

**AGENDA**  
**COLLETON COUNTY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, DECEMBER 6, 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 November 1, 2022
5. Awards and Recognitions
6. Appearances & Public Presentations
  - a) Charles Farmer – Genesis Healthcare
7. Public Hearing
  - a) Community Development Block Grant Public Hearing Concerning Program Performance and Accomplishments
  - b) 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 Boise Cascade Building Materials Distribution, L.L.C., Formerly 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
  - c) Ordinance 22-O-15, An Amended and Restated Ordinance Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County, South Carolina, Gehl Foods Southeast, LLC and NM GL, L.L.C., Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, L.L.C.; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, L.L.C. of Certain Fees In Lieu of Ad Valorem Taxes; Providing for the Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC and NM GL, L.L.C.; 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 and NM GL, L.L.C. 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 a Partial Assignment and Assumption of Fee In Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, L.L.C., and Colleton County, South Carolina; And Other Matters Relating Thereto

8. Old Business

- a) 3<sup>rd</sup> 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 Boise Cascade Building Materials Distribution, L.L.C., Formerly 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 so Include Property in Colleton County as Part of the Park; and Other Related Matters
  
- b) 3<sup>rd</sup> Reading Ordinance 22-O-15, An Amended and Restated Ordinance Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County, South Carolina, Gehl Foods Southeast, LLC and NM GL, L.L.C., Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, L.L.C.; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, L.L.C. of Certain Fees In Lieu of *Ad Valorem* Taxes; Providing for the Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC and NM GL, L.L.C.; 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 and NM GL, L.L.C. 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 a Partial Assignment and Assumption of Fee In Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, L.L.C., and Colleton County, South Carolina; And Other Matters Relating Thereto

9. New Business

- a) Resolution 22-R-57, To Reschedule the January County Council Meeting
  
- b) Resolution 22-R-58, To Award the Contract for the Rocking of County Dirt Roads
  
- c) Resolution 22-R-59, To Appoint Members to Board Vacancies

10. Items for Information and Public Record

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

#### COUNTY COUNCIL MEETING ON DECEMBER 6, 2022

Colleton County Council will hold a regular meeting on Tuesday, DECEMBER 6, 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](http://www.colletoncounty.org/live). Individuals who would like to participate in public comment can do so at [www.colletoncounty.org/comment](http://www.colletoncounty.org/comment).

MINUTES  
TUESDAY, NOVEMBER 1, 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, Scott Biering, Crawford Moore, Robert Renner, Patricia Grant, Queenie Crawford, Leila Williams, Felicia Johnson, Charles Davis, Dawn Davis, Bubba Tripp, Roy Williams, and Kellye Whitaker.

Phillip Taylor asked for a moment of silence for the family of Delaine Ford, a 12<sup>th</sup> grade Band of Blue Member who passed away following a state band competition. Phillip Taylor gave the invocation and led the Pledge of Allegiance after the moment of silence.

**Approval of Minutes**

- A. Joint Council Meeting October 3, 2022— Dr. Flowers moved to approve the minutes of the Joint Council Meeting held on October 3, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.
- B. Regular Meeting October 4, 2022— Dr. Flowers moved to approve the minutes of the Regular Meeting held on October 4, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.

**Appearances & Public Presentations**

- A. Sabrena Graham — Amendment to the Lowcountry Council of Government Board's Policy on Membership and Representation

\*\*\*Please see the attached Memorandum from Lowcountry Council of Government.

Councilman Williams: Stated, When one county has eleven votes automatically and they choose to seek after something and you have the others with only six votes, you don't think it makes it difficult to keep a level playing field? They could solicit any other county and they would have the majority vote to get what they need to have done. I know it is about political boarding and such, but I see it as a scary situation like it is done in the House and in the Senate where large counties have all the votes and the small counties do not have enough to stand up against those giant sized counties. How can we be reasonably assured that we do not get taken advantage of because they do not have the voting strength?

Ms. Graham: Stated, very good questions and thank you for asking it. I can share with you that the Lowcountry Council of Governments board is very far removed from our House and Senate. We do not stand as individual counties. It is a place where the board members walk into the room and they are the Lowcountry Council of Government, they are not Joe Flowers from Colleton or Gerald Dawson from Beaufort. They work within the region and that is understood and that is how decisions are made. They do not make decisions based on Beaufort, Colleton, or Jasper. They make decisions on what is in the best interest of this region. It is my responsibility to make sure that they understand that. They serve the region and not their local government. Two of them sit in front of me, and I will ask them to comment because it has not been an issue.

Councilman Williams: Stated, the other question I have is that I would like to see our friends from Edisto have a voting seat as well as our friends from Cottageville.

Ms. Graham: Stated, the voting seats go to local governments that have a population of at least 1501 or more, and they do not meet that criteria. That is why their seats are none voting. I will share that the at large seat that this council appointed was Mr. Tommy Mann who used to be on the Edisto Town Council and you all appointed him. So, Edisto did actually have a voting seat based on your actions. This council does still have that opportunity if you all would like to appoint your at large seat to the Town of Edisto or the Town of Cottageville. It is limited because otherwise we've got 25 local governments and if all of them had a seat we would not get anything done.

Councilman Williams: Stated, Thank you.

Chairman Murdaugh: Asked, Do we have any other questions for Ms. Graham?

Councilman Flowers: Stated, we have discussed this at length and we felt this was the fairest way. Beaufort has always had more seats than the other counties, but as you say we work for the region not for the individual counties when it comes to this. You have to put on another hat when you go down there so to speak.

Councilman Taylor: Stated, I would like to thank Ms. Graham. Her and her staff are doing a tremendous job with every county within our region. They are really doing a great job for our citizens and we would like to say thank you publicly, Ms. Graham, for what you and your staff are doing.

Councilman Flowers: Stated, I certainly echo that.

Chairman Murdaugh: Stated, before we move, on there was one thing that I failed to do. We do need to amend the agenda to add an executive session item as item "C" Sheriff's Office personnel matter.

Dr. Flowers moves to amend the agenda to add an executive session item "C" Sheriff's Office personnel matter. Councilmen Williams seconded the motion and the motion carried unanimously and the agenda was amended accordingly.

## **Public Hearing**

Councilman Phillip Taylor made a motion to move into Public Hearing. Dr. Flowers seconded that motion and the motion carried unanimously.

- A. **Ordinance 22-O-12, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances**
- B. **Ordinance 22-O-13, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws**
- C. **Ordinance 22-O-14, To Ratify FY22 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**

No comments were made. Dr. Flowers made a motion to close Public Hearing. Councilman Taylor seconded that motion and the motion carried unanimously.

## **Old Business**

- A. **3<sup>rd</sup> Reading Ordinance 22-O-12, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances**

Dr. Flowers moved to table the 3<sup>rd</sup> Reading Ordinance 22-O-12, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances. The motion was seconded by Chairman Murdaugh. The motion carried unanimously.

Councilman Taylor: Stated, I received several calls about the section where it talks about people and exemptions. Under section 5.02.20- Definitions “*Business*”, I would like to read that section as it is for clarity for those who are listening. “*Any person, who, within the unincorporated areas of the County of Colleton, engages in, any occupation or activity with the object of gain, benefit, or advantage, either directly or indirectly. This shall include any person advertising by any means, including, but not limited to signs, cards, circulars, newspapers, etc., that he/she is engaged in a business of any kind. However this does not include those persons who are engaged in the profession of teaching or who are ministers of the gospel and rabbis, persons and businesses acting in the capacity of telephone, telegraph, gas and electric utilities, suppliers, or other utility regulated by the Public Service Commission, insurance companies, professional sports teams or an entity which is exempt from license tax under another law or a subsidiary or affiliate of any such exempt entity.*” Those are the exemptions as they are currently written here tonight. I wanted to make the public aware of that.

Councilman Williams: Stated, also for point of clarification 5.02.040- *Business Registration* at the bottom of page 2, the last sentence, it references section 5.01.030 and that is not part of what is here. So, if we could get that added or corrected before the next reading.

Councilman Taylor: Stated, I am not here to make the correction, but I did call about that and it was actually a reference to the above section, 5.02.030. So, *Classification of Business*, it was just a typographical error.

Chairman Murdaugh asked for any further comments, hearing none, the motion carried unanimously and will be tabled until the December meeting.

**B. 3<sup>rd</sup> Reading Ordinance 22-O-13, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws**

Dr. Flowers moved to approve the 3<sup>rd</sup> Reading Ordinance 22-O-13, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**C. 3<sup>rd</sup> Reading Ordinance 22-O-14, To Ratify FY22 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**

Councilman Taylor moved to approve the 3<sup>rd</sup> Reading Ordinance 22-O-14, To Ratify FY22 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. The motion was seconded by Councilman Williams. The motion carried unanimously.

**D. 2<sup>nd</sup> Reading Ordinance 22-O-15, An Amended and Restated Ordinance Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County, South Carolina, Gehl Foods Southeast, LLC and NM GL, L.L.C., Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, L.L.C.; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, L.L.C. of Certain Fees In Lieu of Ad Valorem Taxes; Providing for the Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC and NM GL, L.L.C.; 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 and NM GL, L.L.C. 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 a Partial Assignment and Assumption of Fee In Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, L.L.C., and Colleton County, South Carolina; And Other Matters Relating Thereto**

Councilman Taylor moved to approve 2<sup>nd</sup> Reading Ordinance 22-O-15, An Amended and Restated Ordinance Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County, South Carolina, Gehl Foods Southeast, LLC and NM GL, L.L.C., Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, L.L.C.; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, L.L.C. of Certain Fees In Lieu of Ad Valorem Taxes; Providing for the Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC and NM GL, L.L.C.; 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 and NM GL, L.L.C. 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 a Partial Assignment and Assumption of Fee In Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, L.L.C., and Colleton County, South Carolina; And Other Matters Relating Thereto. The motion was seconded by Councilman Williams. The motion carried unanimously.

**New Business**

**A. Resolution 22-R-53, To Ratify Amendments to Agreement Creating a Regional Council of Governments, Article II, Section 2 – Membership and Representation**

Councilman Taylor moved to approve Resolution 22-R-53, To Ratify Amendments to Agreement Creating a Regional Council of Governments, Article II, Section 2 – Membership and Representation. The motion was seconded by Dr. Flowers. The motion carried unanimously.

**B. Resolution 22-R-54, - To Designate Rudco Products, Inc. as a Sole Source Vendor for the Solid Waste Department**

Dr. Flowers moved to approve Resolution 22-R-54, To Designate Rudco Products, Inc. as a Sole Source Vendor for the Solid Waste Department. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**C. Resolution 22-R-55, To Authorize the Council Clerk to Advertise for Board Vacancies**



Councilman Williams moved to approve Resolution 22-R-55, To Authorize the Council Clerk to Advertise for Board Vacancies. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**D. Resolution 22-R-56, To Appoint Members to Board Vacancies**

Dr. Flowers moved to approve Resolution 22-R-56, To Appoint Members to Board Vacancies by acclamation. The motion was seconded by Councilman Taylor. The motion carried unanimously.

The following appointments were made: Robert Hooker and Ryan Crosby – Colleton County Board of Adjustments and Appeals, James McCune – Colleton County Edisto River Canoe and Kayak Trail Committee, Matthew Hooker – Colleton County Recreation Commission.

**Public Comment**

Felicia Johnson: Stated, I am back again. I truly don't know what is going on. I have been trying since last Thursday, and I went to DHEC and the SLED Department. None of them can do anything. SLED stated the only thing they can do anything about is the license, which they do not have to sell alcohol. DHEC sent me to the Beaufort DHEC, and I have not contacted this lady since last year. She came out, and she told me yesterday when she called she comes to Walterboro once a month. Like I told her, she is not going to catch that club open in the daytime, but what she is going to do for me is send Hazel Sanders a letter letting her know if she cooks anymore it is going to be \$1000 fine. So, happened today I was in Wal-Mart and saw Ms. Sanders. Got to Dollar Tree, she is steady picking at me saying, "You got your wish...you got your wish". I said, "What are you talking about?" I did notice the past two weeks the club has not been open. Well, like I have said my sister is the cook in this club and she told me there is no longer any running water in this club. She said somebody contacted her. I don't know who Ms. Sanders is talking about, it must have been one of you all because I don't have the slightest idea. "You got your wish...you got your wish." "No I got my pray." The only person who can truly help us with this club...it is going to have to be somebody on this county council board. I have tried and I have tried every body. Buddy Hill has come out to my home, Chief Johnson called me last week as well. I don't know what it is with the law around here. Why can't they close this hole in the wall club down? Two people got killed on Father's Day and two more injured. I don't know how many more it is going to take. Like I told Ms. Sanders today, in the past thank goodness I went to a gospel meeting because when I came home my house was shot up. If I was home there is no way I would've been standing here today. It is sad. Now my grandson, I did let him stay but he must've heard his daddy talking and he asked me, "Grandma, you going to call the police tonight?" "If the noise get to drastic yes I am." My grandkids always wanting to come stay with me, but I am scared for my grandkids. It is not safe over here, and like Ms. Sanders told me today...Money. Do not put money on our lives, there are children next door. The only thing separating them is the fence. The only thing separating me is their house and I am right there. It is sad, but you all have to do something. Keep on doing whatever you all are doing because somebody called her. I know she is going to get a letter from DHEC if she don't stop, and my sister will tell me if she is going back over there

to cook. I will make a phone call to Ms. Kathleen, that is her name and she is the only one who is truly helping me. Please help us.

### **Council Time**

Councilman Taylor: Stated, I would like to present County Council with a copy of the annual report from Lowcountry Council of Governments. I did give one to the staff and the Clerk already.

\*\*\*Councilman Taylor provided all of Council with the copy of the annual report.

Chairman Murdaugh: Stated, does anyone else have anything?

Councilman Taylor: Stated, I do have one more item. We did recognize Mr. Gene Whetsell at our Lowcountry Council of Governments meeting for his service and appreciation for his many years of service. I did speak with him and let him know that we do have a plaque that has been presented to him. He is coming off the board at the end of this year. Again, we wanted to say thank you for your many years of service.

Chairman Murdaugh: Stated, I would like to remind everyone that we do have flyer and an invitation to participate in the Veterans Day parade. This will be held this weekend at 3:00 PM on Sunday, and lineup will start at 2:00 PM. I am trying to see if they will get us a metal car for the magnets.

### **Executive Session**

Dr. Flowers moved to go into executive session to discuss the following: Personnel – Voter’s Registration, Legal – Opioid Litigation, and Personnel – Sheriff’s Office. Councilman Taylor seconded the motion. The motion carried unanimously.

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

Councilman Williams made a motion to approve the request of the Election Commission’s Chairperson to re-class the title from Register Election Office Manager to Assist Office Director, and move from a Grade 8 to a Grade 10. Councilman Taylor seconded the motion. The motion carried unanimously.

### **Adjournment**

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

This 6<sup>th</sup> day of December, 2022.

---

Steven D. Murdaugh, Chairman

ATTEST:

---

Kaela Brinson, Clerk to Council

**Community Development Block Grant  
Notice of Public Hearing  
Concerning Program Performance and Accomplishments**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on Tuesday, December 6, 2022, at 6:00PM at the Colleton County Council Chambers, 109 Benson Street, Old Jail Building, Second Floor, Walterboro, SC and on [www.colletoncounty.org/live](http://www.colletoncounty.org/live), Colleton County will hold a public hearing to review program performance and accomplishments conducted under a Community Development Block Grant (CDBG) project known as the Gadsden Loop Neighborhood Revitalization Project, CDBG #4-NR-16-002, wherein the following activities were undertaken.

Colleton County proposed to use \$483,502 CDBG funds to improve a LMI neighborhood on the outskirts of Walterboro by improving drainage, adding sidewalks and street lights, demolishing attractive nuisance houses, and providing exterior rehab. The Gadsden Loop neighborhood is bounded by Robertson Blvd, Rivers St., Gadsden Loop, Peurifoy Rd, and Hampton St. All streets within these boundaries are included in the project area. Activities were completed for drainage, sidewalks, street lights, demolishing dilapidated houses, and exterior rehab. Acquisition was added during the design process. Additional CDBG funds were added bringing the grant award to \$505,546. The local matching funds committed were \$650,000 coming from SCDOT TAP and CTC funds. Final payments have not been made. Final close-out of this project is pending preparation of required close-out documents and expected by March 31, 2023. This project benefited approximately 1,095 residents of which 670 (@ 61.2%) were considered low-to-moderate income persons.

The public hearing and the matters to be discussed are subject to the provisions of the County's Citizen Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) Program, providing for the participation of the citizens of Colleton County in the planning and implementation of community and economic development projects which involve CDBG funds. The Citizen Participation Plan is available for review at Colleton County Administration, 109 Benson Street, Walterboro, SC between the hours of 9:00 am and 5:00 pm, Monday through Friday. Persons with questions or comments concerning the public hearing or the Citizen Participation Plan may contact Kimberly Mullinax, Lowcountry Council of Governments, Post Office Box 98, Yemassee, SC 29945, (843) 473-3964.

Colleton County does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Deadgrea Sadler, Colleton County, 109 Benson Street, Walterboro, SC, 843-549-5221, has been designated to coordinate compliance with the nondiscrimination requirements contained in the U. S. Department of Housing and Urban Development's regulations and implementing Section 5002 (24 CFR Part 8, dated June 2, 1988).

*Note: Assistance will be provided to accommodate the special needs of disabled and/or LEP persons, upon request.*

Sponsor(s)	: County Council	
First Reading	: June 7, 2022	I, Kaela Brinson, Council Clerk,
Committee Referral	: N/A	certify that this Ordinance was
Committee Consideration Date	: N/A	advertised for Public Hearing on
Committee Recommendation	: N/A	November 17, 2022.
Second Reading	: July 26, 2022	
Public Hearing	: December 6, 2022	
Third Reading	: December 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 BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C. A COMPANY FORMERLY 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 11, 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, Boise Cascade Building Materials Distribution, L.L.C., a company formerly 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 061-00-00-053 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:

**Section 1. 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.

**Section 2. 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.

**Section 3. 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.

**Section 4. 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 Hampton 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.

**Section 5. *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.

**Section 6. *General Repealer.*** All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 7. *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: December 6, 2022  
Public Hearing: December 6, 2022



**EXHIBIT A**

**PROJECT PROPERTY LEGAL DESCRIPTION**

All or a portion of that parcel of real property, with improvements thereon, located in Colleton County, South Carolina, consisting of approximately 45.9 acres, identified by tax number 061-00-00-053.

**EXHIBIT B**

FEE AGREEMENT

[Attached]

Sponsor(s)	: County Council	
First Reading	: October 4, 2022	I, Kaela Brinson, Council Clerk,
Committee Referral	: N/A	certify that this Ordinance was
Committee Consideration Date	: N/A	advertised for Public hearing on
Committee Recommendation	: N/A	November 17, 2022.
Second Reading	: November 1, 2022	
Public Hearing	: December 6, 2022	
Third Reading	: December 6, 2022	
Effective Date	: Immediately	

## **AMENDED AND RESTATED ORDINANCE NO. 22-O-15**

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

**[AN AMENDED AND RESTATED ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG COLLETON COUNTY, SOUTH CAROLINA, GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C., WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C.; PROVIDING FOR PAYMENT BY GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C. OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR THE ASSIGNMENT OF CERTAIN EXISTING ECONOMIC DEVELOPMENT INCENTIVES TO GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C.; 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 AND NM GL, L.L.C. 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 A PARTIAL ASSIGNMENT AND ASSUMPTION OF FEE IN LIEU OF TAX AGREEMENT BY AND AMONG GEHL FOODS SOUTHEAST, LLC, NM GL, L.L.C., AND COLLETON COUNTY, SOUTH CAROLINA; 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 a negotiated 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 “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 (the “Multi-County Park”) in order to afford certain enhanced tax credits to such

investors and to use all or a portion of the PILOT Payments resulting from such designation to pay, or reimburse such investors for paying, the cost of infrastructure used in the operation of a manufacturing or commercial enterprise (“Infrastructure Improvements”), which serves the economic development of the County pursuant to Sections 4-1-175, 4-29-68, and 12-44-70 of the Code of Laws of South Carolina 1976 as amended (the “SSRC Act”); and

WHEREAS, in order to promote the economic welfare of the citizens of Colleton County and Hampton County (collectively, the “Counties”) by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park executed on December 11, 2007 by Colleton County and on January 22, 2008 by Hampton County (the “Original Park 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 MCIP Act; and

WHEREAS, the Original Park Agreement, as amended, is referred to herein as the “MCIP Agreement”; and

WHEREAS, Gehl Foods Southeast, LLC, a Delaware limited liability company (the “Company”), intends to locate its operations in Colleton County by leasing, constructing, renovating, furnishing, equipping, and expanding the existing industrial facility (the “Existing Facility”) formerly owned by Crescent Dairy & Beverages, LLC (the “Existing Industry”), located at 181 Crescent Way, Walterboro, South Carolina and a second building to be part of the Project located at 825 Global Place, Walterboro, South Carolina. The Existing Facility and existing investment acquired by the Company are referred to herein as the “Acquired Project,” the new facilities, acquisitions, construction, renovation, furnishings, equipment and expansions are referred to herein as the “New Project,” and the Acquired Project and New Project are referred to herein collectively as the “Project.” The Project is to be located at 181 Crescent Way and 825 Global Place, Walterboro, South Carolina (collectively, the “Project Site”). As of September 29, 2022, the real property and improvements comprising the Project and Project Site were acquired by NM GL, L.L.C., a Delaware limited liability company (the “Project Landlord”), and the Company leases the same from the Project Landlord pursuant to that certain Master Lease Agreement, dated as of September 29, 2022 (the “Master Lease”); and

WHEREAS, the New Project when completed will represent an anticipated new “investment” (as defined in the FILOT Act) (the “Investment”) by the Company and the Project Landlord in the aggregate amount of not less than \$44,825,000, of which \$15,885,000 has been made by the Project Landlord in real property (land and building), \$11,962,000 will be made by the Company in real property improvements to the Project Site, and \$28,940,000 will be made by the Company in tangible personal property (new machinery and equipment) as part of the Project (collectively, the economic development property under the FILOT Act); and

WHEREAS, the Investment contemplated under this Ordinance will be in addition to the \$30,000,000 investment made previously by the Existing Industry in the Acquired Project which investment was made subject to that certain Fee Agreement, dated as of January 1, 2013, between the County and the Existing Industry (the “2013 Fee Agreement”); and

WHEREAS, the benefits and obligations of the 2013 Fee Agreement were assigned to and assumed by the Company pursuant to that certain Assignment and Assumption of Incentive Agreements and Release from Incentive Agreements, dated as of May 31, 2022, among the Existing Industry, the Company and the County (the “May 2022 Assignment”), and the term of the 2013 Fee Agreement was extended to a final termination date of December 31, 2048; and

WHEREAS, the benefits and obligations of the 2013 Fee Agreement were further partially assigned by the Company to the Project Landlord solely with respect to the real property acquired by the Project Landlord on September 29, 2022 pursuant to that certain Partial Assignment and Assumption of Fee in Lieu of Tax Agreement, dated as of September 29, 2022, by and among the Company, the Project Landlord and the County (the “Land Assignment”); and

WHEREAS, the County has been advised that upon the completion of the Project, the Company is anticipated to employ an additional approximately 106 full-time employees within five (5) years of the completion of the New Project, which will be in addition to the Company’s maintenance of the current level of 60 employees who are part of the Acquired Project; and

WHEREAS, the Project Site has been previously designated by the County as a portion of the Park; 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 and the Project Landlord to invest their funds to acquire, construct, and equip the Project (the “Incentives”); and

WHEREAS, pursuant to the FILOT Act, and based on factual representations made by the Company and the Project Landlord to the County, the County hereby finds that: (a) it is anticipated that the Project will benefit the general public welfare of the County by providing services, employment, recreation, and other public benefits not otherwise adequately provided locally; (b) neither the Project nor any documents or agreements entered into by the County in connection therewith will give rise to any pecuniary liability of the County or incorporated municipality or to any charge against the general credit or taxing power; (c) the purposes to be accomplished by the Project are proper governmental and public purposes; and (d) the benefits of the Project to the public are greater than the costs to the public; 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 SSRC Act that the County Council provide final approval for qualifying the Project under the FILOT Act, and the SSRC Act for the Incentives; and

WHEREAS, this Amended and Restated Ordinance amends and restates that certain Ordinance No. 22-O-01 (the “Original Gehl Foods FILOT Ordinance”) enacted by County Council on June 7, 2022;

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 any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (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 any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary, County Council hereby find that:

- (a) the New Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the New Project will serve the purposes of the FILOT Act and the SSRC Act;
- (c) the Investment by the Company and the Project Landlord in the New Project will be approximately \$44,825,000, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ 106 new full-time employees at the Project within 5 years of the completion of the New Project;
- (d) the New Project will be located entirely within Colleton County and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCS (as defined in Section 5 hereof) consist of infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Colleton County; and
- (f) the New Project is anticipated to benefit the general welfare of Colleton County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the New Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the New Project are proper governmental and public purposes;

- (i) the inducement of the location of the New Project is of paramount importance; and
- (j) the benefits of the New 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 New 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 and the Project Landlord which will provide Negotiated FILOT Payments to be made with respect to the New 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 the county in which the New Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement (as defined below) is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within the county in which the New Project is located on June 30 of the calendar year in which the FILOT Agreement (as defined below) is executed, such rate to be fixed for the entire 25-year term of the fee-in-lieu of taxes arrangement, all as more fully set forth in the Fee-in-lieu of Tax Agreement among the County, the Company, and the Project Landlord (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Multi-County Park Incentive.

(A) By separate ordinance of the County Council, the County, in cooperation with Hampton County (the “Partner County”) has previously designated the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, the MCIP Act, and the terms of the Agreement for the Development of a Joint County Industrial Park between the County and Hampton County, South Carolina, executed on December 11, 2007 by Colleton County and on January 22, 2008 by Hampton County, as further amended, supplemented, or replaced from time to time (the “MCIP Agreement”).

(B) The County will provide for 25 years that the annual allocation of the PILOT Payments generated by the New Project will be distributed (after distribution of a portion of the PILOT Payments to the Partner County in accordance with the MCIP Agreement) as follows:

- (i) To the Company, for providing the SSRCs (as defined in Section 5 hereof), an amount equal to the annual SSRC provided in Section 5 of this Ordinance and in the FILOT Agreement; and
- (ii) Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the PILOT 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.

Section 5. Special Source Revenue Credits.

(A) 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 an annual infrastructure or special source revenue incentive (the “SSRCs”) all as more fully set forth in the FILOT Agreement.

(B) The FILOT Agreement shall include customary terms providing: (i) for the recovery by the County, on a pro rata basis, of certain moneys if certain thresholds are not achieved (a “clawback” provision); (ii) that the Company will pay the County’s administrative expenses associated with the approval and administration of the SSRC; (iii) that under certain terms and conditions, the County will have access to certain information of the Company; and (iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project, the terms of which are further set forth in the FILOT Agreement.

Section 6. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading 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 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 and the Project Landlord. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by 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 presented to said meeting.

Section 7. Approval of Transfer, Extension, and Release.

(a) Pursuant to the authority of the FILOT Act and the terms of the 2013 Fee Agreement, the County ratifies and/or agrees to (i) the assignment of the 2013 Fee Agreement from the Existing Industry to the Company as a Sponsor (as defined in the FILOT Act) pursuant to the May 2022 Assignment, (ii) the extension of the term of the 2013 Fee Agreement to a final termination date of December 31, 2048, (iii) that as of the effective date of Original Gehl Foods FILOT Ordinance, the Existing Industry was in full compliance with the 2013 Fee Agreement, and (iv) the release of the Existing Industry from unaccrued liability under the 2013 Fee Agreement with respect to the Transferred Assets (as defined in the May 2022 Assignment), all as more fully set forth in the Assignment and Assumption of Incentive Agreements and Release From Incentive Agreements (the “Assignment Agreement”) among the County, the Existing Industry and the Company.

(b) Pursuant to the authority of the FILOT Act and the terms of the Land Assignment (and subject to any limitations contained in the Land Assignment), the County ratifies and/or agrees to (i) the partial assignment of the 2013 Fee Agreement from the Company to the Project



Landlord pursuant to the Land Assignment, (ii) that as of the effective date of the Land Assignment, the Company was in full compliance with the 2013 Fee Agreement, and (iii) the release of the Company from unaccrued liability under the 2013 Fee Agreement with respect to the assets transferred subject to the Land Assignment, all as more fully set forth therein.

(c) The form, terms, and provisions of the Assignment Agreement were fully approved by the Original Gehl Foods FILOT Ordinance, and the execution and delivery of the Assignment Agreement in the name and on behalf of the County, and the delivery of the Assignment Agreement to the Existing Industry and the Company is hereby ratified. The form, terms, and provisions of the Land Assignment presented to this meeting and filed with the Clerk of the County Council be and hereby are ratified and approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such Land Assignment were set out in this Ordinance in its entirety. The execution of the Land Assignment by the County Administrator in the name and on behalf of the County, and the delivery of the Land Assignment to the Company and the Project Landlord is hereby ratified.

#### Section 8. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorized, empowered, and directed 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. Other than as amended and restated by this Ordinance, the authorizations provided by the Original Gehl Foods FILOT Ordinance, Ordinance No. 22-O-01 enacted by County Council on June 7, 2022, shall remain in effect.

**COLLETON COUNTY, SOUTH CAROLINA**

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

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Colleton County, South Carolina

First Reading: October 4, 2022  
Second Reading: November 1, 2022  
Public Hearing: December 6, 2022  
Third Reading: December 6, 2022

Sponsor(s) : County Council  
Adopted : December 6, 2022  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 22-R-57**

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

**[To Reschedule the January County Council Meeting.]**

**WHEREAS:**

1. The first Tuesday of January falls during the week of a national holiday, and does not allow adequate time for new members of County Council to be sworn in to their positions; and
2. Staff recommends that County Council reschedule the January County Council meeting to January 10, 2023.

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

County Council hereby reschedules the January 2023 County Council Meeting to January 10, 2023.

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : December 6, 2022  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## **RESOLUTION NO. 22-R-58**

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

#### **[A Resolution to Award the Contract for the Rocking of County Dirt Roads]**

#### **WHEREAS:**

1. The County advertised a Request for Bids, CTC-27 2022 Dirt Road Rocking Project for dirt road rocking and drainage improvements; and
2. Four companies responded to the Request for Bids, CTC-27; and
3. The County evaluated the bids and certifies that procurement was handled correctly according to the Colleton County Purchasing Policy, and recommends the contract be awarded to Edisto Contracting, LLC, on behalf of the CTC; and
4. Funding for this project is provided by the Colleton Transportation Committee.

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

1. County Council hereby awards the contract in accordance with Bid CTC-27 to Edisto Contracting, LLC in the amount of \$7,759,953.79 for dirt road rocking and drainage improvements to County-maintained dirt roads, which include: Abbey Lane, Adams Road, Altman Place, Autumn Lane, Barley Court, Bass Lane, Bent Gate Lane, Brick Road, Camp Ave, Campbell Hill Drive, Calico Street, Caterpillar Lane, Chance Lane, Chessy Creek Landing, Cocoon Drive, Constellation Drive, Crawford Road, Crumley Road, David Street, Dragon Fly Lane, Drew Hill Lane, Dodge Lane, Friendship Lane, Ford Lane, Habersham Lane, Harmony Hall Lane, Honey Hill Way, Jonas Road, Joseph Drive, Joshua Loop, Katie Bridge Road, Kelly Bay Road, Locklair Lane, Logan Farm Road, Marshall Road, Misty Ridge Lane, Molsenia Lane, Moore Hill Lane, Mullet Run, Nomad Lane, Palmgreen Lane, Paradise Road, Platinum Lane, Polite Lane, Red Breast Lane, Sassafras Lane, Serenity Bluff Road, Shad Roe Drive, Southern Charm Road, Steamer Lane, Sweet Gum Lane, Tree Farm Road, Turtle Court, Weans Road, Wee Hope Loop and Wegate Road
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 this project is provide by the Colleton Transportation Committee.

ATTEST:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

SIGNED:

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : December 6, 2022  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 22-R-59**

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

**[To Appoint Members to Board Vacancies.]**

**WHEREAS:**

1. Colleton County Recreation Commission has one vacancy; and  
Applicant: Janice Wright
2. 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 Recreation Commission: Janice Wright

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED: