section 8: Effective Date.

Enacted this ____ day of July, 2022.

COLLETON COUNTY, SOUTH CAROLINA

Steven D. Murdaugh
Chairman, County Council

ATTEST:

Kaela Brinson
Clerk, County Council

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s)	: County Council	
First Reading	: May 3, 2022	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: June 7, 2022	
Public Hearing	: July 26, 2022	
Third Reading	: July 26, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Rezoning of a 4.3 Acre Parcel at Bennett’s Point, Identified as T.M.S. No. 334-00-00-074, from Community Commercial (CC) to Rural Conservation-2 (RC-2).]

WHEREAS:

1. County Council pursuant to Title 6, Chapter 29, Code of Laws of South Carolina, 1976 as amended, has the legal authority to periodically amend the Official Colleton County Zoning Ordinance and Maps; and
2. The Colleton County Zoning Ordinance authorizes County Council to amend the official Zoning Maps for Colleton County; and
3. The Planning Commission has reviewed an application to rezone from Community Commercial (CC) to Rural Conservation-2 (RC-2), an approximately 4.3 acre, parcel identified as T.M.S. No. 334-00-00-074 located at Bennett’s Point, also owned by the applicant; and
4. The applicant wishes for the parcel to be zoned Rural Conservation-2 (RC-2) to ensure that the zoning of the property preserves its character and use; and
5. The Planning Commission at their Monday, April 25, 2022 meeting, voted unanimously to recommend that Council approve the requested rezoning, as the Rural Conservation-2 District is compatible with the Comprehensive Plan description of the area, and the rezoning would serve to maintain Bennett’s Point’s rural setting.

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

1. The 4.3 acre tract at Bennett’s Point, identified as Tax Map Number 334-00-00-074, is hereby rezoned from Community Commercial (CC) to Rural Conservation-2 (RC-2) on the official Zoning Maps for Colleton County.

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.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s)	: County Council	
First Reading	: June 7, 2022	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: July 26, 2022	
Public Hearing	: September 6, 2022	
Third Reading	: September 6, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND A COMPANY KNOWN TO THE COUNTY AS PROJECT WATERFALL, AS SPONSOR, TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; TO FURTHER AMEND THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK AGREEMENT BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND HAMPTON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL BUSINESS PARK, SO AS TO INCLUDE PROPERTY IN COLLETON COUNTY AS PART OF THE PARK; AND OTHER RELATED MATTERS.]

WHEREAS, Colleton County, South Carolina (the “County”), acting by and through its County Council (the “County Council”) is authorized by Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “Act”), and Article VIII, Section 13 of the South Carolina Constitution (i) to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State of South Carolina (the “State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; (ii) to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) with respect to such investment (“FILOT Payments”); (iii) to provide credits to qualifying companies to offset eligible infrastructure related expenses (each a “Special Source Revenue Credit” or “SSRC”) pursuant to Section 4-1-175, 4-29-68, and 12-44-70 of the Code of Laws of South Carolina 1976, as amended (“Infrastructure Credit Act”); (iv) to create a multi-county park with a contiguous county pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended (“MCIP Act”) and, the County has formed such a multi-county park with Hampton County, South Carolina (the “Park”) through that “Agreement for Development of Joint Industrial Park” dated December 4, 2007 (the “Park Agreement”); and (v) to make and execute contracts of the type hereinafter described pursuant to Section 4-9-30 of the Code of Laws of South Carolina 1976, as amended; and

WHEREAS, a company known to the County as Project Waterfall, a Delaware corporation, along with any other existing, or to-be-formed or acquired subsidiaries, or affiliated or related entities, as Sponsor (collectively, “Company”), contingent upon satisfaction of certain

commitments made by and on behalf of the County, as set forth herein and be further set forth in future agreements, and, to the extent allowed by law, plans to establish a new distribution and warehouse related facility in the County through the acquisition, lease, construction and purchase of certain land, including the Project Property (defined below), buildings, furnishings, fixtures, apparatuses, and equipment (the “Project”), which will result in approximately \$9,000,000 in new investment in real and personal property (“Investment”) and the creation of approximately 30 new jobs (“Jobs”) in the County; and

WHEREAS, by its Resolution adopted on July 26, 2022, the County identified the Project, as required by the Act; and

WHEREAS, the Project will comprise one or more parcels of real property or a portion thereof, initially within such tax map parcels bearing Tax Map Numbers [Insert] and with improvements thereon, a more detailed description of which is set forth on the attached **Exhibit A** (“Project Property”); and

WHEREAS, the County desires to enlarge the boundaries of Park to include the Project Property and to ensure that the Project Property remains in the Park or any other multi-county park created by the County pursuant to the MCIP Act for no less than the duration of the Fee Agreement; and

WHEREAS, Sections 3(A) of the Park Agreement establishes the procedure for enlargement of the boundaries of the Park to include additional property; and

WHEREAS, pursuant to Section X of Ordinance No. 07-O-29, the County has the authority to amend the allocation of revenue received as fee-in-lieu of tax payments from the Park as it sees fit;

WHEREAS, in connection with the Project, the Company has requested the County to enter into an incentive agreement, to the extent and subject to the conditions provided in such agreements, to establish the commitments of (i) the Company and any Sponsor Affiliate(s) to make the Investment and create of the Jobs; and (ii) the County to provide the Incentives (defined below); and

WHEREAS, the County has determined: (i) to offer a FILOT arrangement and enter into a fee-in-lieu of *ad valorem* taxes agreement with the Company and, as applicable, any Sponsor Affiliate(s), the form of which is attached as **Exhibit B** (“Fee Agreement”), but with the principal terms as follows: 20-years, 6% assessment ratio, and a fixed millage rate equal to that millage rate in effect at the Project Property, for all taxing entities, on June 30, 2021, which the parties hereto believe to be .3537 for the entire term of the FILOT arrangement; (ii) to provide an annual Special Source Revenue Credit against those FILOT Payments to be made by the Company and any of the Sponsor Affiliates to the County for property tax years one (1) through five (5) in connection with the Project (“SSRCs”) in the amount as follows: i) Fifty percent (50%) in Year 1; ii) Forty percent (40%) in Year 2; iii) Thirty percent (30%) in Year 3; and (iv) Twenty percent (20%) in Years 4 and 5; and (iii) any other incentives as may be further set forth in the Fee Agreement (collectively, the “Incentives”); and

WHEREAS, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives.

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

Findings. The County hereby finds and affirms, based on information provided by the Company: (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally; (ii) the Project gives rise to no pecuniary liability of the County or any incorporated municipality and to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public; and (v) the Project will provide a substantial public benefit to the County.

Authorization to Execute and Deliver Fee Agreement; Approval of SSRCs. The form, terms, and provisions of the Fee Agreement (which includes the provision of the SSRCs) presented to Council at this meeting and filed with the Clerk to County Council are hereby approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Chairman of County Council and the Clerk to County Council be and they are hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement attached hereto is in substantially final form; however, may be changed, amended or modified provided that it shall not materially adversely affect the rights of the County thereunder; and, shall be approved by the officials of the County executing the same upon the advice of the County Attorney, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein.

Park Boundaries. The County Council approves the expansion of the Park boundaries to include the Project Property and the County Council agrees to ensure that the Project is incorporated into and remains in the Park for the term of the Fee Agreement. The Company may request, from time to time, that all or a portion of the Project Property be removed from the Park.

Allocation of Park Funds. The County will provide that the annual allocation of the Fee Agreement payments generated by the Project will be distributed (after distribution of a portion of the Fee Agreement payment to the Partner County in accordance with the MCIP Agreement) as follows:

- (i) For five (5) years, to the County, for providing the SSRCs, an amount equal to the annual SSRC as outlined in the recitals of this Ordinance and provided in the Fee Agreement; and
- (ii) Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the Fee Agreement payments to the County and the other overlapping taxing entities, in the same relative percentages as the relative millage rates imposed by such taxing entities for the applicable tax year.

No Recapitulation Required. Pursuant to Section 12-44-55(B) of the Act, the County hereby agrees that no recapitulation information, as set forth in Section 12-44-55(A) of the Act is required to be provided by the Company in the Fee Agreement, or in any other documents or agreements in connection with the FILOT arrangement between the Company and the County, so

long as the Company shall file a copy of the South Carolina Department of Revenue form PT-443, and any subsequent amendments thereto, and all filings required by the Act with the County after the execution of the Fee Agreement by the County and the Company.

Further Acts. The County Council authorizes the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper, in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Ordinance and induce the Company to locate the Project in the County.

General Repealer. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Severability. Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is hereby deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved this Ordinance following three readings and a public hearing.

[signature page to follow]

COLLETON COUNTY,
SOUTH CAROLINA

Steven D. Murdaugh, Chairman
Colleton County Council

(SEAL)
ATTEST:

Kaela Brinson, Clerk to Council
Colleton County, South Carolina
First Reading: June 7, 2022
Second Reading: July 26, 2022
Third Reading:
Public Hearing:

Sponsor(s)	: County Council	
First Reading	: July 26, 2022	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: September 6, 2022	
Public Hearing	: October 4, 2022	
Third Reading	: October 4, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals.]

Sponsor(s) : County Council
Adopted : July 26, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-36

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 Facilities Management and Fleet Management departments have evaluated various vehicles and equipment, and deemed them to be no longer suitable for County operations; and
2. 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 Facilities Management and Fleet Management departments are hereby declared surplus to the needs of the County.

Description	Serial Number
2004 Chevrolet C8500 Dump Truck	1GBT8C4C44F522164
2004 Volvo G710B Motorgrader	X036836X
2013 Volvo G930B Motorgrader	VCEG930BK0S576054
2013 Volvo G930B Motorgrader	VCEG930BV0S576091
Husqvarna IZ5223 Zero Turn Mower	92491653

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:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : July 26, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-37

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF TITLE 12, CHAPTER 44 OF THE SOUTH CAROLINA CODE, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY A COMPANY KNOWN TO THE COUNTY AS PROJECT WATERFALL, ITS AFFILIATES AND RELATED ENTITIES, TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH COLLETON COUNTY, SOUTH CAROLINA; PROVIDING FOR OTHER RELATED ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING SPECIAL SOURCE REVENUE CREDITS; AND OTHER MATTERS RELATED THERETO.]

WHEREAS, Colleton County (the “County”) is a political subdivision of the State of South Carolina and as such has all powers granted to counties by the Constitution and the general law of this State; and

WHEREAS, the County, acting by and through its County Council, is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”) (i) to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State of South Carolina (the “State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; (ii) to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) with respect to such investment; (iii) to grant credits against FILOT payments to qualifying companies to offset qualifying infrastructure related expenditures (“Special Source Revenue Credits”) pursuant to Sections 4-1-175, 4-29-68 and 12-44-70 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Infrastructure Credit Act”); and (iv) to make and execute contracts pursuant to Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, a company known to the County as Project Waterfall, as Sponsor, along with one or more existing, or to-be-formed or acquired subsidiaries, or affiliated or related entities and any Sponsor Affiliates that the Sponsor may designate and have the County approve in accordance with the Act (collectively, “Company”), contingent upon satisfaction of certain commitments made by and on behalf of the County, as set forth herein and to be further set forth in future agreements, and to the extent allowed by law, plans to expand its facilities in the County through the acquisition, lease, construction and purchase of certain land, buildings, furnishings, fixtures, apparatuses, and equipment (collectively, the “Project”), which will result in an investment in real and personal property of approximately \$9,000,000 in the County (“Investment”) and the creation of approximately 30 new jobs (“Jobs”); and

WHEREAS, as an inducement for the Project, the Company requests and the County desires to provide certain incentives, including but not limited to, the following: (1) the incentive of a FILOT as authorized by the Act for a term of 20 years and having an assessment ratio of 6% with a fixed millage rate equal to the millage rate in effect at the Project site for all taxing entities on June 30, 2021, which the parties understand to be .3537, the terms of which shall be further set forth in a fee-in-lieu of *ad valorem*

taxes agreement between the County and the Company (“Fee Agreement”); (2) to provide an annual Special Source Revenue Credit, in an amount to be set forth in the Fee Agreement, against those FILOT payments made by the Company and any of the Sponsor Affiliates to the County for the Project and (3) any other incentives that may be set forth in the Fee Agreement or other agreements by and between the County and the Company (collectively, the “Incentives”); and

WHEREAS, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives; and

WHEREAS, in accordance with Section 12-44-40 of the Act, and based on information provided by the Company, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits, not otherwise adequately provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

NOW THEREFORE, BE IT RESOLVED, by the County Council as follows:

Section 1. **Project Identification for Purposes of the Act.** The County hereby identifies the Project as a “project” as contemplated by Section 12-44-40 of the Act.

Section 2. **Project Findings.** Based on information provided by the Company, the County hereby finds and affirms its determination that: (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality and or a charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

Section 3. **Authorization to Negotiate Incentives.** The County shall negotiate in good faith the Incentives and the agreements relating thereto, including but not limited to the Fee Agreement.

Section 4. **Past and Future Acts.** The County Council hereby authorizes the Chair of the County Council and other County staff, along with any designees and agents any of these officials deems necessary and proper in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions, and enter into whatever further agreements, as are allowed by law and as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution and induce the Company to locate the Project in the County, and authorizes and ratifies all actions previously undertaken by Authorized Individuals with respect to the Project and the actions contemplated by this Resolution.

Section 5. **Severability.** Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.

Section 6. **Repealer Clause.** All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.

Resolved: July 26, 2022

COLLETON COUNTY, SOUTH CAROLINA

Steven D. Murdaugh, Chairman
Colleton County Council

Attest:

Kaela Brinson, Clerk to Council
Colleton County, South Carolina

Sponsor(s) : County Council
Adopted : July 26, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-38

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Abandonment of Maintenance on Runner Lane.]

WHEREAS:

1. The property owner from Runner Lane submitted a request to County Council asking that maintenance on the road be abandoned; and
2. The owner who made the request owns all of the property surrounding Runner Lane.

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

1. Colleton County Council hereby authorizes the Roads & Bridges Department to abandon maintenance on Runner Lane.
2. Further, Runner Lane shall be removed from the County's Record of Roads.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : July 26, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-39

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint Members to Board Vacancies.]

WHEREAS:

1. Colleton County Land Use Zoning Board of Appeals has one vacancy; and
Applicant: Michael Shane Moody
2. Colleton County Planning Commission has four vacancies; and
Applicant: John S. Rogers, Fred Reed, and William Ponds.
3. The County Council is the appointing authority for Boards.

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

The Council Hereby appoints the following:

Colleton County Land Use Zoning Board of Appeals: Michael Shane Moody

Colleton County Planning Commission: John S. Rogers, Fred Reed, and William Ponds.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: