

**AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 6, 2018
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a) Regular Meeting February 6, 2018
5. Appearances & Public Presentations
6. Administrator's Briefing
7. Public Hearing
8. Old Business
 - a) 2nd Reading Ordinance 18-O-01, To Authorize the Rezoning of a 0.5 Acre Parcel on Sniders Highway, Identified as T.M.S. No. 157-00-00-045, from Rural Development-1 (RD-1) to Community Commercial (CC).
9. New Business
 - a) 1st Reading Ordinance 18-O-02, To Amend Title 14-Land Management, Section 14.08-3.020(A)(7) – Accessory Structures and Uses, of the Colleton County Code of Ordinances to Address Commercial Accessory Structures and Selected Residential Uses.]
 - b) Resolution 18-R-10, To Approve Amendment Of The Agreement For Development Of A Joint County Industrial Park, By And Between Charleston County, South Carolina And Colleton County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park, So As To Include Additional Property In Charleston County As Part Of The Joint County Industrial Park
 - c) Resolution 18-R-11, To Approve Amendment Of The Agreement For The Establishment Of A Multi-County Industrial/Business Park For Properties Located In A Redevelopment Project Area, By And Between Charleston County, South Carolina And Colleton County, South Carolina, Providing For The Development Of A Multi-County Industrial/Business Park, So As To Include Additional Property In Charleston County As Part Of The Multi-County Industrial/Business Park

- d) Resolution 18-R-12, To Establish Priorities for the 2018 Annual CDBG County Needs Assessment
- e) Resolution 18-R-13, To Approve the Victim Assistance Agreement between the Colleton County Sheriff's Office and the Town of Edisto Beach
- f) Resolution 18-R-14, To Authorize the Renewal of the Commercial Lease Agreement between Colleton County and South Carolina Department of Corrections Young Offender Parole & Reentry Services for Office Space in the Bernard Warshaw Complex
- g) Resolution 18-R-15, To Authorize the Submittal of a Grant Application to the South Carolina Department of Parks, Recreation and Tourism for the Recreational Trails Program Grant
- h) Resolution 18-R-16, To Provide For The Issuance And Sale Of A Not To Exceed \$1,000,000 General Obligation Bond Of Colleton County, South Carolina; To Provide For The Sale And Terms Thereof In Regards To The Agreement With Palmetto Railways Regarding The H&B Railroad; And Other Matters Thereto
- i) Resolution 18-R-17, 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. Executive Session
 - a) Economic Development
 - 1) Project Global
 - 2) Project "C"
 - 3) Project Concrete
 - b) Legal- Opioid Litigation
 - c) Recreation - Contractual
- 14. Adjournment
- 15. Informal Meeting of the Whole

Sponsor(s)	: County Council	
First Reading	: February 6, 2018	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: March 6, 2018	
Public Hearing	: April 3, 2018	
Third Reading	: April 3, 2018	
Effective Date	: Immediately	

ORDINANCE NO. 18-O-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Rezoning of a 0.5 Acre Portion of a Parcel on Sniders Highway, Identified as T.M.S. No. 157-00-00-045, from Rural Development-1 (RD-1) to Community Commercial (CC).]

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 Rural Development-1 (RD-1) to Community Commercial (CC), a 0.5 acre portion of the parcel identified as T.M.S. No. 157-00-00-045 located at the intersection of Sniders Highway and Forks Road, also owned by the applicant; and
4. The applicant wishes for the parcel, which was formerly the location of Polk's BBQ, to be zoned Community Commercial (CC), as the building at the location is now being leased for the purpose of establishing a new commercial activity; and
5. The Planning Commission voted unanimously to recommend that Council approve the requested rezoning, as the Community Commercial District is compatible with the Comprehensive Plan description of the area, and there are other parcels at this intersection already zoned Community Commercial for which this addition would be consistent.

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

1. The 0.5 acre portion of the tract located at Sniders Highway and Forks Road, identified as Tax Map Number 157-00-00-045, is hereby rezoned from Rural Development-1 (RD) to Community Commercial (CC) 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

Joseph F. Flowers, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s): County Council
First Reading: March 6, 2018
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: March 6, 2018
Public Hearing: April 3, 2018
Third Reading: April 3, 2018
Effective Date: Immediately

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

ORDINANCE 18-O-02

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Title 14-Land Management, Section 14.08-3.020(A)(7) – Accessory Structures and Uses, of the Colleton County Code of Ordinances to Address Commercial Accessory Structures and Selected Residential Uses.]

WHEREAS:

1. Among small scale commercial uses are accessory structures, which are often placed throughout the property based on need and the internal flow of vehicle traffic. Used for storage or other ancillary activities, these buildings should not be subject to required front yard restrictions. Simply, their placement should be determined by business needs. On the residential side, because of the variety of accessory structures that could reside in the required front yard some exceptions to the rule should be provided related to use. These include ground mounted solar panels, gazebos, gate houses or other non-storage facilities; and
2. After review of the above issue, amendments to Title 14-Land Management of the Colleton County Code of Ordinances, Article 14.08-3. Conditional Uses, Section 14.08-3.020 (A)(7) were unanimously approved by the Planning Commission.

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

1. **Title 14-Land Management of the Colleton County Code of Ordinances, Chapter 14.08-Zoning, Article 14.08-3 Conditional Uses** is hereby amended as follows:

14.08-3.020 Conditional Use Regulations

For purposes of this Section, the following shall be **deleted**:

“Nonresidential accessory structures shall meet the dimensional requirements for the district in which they are located.”

For purposes of this Section, the following shall be added:

14.08-3.020 (A)(7) Table

Accessory Use/Structure	Allowed Location	Allowable Encroachment	Required Setback	Other
Handicap Access Ramps, Ground mounted Solar Panels, Gate Houses, Hunting Stands, Gazebos, Landscaping Features and Commercial Accessory Structures	All yards	All yard setbacks	3 feet from property line	Single-family; mobile homes; Business, Office, Industrial

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.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A RESOLUTION TO APPROVE AMENDMENT OF THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.]

WHEREAS, Charleston County, South Carolina and Colleton 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 September 1, 1995 (the “Original Agreement”), to develop jointly an industrial and business park (the “Park”), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the “Act”); and

WHEREAS, the Original Agreement was substantively amended by (i) the First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the “First Modification”), which First Modification was approved by Charleston County Council Ordinance 1475, enacted December 5, 2006; and by Colleton County Council Ordinance 06-O-20 enacted January 2, 2007; (ii) the Second Modification to Agreement for Development of Joint Industrial Park, dated as of December 31, 2014 (the “Second Modification”), which Second Modification was approved by Charleston County Council Ordinance 1828, enacted on September 9, 2014, and by Colleton County Ordinance 14-O-13, enacted on December 11, 2014; and (iii) the Third Modification to Agreement for Development of Joint Industrial Park, effective as of November 29, 2017 (the “Third Modification”), which Third Modification was approved by Charleston County Council Ordinance 1982, enacted on October 24, 2017, and by Colleton County Ordinance 17-O-08, enacted on November 7, 2017; and

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

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

WHEREAS, the Counties desire to amend the Agreement to include certain additional parcels in order to fulfil commitments made to companies which are considering expansion or location decisions;

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

SECTION 1. Colleton County hereby approves expansion of the Park premises located within Charleston County as set forth in the attached Exhibit A.

SECTION 2. This resolution shall take effect immediately upon its adoption by County Council.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A RESOLUTION TO APPROVE AMENDMENT OF THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK FOR PROPERTIES LOCATED IN A REDEVELOPMENT PROJECT AREA, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK.]

WHEREAS, Charleston County, South Carolina and Colleton 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 the Establishment of a Multi-County Industrial/Business Park for Properties Located in a Redevelopment Project Area, effective as of December 6, 2016 (the “Agreement”), to develop jointly a multi-county industrial/business park (the “Park”), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the “Act”); and

WHEREAS, the Agreement was initially approved by Charleston County Council Ordinance 1914 enacted on September 20, 2016, and by Colleton County Ordinance 16-O-08, enacted on December 6, 2016; and was further amended from time-to-time to add or remove property to or from the Park; and

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

WHEREAS, the Counties desire to amend the Agreement to include certain additional parcels in order to fulfil commitments made to companies which are considering expansion or location decisions;

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

SECTION 1. Colleton County hereby approves expansion of the Park premises located within Charleston County as set forth in the attached Exhibit A.

SECTION 2. This resolution shall take effect immediately upon its adoption by County Council.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Establish Priorities for the 2018 Annual CDBG County Needs Assessment.]

WHEREAS:

1. County Council is required to set priorities for the County in the annual CBDG needs assessment; and
2. A Public Hearing was held at the Regular Meeting on February 6, 2018; and
3. Eight areas have been identified as County priorities.

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

1. Colleton County Council hereby identifies the following areas as priorities for the 2018 CDBG Needs Assessment:
 - a) **Economic Development** – development of speculative buildings, infrastructure, rail access, yards and spurs, roads, water, sewer and airport improvements
 - b) **Recreation** – pedestrian/bike trails, and boat ramp improvements
 - c) **Public Safety** – fire substations, fire training facilities, law enforcement complex, sheriff substations
 - d) **Public Facilities and Infrastructure** – new landfill, landfill equipment, transfer stations, landfill recycling, boat landing upgrades, auditorium renovations/upgrades, Walterboro and rural water and sewer implementation/upgrades and infrastructure, demolition in blighted areas, technology research and/or infrastructure, library technology upgrades, technology center expansion/upgrades, and educational classroom technology
 - e) **Roads/Bridges/Drainage** – road drainage improvements, dirt road improvements, culvert repairs
 - f) **Transportation** – I-95 corridor, intersection improvements, exit 62/McLeod Road, street improvements
 - g) **Tourism and Marketing** – beautification and litter control, billboard and other signage, video advertising.
 - h) **Housing** – USC Salk student housing, disaster gap funding for flood victims.

2. Colleton County Council has chosen to focus on the following planned actions. It is anticipated that CDBG funds will be sought for the following activities:

- a) Economic Development
- b) Community Facilities/Enrichment
- c) Public Infrastructure.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve the Victim Assistance Agreement between the Colleton County Sheriff's Office and the Town of Edisto Beach.]

WHEREAS:

1. South Carolina State Law mandates that the Colleton County Sheriff's Office provides Victim Assistance to the Town of Edisto Beach; and
2. The Sheriff's Office has reviewed the Victim Assistance Agreement with the Town of Edisto Beach and recommends that Council approve said Agreement.

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

1. The Victim Assistance Agreement with the Town of Edisto Beach (attached and included herein by reference) is hereby approved.
2. The County Administrator is hereby authorized to sign said agreement on behalf of Colleton County.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-14

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Renewal of the Commercial Lease Agreement between Colleton County and South Carolina Department of Corrections Young Offender Parole & Reentry Services for Office Space in the Bernard Warshaw Complex.]

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 renew the lease agreement office space and has agreed to maintain said space and operations therein; and
3. The Commercial Lease Agreement provides for annual renewal, at the request of the South Carolina Department of Corrections.

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

The Colleton County Council hereby authorizes the renewal of the Commercial Lease Agreement between Colleton County and the South Carolina Department of Corrections for its operation of Young Offender Parole and Reentry Services.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-15

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Submittal of a Grant Application to the South Carolina Department of Parks, Recreation and Tourism for the Recreational Trails Program Grant.]

WHEREAS:

1. The Planning and Development Department has requested authorization for the submittal of a grant application to the South Carolina Department of Parks, Recreation and Tourism for the 2018 and 2019 Recreational Trails Program Grant in the amount of \$125,000; and
2. This grant requires a 20% match in the amount of \$25,000, which is included in the Planning and Development annual budget; and
3. If awarded, the grant will fund Phase II of the ACE Pedestrian Path in Green Pond.

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

1. County Council hereby authorizes the application to the South Carolina Department of Parks Recreation and Tourism for the 2018 and 2019 Recreational Trails Program Grant in the amount of \$125,000, for which, the 20% match is included in the Planning and Development annual budget.
2. The Planning and Development Department is responsible for preparing the grant application and for providing a copy of the grant application to the Finance Department.
3. The Planning and Development Department is responsible for notifying the Finance Department related to the award of this grant application.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-16

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A RESOLUTION TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT TO EXCEED \$1,000,000 GENERAL OBLIGATION BOND OF COLLETON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR THE SALE AND TERMS THEREOF IN REGARDS TO THE AGREEMENT WITH PALMETTO RAILWAYS REGARDING THE H&B RAILROAD; AND OTHER MATTERS THERETO.]

As an incident to the adoption of this resolution and the issuance of the bond provided for herein, the County Council of Colleton County, South Carolina (the "County Council"), the governing body of Colleton County, South Carolina (the "County"), find that the facts set forth herein exist and the statements made with respect thereto are true and correct.

WHEREAS, Colleton County Intermodal Corporation (the "Corporation"), a South Carolina a non-profit corporation, was formed for the purpose of promoting the economic development of Colleton County, primarily by financing the costs of acquisition of the Hampton and Branchville Railroad (the "Project") so that it can be maintained in service; and to that purpose, the Corporation issued its Revenue Bonds (the "Corporation Bonds") pursuant to the terms of a Trust Indenture (the "Trust Indenture") between the Corporation and Regions Bank, as trustee (the "Trustee") for the purpose of financing the purchase of the Project; and

WHEREAS, the Corporation entered into a Loan and Security Agreement (the "Loan Agreement") with South Carolina Division of Public Railways d/b/a Palmetto Railways ("Palmetto Railways") pursuant to which the Corporation lent the proceeds derived from the sale of the Corporation Bonds (the "Loan") to Palmetto Railways and Palmetto Railways has applied the proceeds of the Loan to pay the costs of acquisition of the Project by Palmetto Railways; and

WHEREAS, Palmetto Railways agreed to repay the Loan solely from revenues derived from the operation of the Project (the "Gross Revenues") and to operate the Project pursuant to the terms of the Loan Agreement; and

WHEREAS, to assist the Corporation in financing the costs of the Project, the County entered into a Deposit and Reimbursement Agreement (the "Deposit and Reimbursement Agreement") with the Corporation whereby the County has agreed to reimburse any shortfalls in Gross Revenues to pay the Corporation Bonds, subject to non-appropriation in any fiscal year by the County Council; and

WHEREAS, the Corporation's rights under the Loan Agreement and Deposit and Reimbursement Agreement were assigned to the Trustee as security for the payment of the

Corporation Bonds; and

WHEREAS, the County Council have been advised by the Corporation that Gross Revenues are insufficient during the current fiscal year to pay in full debt service due on the Corporation Bonds in such fiscal year, and consequently the Corporation has requested that the County Council appropriate sufficient funds during such fiscal year to cover the shortfall in Gross Revenues; and

WHEREAS, by virtue of the County Bond Act (Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended) as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Bond Act"), County Council enacted a bond ordinance on November 3, 2015 (the "Bond Ordinance"), to authorize the issuance of general obligation bonds of the County from time to time, as necessary, to defray the obligations of the County under the Deposit and Reimbursement Agreement; and

WHEREAS, the County Council have now determined that it is in the best interest of the County, and necessary and proper for the general welfare of the County and its citizens, that this Supplemental Resolution be adopted in compliance with the terms of the Bond Ordinance to provide for the issuance of general obligation bonds for payment of the obligations of the County under the Deposit and Reimbursement Agreement during the current fiscal year; and

WHEREAS, by virtue of the Bond Act, County Council is authorized to issue general obligation bonds of the County to defray the cost of any purpose for which the County might, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County; and

WHEREAS, pursuant to the authorization of Article X, Section 14, paragraph 7(a) of the South Carolina Constitution, and subject to an eight percent (8%) constitutional debt limit, the County is authorized to incur general obligation indebtedness; the assessed value of all taxable property in the County is \$171,104,050 for the fiscal year ended June 30, 2017; the County currently has \$8,301,301 of outstanding general obligation indebtedness which counts against its constitutional debt limit; consequently, the County may incur without an election \$5,387,023 of general obligation indebtedness; and

WHEREAS, the County Council intend to delegate to the County Administrator complete authority on behalf of the County to take all action necessary or convenient to sell the bond authorized hereby at private sale to South State Bank or such other financial institution that he determines to be most advantageous to the County; and

WHEREAS, this resolution is intended to be a "Supplemental Resolution" within the meaning of that term under the Bond Ordinance;

NOW, THEREFORE, on the basis of the foregoing authorizations and for the purpose of raising the sum of not to exceed \$1,000,000 to be expended for the purposes set forth above, the County Council adopt this Supplemental Resolution to effect the issuance and sale of general obligation bonds of the County authorized by the Bond Act and the Bond Ordinance.

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

Section 1 Defined Terms.

The terms defined in this Article, in the Bond Ordinance, or elsewhere in this Supplemental Resolution (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Supplemental Resolution shall have the respective meanings specified in this Article.

“Bond” shall mean the General Obligation Bond (Rail Line and Other County Projects), Series 2018 of the County authorized to be issued hereunder in the aggregate principal amount of not to exceed \$1,000,000.

“Bond Act” shall mean Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Bond Ordinance” shall mean the Ordinance enacted on November 3, 2015, by the County Council, as from time to time amended and supplemented by one or more supplemental resolutions or ordinances enacted in accordance with the provisions thereof.

“Chairman” shall mean the chairman of the County Council or, in his absence, the vice chairman of the County Council.

“Chief Financial Officer” shall mean the Finance Director of the County or, in his absence, any other officer or employee of the County designated in writing by the County Administrator to perform the duties of the Chief Financial Officer under this Supplemental Resolution.

“Clerk” shall mean the clerk of the County Council or, in her absence, the acting clerk.

“Closing Date” shall mean the date that the Bonds are initially delivered to the Lender by the County.

“County” shall mean Colleton County, South Carolina.

“County Administrator” shall mean the County Administrator of the County.

“County Council” shall mean the County Council of Colleton County, South Carolina, the governing body of the County or any successor governing body of the County.

“Interest Payment Date” shall mean such dates as are designated by the County Administrator as interest payment dates for the Bond.

“Lender” shall mean South State Bank or such other financial institution that is designated to purchase the Bond pursuant to Article II, Section 5 hereof.

“Principal Payment Date” shall mean such dates as are designated by the County Administrator as principal payment dates for the Bond.

“Supplemental Resolution” shall mean this Supplemental Resolution as from time to time amended and supplemented by one or more supplemental resolutions adopted in accordance with the provisions hereof.

Section 2 General Rules of Interpretation.

For purposes of this Supplemental Resolution, except as otherwise expressly provided or the context otherwise requires:

(a) Articles, Sections, and Paragraphs, mentioned by number are the respective Articles, Sections, and Paragraphs, of this Supplemental Resolution so numbered.

(b) Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations, and the masculine includes the feminine and the neuter.

(c) Words importing the prepayment of the Bond do not include or connote the payment of the Bond at its stated maturity.

(d) Words importing the singular number include the plural number and *vice versa*.

(e) The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Supplemental Resolution.

ARTICLE II

ISSUANCE OF BOND

Section 1 Authorization of Bond; Approval of Maturity Date, Principal Amount, and Interest Rates.

(a) Pursuant to the provisions of the Bond Act and the Bond Ordinance and for the purposes of defraying the obligations of the County under the Deposit and Reimbursement Agreement during the current fiscal year, there shall be issued a not to exceed \$1,000,000 general obligation bond of the County (the “Bond”). The Bond shall be designated “General Obligation Bond (Rail Line and Other County Projects),” with such series designation as is approved by the County Administrator. The Bond shall be dated as agreed upon between the County and the Lender,

and shall be in fully-registered form.

(b) The Bond will be in such principal amount, bear interest at such rates, and will mature on the dates and in the amounts as are approved by the Chairman, upon the advice of Bond Counsel and the Financial Advisor, provided that:

(i) The Bond shall bear interest at a maximum interest rate not greater than 2.50%;

(ii) The Bond shall mature not later than one (1) year after the Closing Date; and

(iii) The principal amount of the Bond shall not exceed \$1,000,000.

(c) The Authenticating Agent, the Bond Registrar, and the Paying Agent for the Bond shall be the Colleton County Treasurer.

Section 2 Prepayment of Bond.

(a) General. The Bond may not be called for redemption or prepayment by the County except as provided in this Section 2.

(b) Prepayment. The Bond may be subject to prepayment or redemption prior to its maturity, in whole or in part, upon the terms and on the dates and at the prepayment or redemption prices as approved by the County Administrator prior to the issuance of the Bond.

Section 3 Place of Payments and Payment Dates.

Principal and interest of the Bond, when due, shall be payable by Colleton County Treasurer as the Paying Agent at the office designated by the Lender on the Interest Payment Dates and Principal Payment Dates designated by the County Administrator.

Section 4 Levy and Collection of Property Taxes.

The Auditor and Treasurer of Colleton County, South Carolina, shall be notified of this Bond issue and directed to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bond, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

Section 5 Sale of Bonds.

The Bond shall be sold at private sale in accordance with Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are determined by the Chairman and the County Administrator, upon the advice of Bond Counsel and the Financial Advisor, are most advantageous to the County. The Chairman and the County Administrator are fully authorized and empowered to take all further action as may be necessary and proper in order to select South State Bank or such other financial institution as they determine is most advantageous to

the County to which to sell the Bond. Notice of the sale of the Bond in a private placement shall be published in accordance with Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended. The form of said Notice is substantially that set forth in Exhibit A attached hereto and made a part and parcel hereof.

Section 6 Disposition of Proceeds of Sale of Bonds.

The proceeds derived from the sale of the Bond shall be applied as directed by the County Administrator (a) to fund Reimbursement Payments in accordance with the terms of the Deposit and Reimbursement Agreement or (b) to reimburse the County for making Reimbursement Payments in accordance with the terms of the Deposit and Reimbursement Agreement or (c) to reimburse the County for other capital project costs.

Section 7 Federal Tax Provisions.

The County Council hereby authorize the Chief Financial Officer to execute and deliver a tax regulatory agreement or certificate for the purpose of establishing and maintaining the excludability of interest on the Bond from the gross income of the recipients thereof for federal income tax purposes.

ARTICLE III

MISCELLANEOUS

Section 1 Execution of Agreement and Closing Documents and Certificates.

The Chairman, the Clerk, the County Administrator, the Chief Financial Officer of the County, and all other officers and employees of the County, are fully authorized and empowered to take all further action and to execute and deliver such agreement or agreements with the Lender and all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bond and the action of such officers or any one or more of them in executing and delivering any documents, in the form as he or they shall approve, is hereby fully authorized.

Section 2 Vice Chairman May Act in Chairman's Absence; Acting Clerk May Act in Clerk's Absence.

In the absence of the Chairman, the vice chairman of the County Council is fully authorized to exercise all powers vested in the Chairman under this Supplemental Resolution. In the absence of the Clerk, the acting clerk of the County Council is fully authorized to exercise all powers and take all actions vested in the Clerk under this Supplemental Resolution.

Section 3 Bond Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in the Bond Ordinance and this Supplemental Resolution shall be binding upon the successors and assigns

of the County and shall inure to the benefit of the Lender as the registered owner of the Bond.

Section 4 No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in the Bond Ordinance, this Supplemental Resolution, or the Bond, against any member of the County Council, or any officer or employee of the County, as such, in his or her individual capacity, past, present, or future, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that the Bond Ordinance, this Supplemental Resolution, and the Bond are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the County and the Lender as the registered owner of the Bond or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every such member, officer, and employee is, by the adoption of this Supplemental Resolution and the execution of the Bond, and as a condition of, and as a part of the consideration for, the adoption of this Supplemental Resolution and the execution of the Bond, expressly waived and released. The immunity of the members, officers, and employees, of the County under the provisions contained in this Section shall survive the termination of this Supplemental Resolution.

Section 5 Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Supplemental Resolution requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Supplemental Resolution the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 6 Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Supplemental Resolution on the part of the County to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in this Supplemental Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this Supplemental Resolution or of the Bond, but the registered owners of the Bond shall retain all the rights and benefits accorded to it hereunder and under any applicable provisions of law.

(b) If any provisions of this Supplemental Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 7 Continuing Disclosure Undertaking.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended (“Section 11-1-85”), the County Council covenant to file with a central repository for availability in the secondary bond market when requested:

(i) An annual independent audit, within thirty days of the County Council’s receipt of the audit; and

(ii) Event specific information within 30 days of an event adversely affecting more than five percent of the aggregate of revenues of the County.

The only remedy for failure by the County Council to comply with the covenant in this Section shall be an action for specific performance of this covenant. The County Council specifically reserve the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of the registered owner of the Bond.

Section 8 Law and Place of Enforcement of this Supplemental Resolution.

This Supplemental Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Supplemental Resolution shall be instituted in a court of competent jurisdiction in said State.

Section 9 Repeal of Inconsistent Resolutions.

All resolutions of the County Council, and any part of any resolution, inconsistent with this Supplemental Resolution are hereby repealed to the extent of the inconsistency.

Section 10 Effective Date of this Supplemental Resolution.

This Supplemental Resolution shall become effective immediately upon its adoption without further notice.

Section 11 Amendments to Supplemental Resolution.

This Supplemental Resolution may be amended only with the prior written consent of the Lender.

ADOPTED THIS ___ DAY OF MARCH, 2018.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 6, 2018
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 18-R-17

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Appoint Members to Board Vacancies.)

WHEREAS:

1. Colleton County Memorial Library Board of Trustees has two vacancies; and
Applicants: Olivia Padgett
2. Lowcountry Regional Transportation Authority (Breeze) has two vacancies; and
Applicants: Chris Bickley
3. The County Council is the appointing authority for Boards.

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

The Council Hereby Appoints the following:

Colleton County Memorial Library Board of Trustees: Olivia Padgett
Lowcountry Regional Transportation Authority (Breeze): Chris Bickley

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Joseph F. Flowers, Chairman