

**AGENDA  
COLLETON COUNTY COUNCIL  
REGULAR MEETING  
TUESDAY, DECEMBER 4, 2012  
6:00 P.M.  
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Roll Call
4. Appearances & Public Presentations
5. Approval of Minutes
  - a) Regular Meeting October 30, 2012
6. Awards and Recognition's
  - a) SCAPA Award- Colleton Museum & Farmers Market
7. Administrator's Briefing
8. Public Hearing
  - a) Ordinance 12-O-14, To Amend Chapter 9.30 by Title and To Amend Sections 9.30.010, 9.30.030 and 9.30.050, Subsection (3) of Ordinance No. 11-O-04 To Include a Ban on Registered Sex Offenders Entering Into or Upon Any Facility Hosting an Event for Children, Owned, Operated or Maintained by Colleton County.
  - b) Ordinance 12-O-15, To Amend Title 13-Buildings and Construction of the Colleton County Code of Ordinances, Chapter 13.12 – Flood Damage Prevention, to Add the Definition of Enclosure to Section 13.12-2.020 and to Repeal Section 13.12-5.040.
9. Old Business
  - a) 3<sup>rd</sup> Reading Ordinance 12-O-14, To Amend Chapter 9.30 by Title and To Amend Sections 9.30.010, 9.30.030 and 9.30.050, Subsection (3) of Ordinance No. 11-O-04 To Include a Ban on Registered Sex Offenders Entering Into or Upon Any Facility Hosting an Event for Children, Owned, Operated or Maintained by Colleton County.
  - b) 3<sup>rd</sup> Reading Ordinance 12-O-15, To Amend Title 13-Buildings and Construction of the Colleton County Code of Ordinances, Chapter 13.12 – Flood Damage Prevention, to Add the Definition of Enclosure to Section 13.12-2.020 and to Repeal Section 13.12-5.040.

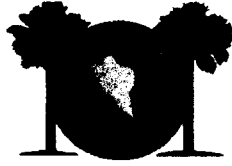
- c) 2<sup>nd</sup> Reading Ordinance 12-O-06, Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Taxes Agreement Between Colleton County, South Carolina, And Project Frankfurt, Whereby Colleton County Will Enter Into A Fee-In-Lieu Of Taxes Arrangement With Project Frankfurt; Providing For Payment By Project Frankfurt Of Certain Fees In Lieu Of *Ad Valorem* Taxes; To Provide For The Allocations Of Fees-In-Lieu Of Taxes Payable Under The Agreement For Development For A Joint County Industrial Park With Hampton County, South Carolina; To Amend The Agreement For Development For A Joint County Industrial Park With Hampton County, South Carolina So As To Include Additional Property In Colleton County As Part Of The Joint County Industrial Park; And Other Matters Relating Thereto.
- d) 2<sup>nd</sup> Reading Ordinance 12-O-16, To Ratify FY12 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.
- e) 2<sup>nd</sup> Reading Ordinance 12-O-17, To Amend Chapter 14.08 –Zoning, Section 14.08-2 Zoning District Regulations, Paragraph 2.120 (C) Dimensional Requirements, of the Colleton County Zoning Ordinance in Order to Meet Modern Industrial Requirements.
- f) 2<sup>nd</sup> Reading Ordinance 12-O-18, to Amend Chapter 14.08 –Zoning, Section 14.08-3 Conditional Uses, Paragraph 3.020 (O) Hunting and Fishing Camps, of the Colleton County Zoning Ordinance in Order to Comply with the Standards of other Rural Counties with Significant Hunting Populations.

10. New Business

- a) Resolution 12-R-114, To Authorize the Waiver of Solid Waste Fees for Habitat for Humanity Demolition Project at 206 McDaniel Street.
- b) Resolution 12-R-115, To Award the Contract for the Sale of Scrap Metal, Aluminum Cans and Batteries.
- c) Resolution 12-R-116, To Appoint a Member to the Fire-Rescue Control Board.
- d) Resolution 12-R-117, To Appoint Members to Board Vacancies.
- e) Resolution 12-R-118, To Approve an Amendment to the Contract with Wildwood Construction for the Colleton County Recreation Department Ball Park Construction Project
- f) Resolution 12-R-119, To Grant and Easement By and Between the City of Walterboro and the County of Colleton.
- g) Resolution 12-R-120, To Authorize Acceptance and Budgeting of Funds for Various Grants Received for FY2012-2013.

- h) Resolution 12-R-121, To Authorize a Provision of Office Space to South Carolina Department of Corrections Young Offender Parole & Reentry Services.
  - i) 1<sup>st</sup> Reading Ordinance 12-O-19, To Authorize the Rezoning of a 7.9 Acre Parcel on Hendersonville Highway, Identified as TMS 207-00-00-030, from Urban Development-1 (UD-1) to Rural Development-2 (RD-2).
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) Personnel
    - b) Economic Development
    - c) Legal
  15. Adjournment
  16. Informal Meeting of the Whole

*Colleton County Planning and Development  
P. O. Box 98  
Walterboro, South Carolina 29488*



MEMORANDUM

TO: Kevin Griffin, County Administrator  
FROM: Philip Slayter, Planning Director  
DATE: November 27, 2012  
RE: SC Chapter of the American Planning Association (SCAPA) Award for  
The Museum and Farmer's Market

Recall that the County submitted its application in September for the Small Jurisdiction Category (*Less than 50,000 Population*) of the 2012 SCAPA Chapter Award competition.

I am pleased to report that at the 2012 SCAPA Fall Conference, Colleton County received the award for the Museum and Farmer's Market. On behalf of the County, I accepted the award.

The County was recognized for this facility based on its use of a collaborative planning process among the project's multiple stakeholders as well as its diverse funding strategy.

This award is the fourth time the County's Museum and Farmer's Market has been recognized for excellence in project concept and design.

Sponsor(s) :County Council  
First Reading : October 2, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : October 30, 2012  
Public Hearing : December 4, 2012  
Third Reading : December 4, 2012  
Effective Date : Immediately

I, Ruth Mayer,  
Council Clerk certify that this  
Ordinance was advertised for  
Public Hearing on \_\_\_\_\_.

## ORDINANCE NO. 12-O-14

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

(To Amend Chapter 9.30 by Title and To Amend Sections 9.30.010, 9.30.030 and 9.30.050, Subsection (3) of Ordinance No. 11-O-04 To Include a Ban on Registered Sex Offenders Entering Into or Upon Any Facility Hosting an Event for Children, Owned, Operated or Maintained by Colleton County.)

#### WHEREAS:

1. In order to protect the children utilizing Colleton County Facilities, County Council believes it to be in the best interest to restrict access by registered sex offenders to such facilities; and
2. Such restriction of access must be enacted by Ordinance.

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

1. **The Colleton County Code of Laws, Title 9 – Public Peace and Welfare, Chapter 9.3 is hereby amended as Chapter 9.30 – Ban on Registered Sex Offenders – County Parks, Recreation Facilities and Other Facilities, and Sections 9.30.010, 9.30.030 and 9.30.050 are amended as follows:**

#### Chapter 9.30

#### BAN ON REGISTERED SEX OFFENDERS – COUNTY PARKS & RECREATION FACILITIES AND OTHER FACILITIES

##### 9.30.010 Prohibition

No person registered with the State of South Carolina or any other state or federal agency as a registered sex offender shall enter into or upon any public park, recreation facility, or any other facilities, as defined in 9.30.030, owned, operated, or maintained by Colleton County, except as provided in 9.30.050 **Limited Exceptions** below.

##### 9.30.030 Definitions

For purposes of this Chapter, the following definitions shall be added:

*Other Facility:* Any publicly owned, leased, operated, or maintained property that is hosting any event in which the primary purpose of the event is for the education, entertainment or benefit of children by the County including any adjacent public parking area as well as driveways, entrance ways, or pedestrian walkways used by the public to access the recreation facility

**9.30.050 Limited Exceptions**

3) Registered sex offenders who have children of their own who are participating in events, programs, or competitions at a County park, recreation facility, or other facilities may drive those children to and from such event, drop the children off and/or pick the children up at the designated area, and then drive immediately and directly out of the County park or facility. Any loitering or lingering shall be a violation of this Chapter. Under no circumstances shall the offender remain on the park or recreation grounds for more than twenty (20) minutes under this subsection.

**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:

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

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

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s): County Council  
First Reading: October 2, 2012  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: October 30, 2012  
Public Hearing: December 4, 2012  
Third Reading: December 4, 2012  
Effective Date: Immediately

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

## ORDINANCE 12-O-15

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

[An Ordinance to Amend Title 13-Buildings and Construction of the Colleton County Code of Ordinances, Chapter 13.12 – Flood Damage Prevention, to Add the Definition of Enclosure to Section 13.12-2.020 and to Repeal Section 13.12-5.040.]

#### WHEREAS:

1. In order to allow greater flexibility in the application of the Flood Damage Prevention Ordinance, staff recommends including a definition for “enclosure;” and
2. In order to eliminate redundancy in procedural requirements, staff recommends repealing Section 13.12-5.040-Agrucultural Structures in its entirety.

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

1. **Title 13-Buildings and Construction of the Colleton County Code of Ordinances, Chapter 13.12-Flood Damage Prevention** is hereby amended as follows:

#### **13.12-2.020 Definitions**

For purposes of this Chapter, the following definitions shall be added:

*Enclosure; enclosed space or area* means any space below the BFE and enclosed on all sides by walls or partitions. A V-zone building elevated on an open foundation without an enclosure or other obstructions below the BFE, is said to be free-of-obstruction, such that the space below the BFE is surrounded by insect screening, louvered slats (wooden or plastic lattice, slats, or shutters are permissible if at least 40% of their area is open and that lattice can be no thicker than ½ inch, or that slats and shutters can be no thicker than 1 inch), or open wood lattice”.

#### **13.12-5.040 Agricultural Structures**

For purposes of this Chapter, **Section 13.12-5.040-Agricultural Structures** shall be repealed 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



Sponsor(s): County Council  
First Reading: April 3, 2012  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: December 4, 2012  
Public Hearing: January 8, 2013  
Third Reading: January 8, 2013  
Effective Date: Immediately

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

## ORDINANCE 12-O-06

**[AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAXES AGREEMENT BETWEEN COLLETON COUNTY, SOUTH CAROLINA, AND PROJECT FRANKFURT, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PROJECT FRANKFURT; PROVIDING FOR PAYMENT BY PROJECT FRANKFURT OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; TO PROVIDE FOR THE ALLOCATIONS OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR DEVELOPMENT FOR A JOINT COUNTY INDUSTRIAL PARK WITH HAMPTON COUNTY, SOUTH CAROLINA; TO AMEND THE AGREEMENT FOR DEVELOPMENT FOR A JOINT COUNTY INDUSTRIAL PARK WITH HAMPTON COUNTY, SOUTH CAROLINA SO AS TO INCLUDE ADDITIONAL PROPERTY IN COLLETON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK; AND OTHER MATTERS RELATING THERETO.]**

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 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to designate real and tangible personal property as "economic development property" and to enter into an arrangement which provides for payment in lieu of taxes ("Negotiated FILOT Payments") for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is further authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the "Multi-County Park Act") (collectively, the "the MCIP Act") to provide for payments in lieu of taxes ("PILOT Payments") with respect to property located in a multi-county business or industrial park created under the MCIP Act and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to such investors; and

WHEREAS, Project Frankfurt, a Delaware corporation (the "Company"), proposes to expand its operations in Colleton County by acquiring, constructing, equipping, and furnishing a facility for the production of plastics (the "Project"); and

WHEREAS, the County and Hampton 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 Joint County Industrial Park effective as of \_\_\_\_\_, \_\_\_\_\_ (the "MCIP 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 the Multi-County Park Act; and

WHEREAS, the MCIP Agreement was initially approved by Colleton County Council Ordinance No. 07-O-29, adopted December 4, 2007; and was further amended from time-to-time to add or remove property to the Park; and

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

WHEREAS, the Counties desire to amend the MCIP Agreement to include the real property at the Project (the "Project Site"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") of approximately \$10,000,000 which is expected to occur by June, 2015; and

WHEREAS, the County has been advised that by June, 2015 the Project is anticipated to employ a minimum of 80 direct, full-time employees, and by December, 2016, the Project will provide a cumulative total of 120 jobs, with an average wage of approximately \$16.78/hour; and

WHEREAS, the Project is located entirely within the unincorporated area of Colleton County, and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire, construct, and equip the Project (the "Incentives"); and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act and the MCIP Act that the County Council provide final approval for qualifying the Project under the FILOT Act and the MCIP Act for the Incentives;

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

Section 1. Evaluation of the Project. County Council has evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;

- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council's investigation of the Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, as required, County Council hereby finds that:

- (a) the Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act;
- (c) the Investment by the Company in the Project is anticipated to be approximately \$10,000,000, all to be invested within five (5) years from the end of the property tax year in which the Company and the County execute the Fee-in-Lieu of Tax Agreement (the "FILOT Agreement") between the County and the Company;
- (d) the Project will be located entirely within Colleton County;
- (e) the Project is anticipated to benefit the general public welfare of Colleton County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;
- (f) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (h) the inducement of the location of the Project is of paramount importance; and
- (i) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as "economic development property" under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 20-year term of the fee-in-lieu of taxes, all as more fully set forth in the FILOT Agreement.

Section 4. Multi-County Park Incentive. The MCIP 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. This amendment to the Agreement shall become effective on the date of the latter of (i) enactment of this Ordinance by the Colleton County Council, after third and final reading and public hearing, and (ii) enactment of an ordinance by Hampton County Council approving expanding the Park premises to add the property described in Exhibit A. The Hampton County Council has been requested to give their approval to this amendment by ordinance.

Section 5. Execution of the Fee Agreement. The form, terms, and provisions of the FILOT Agreement presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized, empowered, and directed to execute, acknowledge, and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form now before this meeting and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement now before this meeting.

Section 6. Special Source Revenue Credit. After the identification of qualifying public infrastructure located solely within Colleton County and the costs thereof to the satisfaction of the County, the County will provide to the Company a special source revenue incentive (the "SSRC") against the PILOT payments made with respect to all non-qualifying real property of the Company (e.g., the existing property at the Project Site) as provided for under the MCIP Act, Section 4-29-68 of the Code, and applicable provisions of the applicable FILOT Act (or any successor provisions thereto) in the applicable amounts as follows: the SSRC on non-qualifying property will be in an amount that annually reduces the PILOT payment to an equivalent payment calculated at a 6% assessment ratio for a 20-year term.

Section 7. Allocation of MCIP Revenues. Pursuant to the terms of the MCIP Act and the MCIP Agreement, the County hereby provides that for 20 years, commencing with the first tax year in which the fee-in-lieu of *ad valorem* tax revenue is generated by the Project and payable to the County in accordance with the terms of the MCIP Agreement, will be distributed as follows:

- (1) After deducting amounts due to the partner county under the MCIP Agreement, to the County an amount equal to the total SSRCs to be provided in such year pursuant to Section 6 hereof; and
- (2) After making the allocations under paragraph (1) of this Section, to be distributed to the taxing districts in accordance with ordinance of County Council.

Section 8. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorized by this Ordinance.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

(e) All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

**COLLETON COUNTY, SOUTH CAROLINA**

Attest:

Signed:

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

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

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

Council Vote:  
Opposed:

Sponsor(s) : County Council  
First Reading : October 30, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : December 4, 2012  
Public Hearing : January 8, 2013  
Third Reading : January 8, 2013  
Effective Date : Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that this  
Ordinance was advertised  
for Public Hearing on \_\_\_\_\_

## ORDINANCE NO. 12-O-16

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

**[To Ratify FY12 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.]**

#### WHEREAS:

1. Colleton County Budget Ordinance requires supplemental appropriations for unanticipated revenues received after the adoption of the budget; and
2. The County regularly adopts a final budget amendment ordinance to account for budget resolutions and interfund transfers authorized by Council during the fiscal year, as well as grants and any other supplemental appropriation actions in accordance with the 1976 South Carolina Code of Laws, as amended, and the County's budget ordinance.

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

1. The Colleton County Council hereby:
  - a. Ratifies all previously approved FY12 Budget Resolutions and authorizes and directs the County Administrator to amend the FY12 budgetary appropriations as so resolved;
  - b. Ratifies all previously approved FY12 Resolutions related to amendments to the County Record of Roads (ROR), if any;
  - c. Ratifies all Resolutions, voice motions, and other actions approved by County Council for Fiscal Year ending 6/30/12 including those awarding contracts, directing specific fiscal actions such as authorizing, increasing or reducing fund transfers, operational transfers, reclassifications, fund balance designations, and fund balance appropriations.
  - d. Approves the budgeting of funds, if any, received by the CCRFC from Covenant Billing during the Fiscal year ending 6/30/12, within Fund 156 to meet the needs of the County.
  - e. Approves the transfer of the amount of the FILOT for the SCE&G, Canadys Steam Plant, in excess of the annual debt service from the SSRB Canadys Debt Service Fund 133 to the SSRB Economic Development and Capital Improvement Fund 149 to comply with the Bond Indenture Agreement.

- f. Approves any increase in Budget Revenues related to Medical Services for FY12 based on actual collections and the appropriation of said funds within Fund 156 to meet the needs of the County.
  - g. Approves the write-off of all Colleton County Fire and Rescue Medical Services billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/12 audit as identified by CCRFC and approved by the Colleton County Administrator.
  - h. Approves the write-off of all Colleton County Solid Waste Billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/12 audit as identified and approved by the Colleton County Administrator.
  - i. Approves end-of-year adjustments as necessary to the Operational Transfers of various funds in order to decrease particular fund appropriation and correspondingly increase other fund appropriation in accordance with the operational needs and expenditures of the various Funds in FY12 and to balance the required revenue to expenditures in said Funds.
2. Conflict: All provisions in other County Ordinances or Resolutions in conflict with this Ordinance are hereby repealed
  3. 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.

ATTEST:

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

SIGNED:

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

COUNCIL VOTE:

OPPOSED:

\_\_\_\_\_  
Approved as to Form  
Sean P. Thornton, County Attorney

Sponsor(s): County Council  
First Reading: October 30, 2012  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: December 4, 2012  
Public Hearing: January 8, 2013  
Third Reading: January 8, 2012  
Effective Date: Immediately

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

## ORDINANCE 12-O-17

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

**[An Ordinance to Amend Chapter 14.08 –Zoning, Section 14.08-2 Zoning District Regulations, Paragraph 2.120 (C) Dimensional Requirements, of the Colleton County Zoning Ordinance in Order to Meet Modern Industrial Requirements.]**

#### WHEREAS:

1. The current ordinance requires that no structure may exceed a maximum height of 60 feet in the Industrial (ID) Zoning District. Because of increased concern from industrial prospects regarding this limitation, the desire for higher ceiling heights for equipment and operations suggests that the height standard is set too low to meet modern industrial needs; and
2. In order to meet modern industrial requirements, Colleton County Planning and Development recommends an increase with an additional setback mechanism to address any issues with adjoining properties; and
3. The Planning Commission in their October Meeting voted to recommend an amendment to the Zoning Ordinance to add a footnote to allow for an increase in the maximum height of a structure in the Industrial (ID) Zoning District and include a setback mechanism.

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

1. **Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, Paragraph 2.120 (C) of the Colleton County Zoning Ordinance** is hereby amended to read as a Footnote as follows:

*Buildings in excess of 60 feet shall observe an additional setback from side and rear property lines of one foot for each one foot in height over 60 feet; not to exceed 80 feet.*

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

Sponsor(s): County Council  
First Reading: October 30, 2012  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: December 4, 2012  
Public Hearing: January 8, 2013  
Third Reading: January 8, 2012  
Effective Date: Immediately

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

## ORDINANCE 12-O-18

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

**[An Ordinance to Amend Chapter 14.08 –Zoning, Section 14.08-3 Conditional Uses, Paragraph 3.020 (O) Hunting and Fishing Camps, of the Colleton County Zoning Ordinance in Order to Comply with the Standards of other Rural Counties with Significant Hunting Populations.]**

#### WHEREAS:

1. The standards set by the current ordinance are not consistent with current practice among other rural counties with significant hunting populations; and
2. After surveying other rural counties and re-evaluating how the zoning ordinance generally treats campgrounds, it was determined that a less restrictive approach was warranted; and
3. It is recommended that the language be modified to be less restrictive for establishing a hunting camp but treated in the same manner as similar uses; and
4. The Planning Commission in their October Meeting voted to recommend an amendment to the Zoning Ordinance regarding hunting and fishing camps.

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

1. **Chapter 14.08 – Zoning, Section 14.08-3 Conditional Uses, Paragraph 3.020 (O) of the Colleton County Zoning Ordinance** is hereby amended to read as follows:
  - a. A maximum density of 10 campers per acre is allowed.
  - b. Any structure or camper shall be setback 50 feet from a property line.
  - c. Demonstrate compliance with SCDHEC waste treatment.
  - d. All structures and campers within 100 feet of the front property line shall meet the buffer requirements found in Section 14.08-4.020 (B) Street Yard
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

Sponsor(s) : County Council  
Adopted : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-114**

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

**[A Resolution to Authorize the Waiver of Solid Waste Fees for Habitat for Humanity Demolition Project at 206 McDaniel Street.]**

**WHEREAS:**

- (1) Habitat for Humanity is a non-profit organization that has sponsored volunteer-staffed home repair and construction projects in Colleton County, working on homes in the unincorporated and incorporated areas of the County; and
- (2) The organization is requesting that the Council authorize the waiving of Solid Waste disposal fees for the demolition project at 206 McDaniel Street, Walterboro, SC, as has been done in the past.

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

- (1) All Solid Waste disposal fees for waste generated by Habitat for Humanity demolition project at 206 McDaniel Street, in an amount not to exceed 20 tons, are hereby waived.

ATTEST:

SIGNED:

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

\_\_\_\_\_  
Evon Robinson, Sr., Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-115**

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

**[A Resolution to Award the Contract for the Sale of Scrap Metal, Aluminum Cans and Batteries.]**

**WHEREAS:**

1. The County advertised a Request for Bids, SW-22, for the sale of scrap metal, aluminum cans and batteries; and
2. One company responded to the Request for Bids, SW-22; and
3. Solid Waste evaluated the bid and recommends the contract be awarded to Hiott Recycling, Inc.

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

1. County Council hereby awards the contract in accordance with Bid SW-22 to Hiott Recycling, Inc. in the amount of \$201.00 per ton of scrap metal, \$1,000.00 per ton of aluminum cans and \$300.00 per ton of batteries.
2. The County Administrator is hereby authorized to execute the contract on behalf of the County pending approval of same by the County Attorney.
3. Funding for the sale of scrap metal, aluminum cans and batteries was included in the FY13 Budget.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Evon Robinson, Sr.  
Council Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted: : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-116**

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

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

**WHEREAS:**

1. Mr. Stoney Blanton, a representative on the Fire Control Board for the Maple Cane Station, has decided to resign from the Board; and
2. At a recent meeting, the majority of members from the Station voted to nominate Ethan Shider to replace Stoney Blanton on the Fire Control Board; and
3. County Council is the final authority for appointing for the vacancy.

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

Ethan Shider is hereby appointed to serve as the representative for the Maple Cane Station on the Fire-Rescue Control Board, in the seat vacated by Mr. Stoney Blanton.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted: : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-117**

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

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

**WHEREAS:**

1. Colleton County Board of Adjustments & Appeals (Bldg. Dept.) has one vacancy for un-expired term; and  
Applicants: John C. Crews
2. Keep Colleton Beautiful has three vacancies; and  
Applicants: None
3. Colleton County Recreation Commission has three vacancies; and  
Applicants: Marc Warren
4. 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:

Colleton County Board of Adjustments & Appeals (Bldg. Dept.): John C. Crews  
Colleton County Recreation Commission: Marc Warren

ATTEST:

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

SIGNED:

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

Sponsor(s) : County Council  
Adopted : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-118**

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

**[A Resolution to Approve an Amendment to the Contract with Wildwood Construction for the Colleton County Recreation Department Ball Park Construction Project.]**

**WHEREAS:**

- (1) Certain additions or changes to the Contract for the Recreation Department Ball Park Construction Project are required for successful completion and future use of the facility; and
- (2) It is recommended that Council approve funding requests for 59 additional parking spaces for the new Recreation Fields and an upgrade of the electrical to the existing tennis area and new basketball courts in the amount of \$26,744.53.

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

- (1) County Council hereby approves the funding requests for additional parking and upgrade of the electrical for the tennis area and basketball courts (copy attached and included herein by reference) for the Colleton County Recreation Department Ball Park Project in the amount of \$26,744.53.
- (2) Funding shall come from proceeds of the General Obligation Bond secured for this project in Fund 160-2011 County Bond Proceeds.
- (3) The County Administrator is authorized to execute all required documents for this Change Order.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:



Sponsor(s) : County Council  
Adopted : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation: : N/A

**RESOLUTION NO. 12-R-119**

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

**[A Resolution to Grant and Easement By and Between the City of Walterboro and the County of Colleton.]**

**WHEREAS:**

- (1) The City of Walterboro has requested that Colleton County grant an Easement at 219 S. Lemacks Street identified by TMS: 163-16-00-096; and
- (2) This Easement is required for the installation of surveillance cameras as part of the Doodle Hill Public Safety Initiative; CDBG # 4-A-10-009; and
- (3) County Council deems it to be in the interest of the County to grant said Easement to provide for the public safety of the citizens of Colleton County.

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

- (1) The Easement (attached and included herein by reference) by and between the City of Walterboro and the County of Colleton is hereby granted.
- (2) The Chairman of County Council is hereby authorized to execute said documents on behalf of the County.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted: : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-120**

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

**[A Resolution To Authorize Acceptance and Budgeting of Funds for Various Grants Received for FY2012-2013.]**

**WHEREAS:**

- (1) The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
- (2) The Fire-Rescue department is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY13 for grant number EM-3-903; and
- (3) The Administrator's Office is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY13 for CDBG # 4-W-12-004; and
- (4) The Emergency Preparedness Agency is considered the Office of Primary (OPR) related to the receipt of non-budgeted income for FY13 for grant number 11EMPG01.

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

- (1) County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures in the following funds for the grants and unbudgeted revenues for FY13 as listed:
  - a. Fund 156 – Fire-Rescue Fund; SC DHEC Grant-in-Aid; \$8,085.30 for Emergency Medical Equipment or Training; 5.5% Local Match included in FY2013 Budget.
  - b. Fund 120 – Special Revenue Fund; Community Development Block Grant; \$285,300; CDBG # 4-W-12-004 for the demolition of dilapidated buildings owned by the County; 10% Local Match included in the FY2013 Budget.
  - c. Fund 120- Special Revenue Fund; \$10,000; FY2011 Competitive Local Emergency Management Performance Grant; \$10,000; LEMPG #11EMPG01 for the GIS Enterprise Tool for emergency response and recovery; Local Match available from previous year's LEMPG award.
- (2) The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY13 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

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

\_\_\_\_\_  
Evon Robinson, Sr., Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted: : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 12-R-121**

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

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

**WHEREAS:**

- (1) Colleton County Council desires to assist the South Carolina Department of Corrections with its operation of Young Offender Parole and Reentry Services by making certain office space available within the Bernard Warshaw Complex; and
- (2) The South Carolina Department of Corrections Young Offender Parole and Reentry Services wishes to be provided office space and has agreed to maintain said space and operations therein.

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

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

ATTEST:

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

SIGNED:

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) :County Council  
First Reading : December 4, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : January 8, 2013  
Public Hearing : February 5, 2013  
Third Reading : February 5, 2013  
Effective Date : Immediately

I, Ruth Mayer,  
Council Clerk, certify that this  
Ordinance was advertised for  
Public Hearing on \_\_\_\_\_.

## ORDINANCE NO. 12-O-19

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

[To Authorize the Rezoning of a 7.9 Acre Parcel on Hendersonville Highway, Identified as TMS 207-00-00-030, from Urban Development-1 (UD-1) to Rural Development-2 (RD-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 Urban Development-1 (UD-1) to Rural Development-2 (RD-2), an approximately 7.9 acre, parcel identified as TMS 207-00-00-030 (known as 3396 Hendersonville Highway), also owned by the applicant; and
4. The applicant wishes for the parcel to be zoned Rural Development-2 (RD-2) to ensure that the zoning of the property matches its rural surroundings; and
5. The Planning Commission at their Monday, November 26th Meeting, voted unanimously to recommend that Council approve the requested rezoning, as the Rural Development-2 District is compatible with the Comprehensive Plan description of the area, and the rezoning provides consistency between the surrounding zoning districts.

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

1. The 7.9 acre tract on Hendersonville Highway, identified as Tax Map Number 207-00-00-030, is hereby rezoned from Urban Development-1 (UD-1) to Rural Development-2 (RD-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:

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

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

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED: