

**AMENDED AGENDA**  
**COLLETON COUNTY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, JUNE 6, 2023**  
**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) Administrative Committee Meeting, April 24, 2023
  - b) Regular Meeting, May 2, 2023
  - c) Budget Work Session, May 3, 2023
5. Awards and Recognitions
6. Appearances & Public Presentations
  - a) Eastside Acres Park – Jesse Gooding
7. Administrator’s Briefing
8. Public Hearing
  - a) Ordinance 23-O-07, Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Between Colleton County And Pomega Energy Storage Technologies, Inc., Including Any Related Or Affiliated Entities And Any Sponsor Affiliates, Whereby Colleton County Will Enter Into A Fee-In-Lieu Of Taxes Arrangement With Pomega Energy Storage Technologies, Inc.; Providing For Payment By Pomega Energy Storage Technologies, Inc. Of Certain Fees In Lieu Of *Ad Valorem* Taxes; Providing For Certain Special Source Revenue Or Infrastructure Credits; To Further Amend The Agreement For Development Of A Joint County Industrial Park 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 Additional Property In Colleton County As Part Of The Park; Providing For The Allocation Of Fee-In-Lieu Of Taxes Paid By Pomega Energy Storage Technologies, Inc., Under The Agreement For Establishment Of Multi-County Industrial/Business Park; And Other Matters Relating Thereto
  - b) Ordinance 23-O-08, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
9. Old Business

- a) 3<sup>rd</sup> Reading Ordinance 23-O-07, Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Between Colleton County And Pomega Energy Storage Technologies, Inc., Including Any Related Or Affiliated Entities And Any Sponsor Affiliates, Whereby Colleton County Will Enter Into A Fee-In-Lieu Of Taxes Arrangement With Pomega Energy Storage Technologies, Inc.; Providing For Payment By Pomega Energy Storage Technologies, Inc. Of Certain Fees In Lieu Of *Ad Valorem* Taxes; Providing For Certain Special Source Revenue Or Infrastructure Credits; To Further Amend The Agreement For Development Of A Joint County Industrial Park 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 Additional Property In Colleton County As Part Of The Park; Providing For The Allocation Of Fee-In-Lieu Of Taxes Paid By Pomega Energy Storage Technologies, Inc., Under The Agreement For Establishment Of Multi-County Industrial/Business Park; And Other Matters Relating Thereto
- b) 3<sup>rd</sup> Reading Ordinance 23-O-08, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto
- c) 2<sup>nd</sup> Reading Ordinance 23-O-09, To Adopt Title 5 – Business Licenses & Regulations, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Ordinances

#### 10. New Business

- a) 1<sup>st</sup> Reading Ordinance 23-O-10, By Title Only, Authorizing the Execution and Delivery of a Fee In Lieu of Tax Agreement by and Between Colleton County, South Carolina and a Company Known to the County and Identified for the Time Being As “Project Wren,” With Respect to Certain Economic Development Property in the County, Whereby Such Property will be Subject to Certain Payments In Lieu of Taxes, Including the Provision of Certain Special Source Credits; and Other Matters Related Thereto
- b) 1<sup>st</sup> Reading Ordinance 23-O-11, By Title Only, Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Between Colleton County, South Carolina (The “County”) And Project Marathon, Acting For Itself, One Or More Affiliates And/Or Other Project Sponsors (The “Company”), Pursuant To Which The County Shall Covenant To Accept Certain Negotiated Fees In Lieu Of Ad Valorem Taxes With Respect To The Establishment And/Or Expansion Of Certain Facilities In The County (The “Project”); The Amendment Of The Multi-County Industrial/Business Park Agreement Between The County And Hampton County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park, So As To Include Additional Property In Colleton County As Part Of The Park And Allocating The Fee In Lieu Of Ad Valorem Taxes Paid By The Company Under The Agreement For Establishment Of Multi-County Industrial/Business Park; The Approval Of Providing Certain Special Source Revenue Credits; And Other Matters Relating Thereto

- c) Resolution 23-R-35, Authorizing, Under Certain Conditions, The Execution And Delivery By Colleton County, South Carolina Of A Fee In Lieu Of Tax Agreement With A Company Known To The County And Identified For The Time Being As “Project Wren” With Respect To An Industrial Project In The County Whereby The Project Would Be Subject To Payment Of Certain Fees In Lieu Of Taxes, And Whereby “Project Wren” Will Be Provided Certain Credits Against Fee Payments In Reimbursement Of Investment In Related Qualified Infrastructure; And Other Matters Related Thereto
- d) Resolution 23-R-36, A Resolution Identifying A Project In Order To Satisfy The Requirements Of South Carolina Code Section 12-44-40, So As To Allow Investment Expenditures Incurred By Project Marathon To Qualify As Expenditures Eligible For A Fee-In-Lieu Of Ad Valorem Taxes And Special Source Revenue Credit Arrangement With Colleton County, South Carolina; And Other Matters Relating Thereto
- e) Resolution 23-R-37, To Approve Amendment Of The Agreement For Development For 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
- f) Resolution 23-R-38, 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
- g) Resolution 23-R-39, To Award Bid FR-26 to the Six Lowest Bidders on Protective Firefighting Equipment.
- h) Resolution 23-R-40, to Authorize the Sole Source Purchase of One 21 Foot Fiberglass Brunswick Rescue Boat for Colleton County Fire-Rescue
- i) Resolution 23-R-41, To Advertise Board Vacancies
- j) Resolution 23-R-42, To Appoint Members to Board Vacancies
- k) 1<sup>st</sup> Reading Ordinance 23-O-12, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement By and Between Colleton County and an Entity Currently Known to the County As “Project Palmetto Green”, Including Any Related or Affiliated Entities and Any Sponsor Affiliates, Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Project Palmetto Green; Providing for Payment by Project Palmetto Green of Certain Fees In Lieu of *Ad Valorem* Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Agreement For Development of a Joint County

Industrial Park 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 Additional Property in Colleton County as Part of the Park; Providing for the Allocation of Fee-In-Lieu of Taxes Paid By Project Palmetto Green, Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Matters Relating Thereto.

l) Resolution 23-R-43, Committing to Negotiate a Fee-In-Lieu of Ad Valorem Taxes Agreement Between Colleton County and Project Palmetto Green; Identifying the Project; and Other Matters Related Thereto

11. Items for Information and Public Record
12. Public Comments (3 minutes per person/max time 20 min.)
13. Council Time
14. Executive Session
15. Adjournment
16. Informal Meeting of the Whole

#### COUNTY COUNCIL MEETING ON JUNE 6, 2023

Colleton County Council will hold a regular meeting on Tuesday, June 6, 2023, 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  
MONDAY, APRIL 24, 2023  
ADMINISTRATIVE COMMITTEE MEETING  
2:00 P.M.  
OLD JAIL BUILDING  
109 BENSON STREET

Administrative Committee Meeting  
Old Jail Building  
109 Benson Street  
Walterboro, SC 29488

Present: Chairman Scott Biering called the meeting to order with Council Members Steve Murdaugh and Phillip Taylor present.

Others Included: Kevin Griffin, Meagan Utsey, Kaela Brinson, and Jon Carpenter.

Councilman Bubba Trippe gave the invocation and led the Pledge of Allegiance.

**Discussion**

a. Capital Project Funding

Mr. Griffin: Stated, Jon, will you go through quickly and explain the available revenues?

Mr. Carpenter: Stated, what we are looking at is the CPST that expires Sunday. The current CPST was issued back in 2015. This CPST expires on April 30<sup>th</sup>. We have a number of projects going on from the original issue, plus two budget years ago council added a few others. By law any excess collections plus uses of the interest earned on it, council can designate those for projects that fall within the allowable CPST parameters. We have received collections from DOR through March 31<sup>st</sup> of this year. So, we still have one month of collections left, but we estimate right now with what we have committed almost 2.9 million dollars in excess collections. For example, from the trial, our collections that ended on March 31<sup>st</sup> were 38% higher than from the quarter before. Collections have been growing each year between 8-12%. So, as you can see the City of Walterboro still has money for finishing up their projects with that phase of the business loop. My understanding from the city is that they have about \$700,000 left that will be spent to complete that project. There is a small amount of money left for running the water out to the mega site, is that correct? Specifically, the engineering phase to that.

Mr. Griffin: Stated, that is right.

Mr. Carpenter: Stated, the customer services center has been completed, so that has been closed. We are in the process now with the renovation work at the Harrelson Building. The entrance, as well as what will be talked about this coming Tuesday in regard to the IT (Technology) room downstairs. There is some remaining money. We did a match with the money we got from the state

two years ago with the Green Pond Community Center. So, that is the money that is encumbered there. There is a small balance left. There is still money that was set aside two years ago to do the planning for the CPST that will start May 1<sup>st</sup>. There is a little bit of money there that they have not billed for. So, we had a budget to start this year of 6.5 million. We spent, or have encumbered, about 5.5 million. There is about 1 million remaining, but we do expect those funds to be spent as the projects wrap up. However, with our excess collections and the interest that we have earned, we have almost 2.9 million that is available for allocation for this coming year.

Councilman Murdaugh: Stated, are those required to be allocated to the projects that are upcoming?

Mr. Carpenter: Stated, no. Council has the choice to allocate those by adding money to an existing project...

Mr. Griffin: Stated, it must be projects that are eligible under the CPST law.

Chairman Biering: Stated, are there any suggestions that administration has?

Mr. Griffin: Stated, we are getting to that.

Councilman Taylor: Stated, I have a question as I look at the Green Pond Community Center, and I see that there is around \$46,000 left, is that the Green Pond Community Center that they just did the ribbon cutting on?

Mr. Griffin: Stated, correct.

Councilman Taylor: Stated, is dirt moved yet?

Mr. Griffin: Stated, the building has been ordered and they are waiting for it to come in.

Mr. Carpenter: Stated, there is some left over from the demolition of the old school and then we received money from the state. That is the money that we received from the state and the money we encumbered here. The building is encumbered as well.

Mr. Griffin: Stated, it is like everything else. Permitting was slow with DHEC. Once we got that, it was 60-90 days out, which should put us sometime into May.

Mr. Carpenter: Stated, that leaves money for any furnishings.

Mr. Griffin: Stated, looking at the available revenues, there are 5 projects that we have available on the board. First, are the ADA improvements for this building (Old Jail Building) and the park components that we have next door. We set aside 1 million for that. Second, is the Coroner's Building that we had budgeted for CPST, but it did not make it on the actual ballot. That was 1.7 to 1.8 million, but with the cost of construction that is pushing 2.3 million. On the bottom side, our server system that we put in 7-8 years ago is at its end of life. We must replace it. That is the system that will be both here in the new server room, as well as the back up that we have in Lodge

for emergency purposes. We have a redundant system, one in Lodge in a PRTC building if we lose this building, and one is here. That is what saved us when we had the cyber-attack, but we have to replace that whole system. The two things we don't have a number on right now are the Voter's Registration Building, which we should have in the next two weeks, and we don't have a number on the Detention Center renovations. That is in progress, determining what we need to do to upgrade there. We can change these around however you all would like to put a project on hold. The technology server upgrade we have to do, we do not have a choice in that. They're at the end of life and will be out of warranty and not supported anymore by Dell and Microsoft. We have to budget by law in the budget what we are going to do with this money to be able to spend it. The other thing we thought we could do, once we figure out where we are with the Detention Center and Voter's Registration building, is go out for a small GO bond. We have excess collections and debt service right now. That would not require us to put any millage on to do so. Then we can use that to cover the Voter's Registration Building and the Detention Center upgrades. If one comes faster than the other, then we can switch some money around. That is where we are with capital projects.

Chairman Biering: Stated, are the Detention Center upgrades a temporary solution to get us by until we can get a more permanent solution?

Councilman Murdaugh: Stated, the GO bond you mentioned would be for the coroners' building?

Mr. Griffin: Stated, I was thinking it would be for the Voter's Registration and the Detention Center upgrades. The market might like the coroners' building better than it likes those. A lot of times when you do a GO bond, they like brick-and-mortar capital.

Councilman Murdaugh: Stated, the coroners' building would go out near the Sheriff's Department, correct?

Mr. Griffin: Stated, that was the plan, to use the lot to the left.

Councilman Taylor: Stated, you are looking at about 4 million with what you have on the screen, and we have 2.8 million. So, the GO bond would pick up the slack on that?

Mr. Griffin: Stated, correct.

Councilman Murdaugh: Stated, I was thinking the coroners' building was in the new CPST.

Mr. Carpenter: Stated, it was one that was considered, but it was not chosen for the final list.

Mr. Griffin: Stated, it is a need. They are in an old building, and it is a pieced together situation. It would be good to have it beside the Sheriff's Office anyways. One other item is our ongoing capital, which is more of our heavy vehicles and equipment. The cost there has skyrocketed. We have been issuing a 3-year lease purchase on those. We have things that have been on order for two years and it is still not here. This ties into the airport conversation and we have talked about possibly putting on a certain amount of millage to have that is just dedicated to capital. I am talking about our ongoing capital which is the refreshing of heavy vehicles, ambulances, and those types

of things as we move along. I know there has been discussion about putting on milage that would be dedicated directly to the airport. The city is doing \$35,000 dollars, and my understanding was that we would do 75% and they would do 25%. That would put us at \$110,000-\$120,000. Is that what you all were kind of talking about?

Councilman Taylor: Stated, that is what we were talking about. It sounded like we were more 65% than 75%. I do not know where the extra 10% came from.

Councilman Murdaugh: Stated, I think we talked about it and----? went back and said he could convince his folks to do a 75/25 split. We should be putting in \$105,000.

Mr. Carpenter: Stated if the city puts in the \$35,000.

Mr. Griffin: Stated, that is about a half a mil. What we would like to propose is to do 3 mils and the other 2.5 mils dedicated to an ongoing capital program that stays outside the budget that we will refresh each year.

Councilman Murdaugh: Stated, on your tax notice, this would show up as a capital projects mileage.

Mr. Griffin: Stated, it would be an additional mileage listed as operating mileage.

Councilman Murdaugh: Stated, personally as a citizen I am less opposed if it just says operating, but I would rather see something reserved for capital. I don't know if you can do it that way or not.

Councilman Taylor: Stated, I know Bamberg does something were they segregate where the mileage is coming from.

Mr. Griffin: Stated, the other way you could do it is put it on a one-year step service and put it on a note.

Councilman Murdaugh: Stated, if you can't do it, you can't do it. That is the bottom line. If that is about a half a mileage...The airport needs a recurring source of revenue, because we could hire a full-time airport manager which would really help the airport. We are already hearing stuff we have never heard before at the couple of meetings we have had. Having somebody there every day makes a huge difference. At our last meeting, we had a budget meeting, he came with the suggestion that if the county couldn't do the mileage because we own property out there that we could develop another hanger out there, make a annual payment, and let that be our allocation to the airport. We would have more hangers to rent. We're inadvertently improving our own property. That was Bert's suggestion rather than coming to operating mileage. That still doesn't solve the problem when we have to have revenue.

Councilman Taylor: Stated, you are definitely not getting it from hanger rentals.

Councilman Murdaugh: Stated, hanger rentals are only \$300 a month. That is only \$3,000 a month for 10 units.



Mr. Carpenter: Stated, we have not done a county operating mileage increase since 2018. We did do an increase in fire mileage last year, but not county since 2018.

Mr. Griffin: Stated, I will talk to Becky and Jeff and see if we can get it put on there as a separate capital.

Councilman Murdaugh: Stated, when they did their calculation on what the CPST would generate, they were off by 6 million...am I reading that correctly?

Mr. Carpenter: Stated, yes.

Mr. Griffin: Stated, they have grown expediently over the last few years.

Mr. Carpenter: Stated, this is our collections you can see by year since we started. So, what we project now through April is...the bonds are issued at 29.7. We expect to collect 38.6. We just issued the new bonds at 40 million. Trying to be conservative, not knowing, for the next 7 years. At least expecting some growth over the next 7 years. You can see each year, in most years, except during the COVID year, it did not really grow, but every year after that has grown. Especially over the last two years.

Councilman Taylor: Stated, I am thinking with the excess stuff going on with I-95, South of us, it should put people off here.

Councilman Murdaugh: Stated, that money...when we issue the bond for the new capital projects, did they use the same model?

Mr. Carpenter: Stated, when I worked with Raymond James on this, we did not do quite this growth rate, because we didn't know if it would sustain.

Mr. Griffin: Stated, you really do not know what you are going to collect.

Councilman Murdaugh: Stated, we could possibly anticipate being over again.

Mr. Carpenter: Stated, if we continue, then yes, we should be. Allen mentioned today that we are in a different environment than when we issued these. We should be earning enough interest on the proceeds that we will be able to pay the interest off. All we would need is a collection of 40 million to pay the debt service.

Mr. Griffin: Stated, so in 3-4 years down the road we would have a significant amount....

Mr. Carpenter: Stated, we could have. Hopefully, we will be in the same position we're in now and can add projects.

Mr. Griffin: Stated, Allen shared with me that this will be the first bond you all have ever done that wiped itself clean of interest. The way it works out how we are investing the funds, there is no cost to borrow. That interest cost will come back to us for you all to allocate.

Councilman Taylor: Stated, I think it all looks good. We need to do the GO bond to take care of the other two projects.

Mr. Griffin: Stated, unless the construction costs come back down, we will probably need it.

Councilman Murdaugh: Stated, what is our available GO capacity?

Mr. Carpenter: Stated, it is a little over 9 million. We get the 8%, the CPST does not count against it. We only have the bond that we just refinanced for 22 million and one other bond for 15 million. One of these finished up in 2025, and the 22 million had 3 years as a refinance.

Chairman Biering: Stated, if we have to approach a new detention center in the future, does that available bond hurt our ability to borrow more money for a new detention center? Whether it be with the shared 4 county regional detention center or not?

Mr. Griffin: Stated, no, it does not because something of that size we are going to do some sort of specialty financing anyways. The four-county project would be the way to do it and we all contribute.

Councilman Murdaugh: The proposal for the capital projects mileage is 3 mils?

Mr. Griffin: Stated, and half a mil could go to the airport.

Councilman Murdaugh: Stated, if we did that, will we need any increase in operating mil?

Mr. Griffin: Stated, we are going to go into personnel in just a moment, but no.

Councilman Murdaugh: Stated, what about fire?

Mr. Carpenter: Stated, it depends on what you all want to do. There are requests out there.

Councilman Biering: Stated, I was told not to long ago if you raise taxes one bit, I will run you out of town. Like I told them, when you have an inflation era and things have risen so much you have to increase the budget in order to stay competitive. There is no way around it.

Mr. Griffin: Stated, some places raise it by CPI every year to keep up. We have not had to do that, but the cost of equipment has gone crazy.

### **Executive Session**

Councilman Murdaugh moved to go into executive session to discuss the following: Personnel. Councilman Taylor seconded the motion. The motion carried unanimously.

Councilman Taylor moved to exit executive session. Councilman Murdaugh seconded the motion, which was carried unanimously.

**Adjournment**

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

This 6<sup>th</sup> day of June, 2023.

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Steven D. Murdaugh, Chairman

ATTEST:

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Kaela Brinson, Clerk to Council

MINUTES  
TUESDAY, MAY 2, 2023  
REGULAR MEETING  
6:00 P.M.

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

Present: Vice Chairman Phillip Taylor called the meeting to order with Council Members Dr. Joseph Flowers, Bubba Trippe, and Scott Biering in attendance. Chairman Steve Murdaugh was not present.

Others Included: Kevin Griffin, Meagan Utsey, Sean Thornton, Kaela Brinson, Jon Carpenter, Barry McRoy, Mayor Carwford Moore, Jerome Kizer, Michelle Knight, James Rutledge, Delma Tyus, Anderson Grant, Felicia Johnson, Dr. John Creel, Jessie Gooding, Clarence Wiggins, and Brenda Perkins.

Councilman Bubba Trippe gave the invocation and led the Pledge of Allegiance.

**Approval of Minutes**

- A. Regular Meeting March 14, 2023— Dr. Flowers moved to approve the minutes of the Regular Meeting held on March 14, 2023. The motion was seconded by Councilman Trippe and the motion carried unanimously.
- B. Public Health and Safety Committee Meeting April 10, 2023— Dr. Flowers moved to approve the minutes of the Public Health and Safety Committee meeting held on April 10, 2023. The motion was seconded by Councilman Biering and the motion carried unanimously.

**Awards and Recognitions**

- A. Proclamation for Colleton County Council's Support of the Edisto Natchez-Kusso Indian Tribe in their efforts to Obtain Federal Recognition— Chairman Murdaugh read the Proclamation into the record. Dr. Flowers moved to adopt the proclamation for Colleton County Council's Support of the Edisto Natchez-Kusso Indian Tribe in their efforts to Obtain Federal Recognition. The motion was seconded by Councilman Taylor and the motion carried unanimously.

Councilman Biering: Stated, I would like to thank Dr. Creel from the Edisto Natchez-Kusso Tribe for inviting us to the pow wow two weekends ago. I have been around the tribe my whole life, I know a lot of people in the tribe, but to go to one of the ceremonies and see the amount of cohesion. I got there and rain was coming down hard, some people were leaving, and there was still at least 300 people staying for the rest of the ceremony. I do not know how many people you had for the duration, but it was awesome and humbling to be a part of and to see a group in today's world

staying together is amazing. I commend you for doing that. Any funds that we can get into this county to help your tribe would be amazing, and I am glad to be apart of it.

Councilman Trippe: Stated, Dr. Creel, thank you for being here. You do excellent work down there, and I want to thank you for what you do.

Vice Councilman Taylor: Stated, I would like to echo those sentiments as well. I know the resources that are available to the Native American community across the nation, and I know what we are missing. There are other educational resources on top of science and math that we can attract with this recognition. So, we look forward to seeing the support from the county.

Dr. Flowers: Stated, I know Dr. Creel quite well as he practiced with me at one time. I thank you for all you do.

\*\*\*County Council presented the Proclamation to Dr. Creel.

Dr. Creel: Stated, I would like to say to all of Council and the guests here today that we appreciate all of your support that you have given us in the past with the summer feeding program and another updated letter of support for Federal acknowledgment. We have sustained a letter of support from Lindsey Graham, Senator Scott, Representative Nancy Mace, Representative Clyburn, and Governor McMaster. We are in the process of getting Federal acknowledgement through the DOI. We are also working on a bill with Representative Mace to be introduced into the 118<sup>th</sup> congress. Again, we appreciate the support and the help. I look forward to working with the County Council in the different efforts. We are looking into an adult care center in the community. We will be reaching out to you in the future. Thank you.

### **Administrator's Briefing**

Mr. Griffin: Stated, Item 10 "a" New Business, Business License and Registration under the Late Night Establishments Preclearance Ordinance. That is just the section in Title 5, "Business License and Registration", under our code of ordinances where this would fall. Ordinance 23-O-09 does not actually have anything to do with a business license. I will be glad to take any questions at this time.

Councilman Taylor: Stated, with the water incident we had this weekend, are the dates set for the swimming with the school district? Have they got that worked out yet?

Mr. Griffin: Stated, yes, both the school district and Dorchester County. I do not have the exact dates yet, that is still being worked out.

No further comments.

### **Public Hearing**

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

**A. 2023 Community Development Block Grant - Regional Planning Grant Application**

Mrs. Knight: Stated, this is the application public hearing for our Regional Planning Grant, which is awarded yearly usually through Hampton County. Mr. Griffin, so graciously, agreed to be the lead county this year for us. Basically, this is a \$50,000 grant that is used for us to be able to come out to the communities and do our needs assessment public hearings and sit down with staff and have project meetings when you all have CDBG applications that you all are looking at pursuing for the year.

NOTICE IS HEREBY GIVEN that on Tuesday, May 2, 2023 at 6:00 PM in 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 concerning an application jointly with Hampton, Beaufort and Jasper Counties to be submitted to South Carolina Department of Commerce, Division of Community Grant Programs on or about June 01, 2023, for a Community Block Development Block Grant. Hampton County is requesting \$50,000 to carry out the following activities:

The program is designed to develop the capacity of CDBG Administrators to effectively determine community needs, set long-term goals and short-term objectives and develop plans for carrying out effective strategies to address priority needs. The grant will be used to provide CDBG planning, capacity building, project development and technical assistance to local governments. The funds will only be used in the state CDBG program eligible (non-entitlement) communities. The type of services to be provided will address an array of housing, community development and economic development needs.

This 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 will involve CDBG funds.

The Citizen Participation Plan is available for review at the Colleton County Administration Office, 109 Benson Street, Walterboro, SC, 29488 from 9:00 AM to 5:00 PM, Monday through Friday. Persons with questions or comments concerning the hearing, Citizens Participation Plan may contact Michelle Knight, Lowcountry Council of Governments, PO Box 98, Yemassee, SC 29945, (843) 473-3990.

Colleton County does not discriminate on the basis of age, color, religion, sex, national origin, familial status, or disability in the admission of or access to, or treatment or employment in its federally assisted programs or activities. Deadra Sadler, 31 Klein Street, Walterboro, SC, (843) 549-5221 has been designated to coordinate compliance with the non-

discrimination requirements contained in the U.S. Department of Housing and Urban Development's regulations.

Note: Assistance will be provided to accommodate the special needs of disabled or limited English proficient persons upon request.

Nota: Se proporcionará asistencia para satisfacer las necesidades especiales de las personas discapacitadas o de bajo dominio bajo petición.

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

### **Old Business**

**A. 2nd Reading Ordinance 23-O-08, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto**

Dr. Flowers moved to approve Ordinance 23-O-08, To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto. The motion was seconded by Councilman Trippe. The motion carried unanimously.

### **New Business**

**A. 1st Reading Ordinance 23-O-09, By Title Only, An Ordinance to Adopt Title 5 – Business Licenses & Regulations, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Ordinances**

Dr. Flowers moved to approve Ordinance 23-O-09, By Title Only, An Ordinance to Adopt Title 5 – Business Licenses & Regulations, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Ordinances. The motion was seconded by Councilman Biering. The motion carried unanimously.

**B. Resolution 23-R-29, To Award the Contract for the Harrelson Building Technology Department Improvements Project**

Dr. Flowers moved to approve Resolution 23-R-29, To Award the Contract for the Harrelson Building Technology Department Improvements Project. The motion was seconded by Councilman Trippe. The motion carried unanimously. The contract was awarded to Mitchell Construction.

**C. Resolution 23-R-30, To Reschedule the July County Council Meeting and Cancel the August County Council Meeting**

Dr. Flowers moved to approve Resolution 23-R-30, To Reschedule the July County Council Meeting and Cancel the August County Council Meeting. The motion was seconded by Councilman Biering. The motion carried unanimously.

Dr. Flowers: Stated, the meeting was moved to July 25<sup>th</sup>, correct?

Vice Chairman Taylor: Stated, yes, July 25<sup>th</sup>.

**D. Resolution 23-R-31, To Authorize the Waiver of Various Fees for the Summer 2023 Mission Serve Home Repair Program**

Dr. Flowers moved to approve Resolution 23-R-30, To Authorize the Waiver of Various Fees for the Summer 2023 Mission Serve Home Repair Program. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**E. Resolution 23-R-32, To Provide a One-Time Assistance for the Summer 2023 Mission Serve Home Repair Program**

Dr. Flowers moved to table Resolution 23-R-32, To Provide a One-Time Assistance for the Summer 2023 Mission Serve Home Repair Program.

Dr. Flowers: Stated, I recommend that we table this Resolution at this time. We must carefully think about putting public funds into a private organization. This needs to be discussed during the budgetary session.

The motion to table was seconded by Councilman Trippe. The motion carried unanimously.

**F. Resolution 23-R-33, To Advertise Board Vacancies**

Dr. Flowers moved to approve Resolution 23-R-33, To Advertise Board Vacancies. The motion was seconded by Councilman Trippe. The motion carried unanimously.

**G. Resolution 23-R-34, To Appoint Members to Board Vacancies**

Dr. Flowers moved to approve Resolution 23-R-28, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Biering. The motion carried unanimously.

The following appointments were made by acclamation: – Colleton County Lowcountry Transportation Authority: Latosia Simmons, Colleton County Board of Assessment Appeals: John Barnes, and Colleton County Edisto River Canoe and Kayak Trail Committee: Peter “Austin” Mitchum.

**Public Comment**



Felicia Johnson: Stated, I thought I was not going to speak tonight about this club. Everybody thought they were hearing things on Saturday night. The neighbors behind me and beside me thought so too, so I put on my clothes, and I walked. I thought, "oh well they're open." This club is a nuisance to everybody in our neighborhood. Tonight, I am going to speak about these lights and flooding. When we get this bad rain, everything stops at my house. My house has been flooded out before, as well as my neighbor's house. Nobody here is going to pay me, and my insurance does not cover flooding. I am disabled and can not afford it right now. They started a project but have not finished it. They went around to everyone's house on Madison and put bricks around the ditches. All you see is brick decorations. This needs to be completed soon because nobody but God knows what the weather is going to do. I stopped the man that day and told him not to dig my ditches any deeper. The more you dig the more water it is going to hold. I have grandchildren and it is not safe for them. They love my ditch, and I must tell them all the time that they cannot go in the ditch filled with water. I am also afraid because I have had many snakes. It is dangerous with these ditches and these lights. If my next-door neighbor turns the light off, it is pitch black. If the club turns the light off, it is pitch black. We need help with these lights over here. My neighbor's house was so flooded she had to borrow a vac to suck the water out of hers. I hope you all help us soon, thank you.

Jessie Gooding: Stated, I am here on behalf of the East Side Acres Community Park. We have been talking about this for 15 years or better. I moved to East Side Acres in 1979 and the bleachers have been there since then. About 10-15 years ago we bought some paint from Habitat for Humanity, and we had the kids paint the bleachers. It is still there and falling apart. The issue has been brought before the board multiple times. There are issues with the swings. There are no swings for infants, and out of the ones that were there, there might be one left. The slide that is there needs to be refurbished. They closed a park somewhere and gave us the leftovers. The kids play on whatever they can play on, but this is a county park. I do not think any park in Colleton County looks like East Side Acres Park. So, we want to bring it back. People are using the park and bringing their children there to play. We don't have anything for the younger children to play on or swing on. It has been too long, and nothing is getting done. It is Colleton County Park. It does not belong to East Side Acres. There is one in Gadsden Loop that is really nice. We have a table and shelter out there. There is only the community taking care of it. When they come to clean it they don't pick up trash or empty trash. They do not do anything at all. It is a community park that is not being serviced properly. The people that are supposed to be cutting the grass are not doing their job. It is being neglected. We would like it very much if we could get some kind of consideration for this park. The kids are coming out to play. If it is being neglected and children get hurt then...I see that boards have been repaired on the bridge that was made, however water is still coming in and the kids are still playing in it. It needs to be addressed. Like I said, this does not belong to the community it belongs to the county, and it needs to be taken care of properly. Also, we ask for the Sheriff's Department to patrol the area periodically. The community has a lot of young couples coming in and we need help. We appreciate whatever can be done.

### **Council Time**

Councilman Biering: Stated, I was in a meeting last week. There are sad times in Colleton County right now with the little girl drowning. My heart breaks for them, and I cannot even begin to imagine. It was in my community on the Edisto River. That river takes so many people. With that being said, I was in a meeting last week and the summer swimming program was mentioned. We did a joint deal this year with Dorchester County because they had the means to help us get it up and going. There is supposed to be two weeks, but those have not been set yet. They will advertise those dates once they are determined, and transportation to the pool. My heart goes out to the family during this time.

Councilman Trippe: Stated, We need that pool to help these kids swim.

Councilman Taylor: Stated, we will not have executive session tonight.

**Adjournment**

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

This 6<sup>th</sup> day of June 2023.

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

ATTEST:

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

MINUTES  
THURSDAY, MAY 3, 2023  
BUDGET WORK SESSION  
3:00 P.M.  
WALTERBORO WILDLIFE CENTER  
100 S. JEFFERIES BOULEVARD

Budget Work Session  
Walterboro Wildlife Center  
100 S. Jefferies Boulevard  
Walterboro, SC 29488

Present: Vice Chairman Phillip Taylor called the meeting to order with Council Members Dr. Joseph Flowers, Bubba Trippe, and Scott Biering. Chairman Steven Murdaugh joined the meeting at a later time.

Others Included: Kevin Griffin, Meagan Utsey, Kaela Brinson, Jon Carpenter, Barry McRoy, Becky Hill, and Jeff Slocum.

Councilman Bubba Trippe gave the invocation and led the Pledge of Allegiance.

**Budget Presentation Fiscal Year 2023-2024**

\*\*\*See attached presentation.

Reference– Slide #10

Mr. Griffin: Stated, Jon discussed earlier issuing a small GO Bond. We do not have numbers yet on the Detention Center upgrades or the Voter's Registration Building. We should have the Voter's Registration quickly; however, the Detention Center is going to take a little longer. So, what we were looking at is taking what we have left over in the CPST, both interest earning and over runs, to put towards the cost here. Then do a small GO bond to cover what we do not have on here, which is the coroner's building. The cost for the coroner's building is right around 2 million dollars. It was priced at 1.7 million for the CPST, but with the cost of construction going up we are thinking 2-2.2 million. We can do the note for that. We have something coming off of the debt service revenues that we will not have to raise debt service millage to cover that bond. We would spend all we have from the excess CPST and if it did not cover all costs then we would do with the bond in order to complete the Voter's Registration, Detention Center upgrades, and the Coroner's Building projects.

Chairman Murdaugh: Stated, remind me what the technology storage entails.

Mr. Griffin: Stated, that is the upgrade to our SAN Server System. It is about 9 years old now and is the system that stores all of our data. Jeff can give a little more detail on that. We have a system here that will go into the new server room that we are building at the Harrelson Building, and we

repeat that again in Lodge. It is out of life now, and as you know technology is growing. We have to replace those. We do not have a choice with our technology.

Chairman Murdaugh: Stated, does that qualify under CPST?

Mr. Griffin: Stated, yes it does.

Councilman Biering: Stated, taking out a bond to cover those items will hinder our ability to borrow later, correct?

Mr. Griffin: Stated, yes it would.

Mr. Carpenter: Stated, as of June 30<sup>th</sup>, we had right under 10 million dollars available.

Mr. Griffin: Stated, that in two years we will have the recreation center bond paid off, actually a little ahead of time. That is a 4 to 5 million dollar capacity that will come back to us. The way we are doing it with using these funds first, if we get good prices, then we could get a smaller bond. These are things we have to get done. This is not a wish list.

### **Council Items for Discussion**

Mr. Griffin: Stated, would you all like to discuss outside direct assistance or go into executive session and go into personnel?

Dr. Flowers: Stated, let us talk about the outside direct assistance. I do not think we should raise any of the outside direct assistance myself or take on these new projects people are asking for. The people in this county do not need any more tax increases than they have to have. We need to keep a little bit of money in there for a buffer in case we have an emergency. I do not see raising these people at all and that depends on how much money were giving to these people. We cannot raise the Public Defender because that is a permanent raise from now on. I do not see us raising any of these agencies with additional funding. Every year they're asking for more and more, and you just cannot continue doing it. I personally do not think we should raise them. I also think we should not take on anymore organizations, because I think we are going to have more of a budget issue than we think we are going to have. I think we are going to go into a recession and that will cut into some of our revenues that we can't anticipate. So, I think we need to be very careful increasing anybody right now. We will have enough increases that are within our requirements. Twenty thousand to thirty thousand dollars state mandate increase with the workers comp. and the health insurance. That is about half a million dollars right there. Those are just my thoughts.

Chairman Murdaugh: Stated, Jon, do you have the current fiscal year break down for the direct assistance?

Mr. Carpenter: Stated, yes.

\*\*\*Jon reviewed the breakdown with Council. See attached.

Dr. Flowers: Asked, what is that Lodge Rescue Squad?

Chairman Murdaugh: Asked, are they still operational?

Dr. Flowers: Stated, they are not operational I do not think.

Mr. Carpenter: Stated, we receive a budget request every year. He stated he was still active and that the funds were for training.

Dr. Flowers: Stated, someone said that he is not doing anything, so we need to look at that.

Councilman Trippe: Stated, just like Lodge the money we send them, do they send us something showing us what they use that money for?

Mr. Carpenter: Stated, if an agency receives over \$15,000, they are required to provide us with an annual audit or 990 filing. Agencies receiving less than \$15,000 are not required to provide us any type of follow-up documentation.

Councilman Taylor: Stated, just looking at that the one that would be most necessary is Breeze Transportation?

Mr. Carpenter: Stated, the amount requested by Breeze Transportation is our share, based on county ridership, of the DOT grant match.

Chairman Murdaugh: Stated, is the column to the left the current requests?

Mr. Carpenter: Stated, yes and then this column is the difference in funding.

Dr. Flowers: Stated, every year everyone wants more money, and we just cannot afford it. I cannot see raising any of these myself. I do not think we should take on anything new. We have to raise taxes as it is it looks like.

Mr. Griffin: Stated, are there any of the current direct assistance that we have here that you all would like to change?

Councilman Taylor: Stated, it looks like we need to take a hard look at the Lodge Fire Rescue.

Mr. Griffin: Stated, I personally do not know what service they provide, but that has been there a long time.

Councilman Taylor: Stated, I think the one with Palmetto Breeze we need to take a look at because that is an actual usage.

Mr. Griffin: Stated, If I was going to support any of them it would be the one for Palmetto Breeze definitely.

Chairman Murdaugh: Stated, Alcohol and Drug Abuse has repair sewer system.

Mr. Carpenter: Stated, they did not ask for any additional funding however, the county owns that building so they have asked that we look at the sewer system. That is in the process of getting fixed, I think. They have asked for an expansion to their parking lot but there is no way to expand it. This is what she has asked the county to help with.

Chairman Murdaugh: Asked, Column A is additional items they have asked for?

Mr. Carpenter: Stated, yes, I listed any additional items that they put in their request if there were any.

Mr. Griffin: Stated, another issue, the opioid settlement money is not allowed to be used on capital.

Dr. Flowers: Stated, we haven't received it yet.

Mr. Griffin: Stated, did you all want to delete the Lodge?

Dr. Flowers: Stated, I think we need to set it aside for now.

Chairman Murdaugh: Stated, are they doing anything?

Dr. Flowers: Stated, we need to find out.

Mr. Griffin: Asked, Barry, are they doing anything?

Mr. McRoy: Stated, no.

Dr. Flowers: Stated, I think we need to see if we can get more information.

Mr. Griffin: Stated, I know someone that is involved, and he says they are not doing a thing.

Dr. Flowers: Stated, I have some contacts and I will find out.

### **Executive Session**

Dr. Flowers moved to go into executive session to discuss the following: Personnel– 2023-2024 Personnel Requests. Councilman Taylor seconded the motion. The motion carried unanimously.

Councilman Taylor moved to exit executive session. Councilman Trippe seconded the motion, which was carried unanimously.

### **Adjournment**

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

Budget Work Session Meeting  
May 3, 2023

This 6<sup>th</sup> day of June, 2023.

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

ATTEST:

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

Sponsor(s) : County Council  
First Reading : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : April 4, 2023  
Public Hearing : June 6, 2023  
Third Reading : June 6, 2023  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk  
certify that this Ordinance was  
advertised for Public Hearing on  
May 18, 2023.

## ORDINANCE NO. 23-O-07

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

**[AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY AND POMEGA ENERGY STORAGE TECHNOLOGIES, INC., INCLUDING ANY RELATED OR AFFILIATED ENTITIES AND ANY SPONSOR AFFILIATES, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH POMEGA ENERGY STORAGE TECHNOLOGIES, INC.; PROVIDING FOR PAYMENT BY POMEGA ENERGY STORAGE TECHNOLOGIES, INC. OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK 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 ADDITIONAL PROPERTY IN COLLETON COUNTY AS PART OF THE PARK; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY POMEGA ENERGY STORAGE TECHNOLOGIES, INC., UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.]**

WHEREAS, Colleton County, South Carolina (the “County”), acting by and through its County Council (the “County Council”) is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “FILOT Act”), to designate real and tangible personal property as “economic development property” and to enter into an arrangement which provides for payment in lieu of taxes (“Negotiated FILOT Payments”) for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code (the “MCIP Act”), to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property situated or having a situs in a multi-county business or industrial park created under the MCIP Act, and pursuant to Section 4-1-175 and 4-29-68 of the Code (the “SSRC Act”), to permit investors to claim infrastructure or special source revenue credits against their PILOT Payments (including any Negotiated FILOT Payments) to reimburse such investors for expenditures for 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 (“Infrastructure Improvements”), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; and

WHEREAS, in order to promote the economic welfare of the citizens of Colleton County and Hampton County (collectively, the “the Counties”) by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for the Development of a Joint County Industrial Park between Colleton County and Hampton County, South Carolina, executed on December 11, 2007 by Colleton County and on January 22, 2008 by Hampton County (the “Original Agreement”), to develop jointly an industrial and business park (the “Park”), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the “Act”); and

WHEREAS, the Original Agreement was initially approved by Colleton County Council Ordinance 07-O-29, adopted December 4, 2007; and was further amended from time-to-time to add or remove property to the Park; and

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

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

WHEREAS, Pomega Energy Storage Technologies, Inc., a Delaware corporation (the “Company”), intends to acquire, construct, renovate, furnish, and equip a 3GWh capacity lithium-ion battery manufacturing facility for battery energy storage systems in the County (the “Project”); the Project is to be located at 599 Joseph Flowers Place, Walterboro, South Carolina in the Colleton Industrial Campus in Colleton County, South Carolina (the “Project Site”); and

WHEREAS, the Project when completed will represent an anticipated “investment” (as defined in the FILOT Act) (the “Investment”) by the Company in the aggregate not less than \$279 million, of which \$75 million will be in real property (land and building) and \$204 million will be in tangible business personal property (new machinery and equipment) to be located at the Project Site; and

WHEREAS, pursuant to Section 4-29-67 of the Code of Laws of South Carolina, 1976, as amended, the Project is anticipated to qualify for a 4% assessment ratio; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ approximately 575 full-time employees; and

WHEREAS, the County is authorized to include the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to the SSRC Act; and

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

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

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

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

Section 1. Evaluation of the Project. County Council has evaluated the Project on the following criteria based upon 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 Project constitutes a “project” as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act, the SSRC Act, and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately \$279 million, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will employ 575 new full-time employees at the Project within 5 years;
- (d) the 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 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 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 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 Project are proper governmental and public purposes;
- (i) the inducement of the location of the Project is of paramount importance; and
- (j) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 4% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement (as defined below) is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 30-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee-in-lieu of Tax Agreement between the County and the Company (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) The County will use its commercially reasonable efforts, in cooperation with Hampton County (the “Partner County”), to designate 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 Park Agreement, as amended to add the Project Site, and as further amended, supplemented, or replaced from time to time (the “MCIP Agreement”).

(B) The County will provide for 30 years that the annual allocation of the PILOT Payments generated by the 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 County, 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 infrastructure or special source revenue incentive (the “SSRCs”) as follows: an annual SSRC in the amount of 35% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax year one (1); 50% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax years two and three (2 and 3); 40% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax year four (4); 30% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax years five and six (5 and 6); and 20% of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax year seven (7).

(B) The documents providing for the SSRCs 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 mutually agreeable to the Company and the County, the County will have access to certain information of the Company; and (iv) that, in a manner mutually agreeable to the Company and the County, the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project. All such terms and conditions are as more specifically 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 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. 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. Miscellaneous.

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

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

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

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

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

[Remainder of this page intentionally left blank.]

**COLLETON COUNTY, SOUTH CAROLINA**

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

ATTEST:

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

First Reading: March 14, 2023  
Second Reading: April 4, 2023  
Public Hearing: June 6, 2023  
Third Reading: June 6, 2023

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

Council Vote:  
Opposed:

Sponsor(s) : County Council  
 First Reading : April 4, 2023  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : May 2, 2023  
 Public Hearing : June 6, 2023  
 Third Reading : June 6, 2023  
 Effective Date : July 1, 2023

I, Kaela Brinson, Council Clerk,  
 certify that this Ordinance was  
 advertised for Public Hearing on  
 May 18, 2023.

**ORDINANCE NO. 23-O-08**

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

**[To Provide for the Levy of Taxes in Colleton County, South Carolina, for the Fiscal Year July 1, 2023 through June 30, 2024 to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.]**

**WHEREAS:**

1. Colleton County Council, pursuant to state statutes, is authorized and required to adopt an annual budget for all departments, offices, and agencies (hereinafter collectively termed offices) of the County Government; and
2. Pursuant to state statutes, total funds appropriated in fiscal year 2023-2024 for the above purposes do not exceed estimated revenues and funds available for expenditure in fiscal year 2023-2024.

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

**SECTION 1. APPROPRIATIONS**

**a. Procedures Compliance:** The fiscal year 2023-2024 County Budget for Colleton County South Carolina and the Colleton County School District local appropriations are hereby adopted, and detailed budget appropriation documentation attached hereto is incorporated herein by reference. The Colleton County Council certifies that it has complied with all state laws and regulations regarding readings, notices, and public hearings for mills levied herein, and that it will comply in the case of mill levies, which may be adjusted by resolution based on more current information at the time of final issuance of the levies and after the adoption of this ordinance.

**b. Levy Process:** In all cases, all property shall be taxed unless otherwise exempt from taxation pursuant to Title 12, South Carolina Code of Laws, 1976, as amended. The taxes shall be collected in the manner as provided for collection of taxes by Title 12, Chapter 45 of the South Carolina Code of Laws, 1976, as amended, and in accordance with procedures established in County enacting ordinances. All property taxes are due and payable between the thirtieth day of September through the fifteenth day of January after their assessment in each year. Before the tax bills are issued, the County Auditor shall provide to the County Administrator a reconciled summary by levy of all taxes billed, and the County Treasurer shall provide monthly an apportionment report with refunds (computer system printout) for all taxes collected. Additionally, the Finance Office shall be provided with “read only” access to tax computer modules for the purpose of report generation. Tax levy mill information shall be supplied to the County Auditor for purposes of preparing the tax books for Colleton County.

(1) Motor Vehicle Taxes: Taxes levied on motor vehicles shall be collected pursuant to the schedules and procedures as established by State Statute and nothing herein shall be deemed to extend or defer the time of payment for such motor vehicle taxes.

(2) Motor Vehicle Owner Responsibility for Taxes: No motor vehicle registered in the State of South Carolina and being the property of a person, a resident of the County, shall be operated on the streets and public ways of the County unless all the motor vehicle taxes and fees duly assessed against such vehicle shall have first

been paid. In the event that any person violates the provisions of this Section, he shall be guilty of a misdemeanor and subject to the penalties prescribed in Title 46, 1976 South Carolina Code of Laws, as amended. Nothing in this section shall preclude the collection of taxes and fees upon such motor vehicle after the prosecution of the offender for failure to pay such tax.

**c. Appropriation Management:**

(1) Reallocation: Unless otherwise restricted by state law or specific limitation of accounting standards, all of the appropriations hereinafter and those in the budgetary detail incorporated herein by reference are subject to adjustment and reallocation by County Council by voice motion or resolution. Any amount appropriated in this Ordinance may be discontinued at any time by appropriate action of a majority of the County Council. Expenditures from the Council’s contingency in non-departmental shall typically be done by resolution or voice motion.

(2) Duplication: If any of the items, or portions thereof, for which funds are herein appropriated is taken over by the State or Federal government and appropriations therefrom be made by either or paid by either directly to a County Office, or if the same shall become available in any manner, then the amounts for said Office herein appropriated shall be reduced in the amount of said appropriation, direct payment, or other available funds or support.

(3) Direct Assistance: All agencies receiving direct assistance payments from the County shall be funded quarterly in arrears no more than twenty-five (25%) percent of their direct assistance line item except at the discretion of the County Administrator. The quarterly allotments shall be paid on the first schedule accounts payable check run of the month following the end of each quarter. The final 4<sup>th</sup> quarter funding may be withheld by the Finance Director pending the reconciliation of outstanding obligations between the County and the Agency receiving funding or in the case of grant irregularities. Agencies, boards, and commissions, which are partially funded by Colleton County Government, must provide annual audited financial statements to include a copy of the management letter and a copy of Title 2 U.S. Code of Federal Regulation Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards report, if applicable. State funded agencies must provide an annual report or a summary of local office-specific funding. Quarterly funding may be withheld pending the County’s receipt of an agency’s annual audited financial statements.

**d. Funds:** The following funds are hereby established for the purposes set forth with appropriations/budgeted amounts where applicable. Other funds may be delineated elsewhere:

<u>Fund</u>	<u>Fund Name</u>	<u>Appropriation</u>	<u>Millage</u>
100	County General Fund**	\$ 33,692,377	119.31
115	Capital Fund*	\$ 950,000	
120	Special Revenue Fund*	\$ 1,364,821	
121	State Aid to Library Fund*	\$ 100,000	
122	Colleton County Memorial Library Fund*	\$ 874,733	
124	IV-D Sheriff Unit Costs**	\$ 4,428	
125	Solicitor Special Revenue Fund*	\$ 0	
126	IV-D Clerk of Court – Unit Costs**	\$ 115,000	
127	IV-D Clerk of Court’s Fund – Incentives*	\$ 0	
128	Victim Witness Services Fund*	\$ 137,609	
130	County Debt Service Fund*	\$ 2,330,462	10.24
131	Fire Debt Service Fund*	\$ 2,912,099	22.66
134	Non-GOB Related Debt Service*	\$ 1,647,644	
135	Capital Project Sales Tax Debt Service Fund*	\$ 9,302,939	
141	Emergency Telephone Fund*	\$ 370,000	
142	Infrastructure/Industrial Development Fund***	\$ 249,000	
143	CPST Construction Fund*	\$ 2,896,505	
144	CC 2015 \$5.4M GOB Proceeds*	\$ 172,782	
146	Fire Bond \$6M 2018*	\$ 0	



147	Fire Bond \$5M 2022*	\$	0	
150	American Rescue Plan*	\$	0	
152	Accommodations Tax Tourism Infrastructure*	\$	42,000	
153	County Hospitality Tax Fund*	\$	675,700	
155	County Accommodations Tax Fund*	\$	777,100	
156	Fire-Rescue Commission Operations Fund*	\$	13,297,493	37.56
204	Recreation Fund*	\$	1,432,354	
210	Road & Bridges Fund*	\$	2,312,368	
211	Solid Waste Fund*	\$	3,413,522	
303	CCSO Drug Enforcement Operations*	\$	0	
306	Sheriff's Special Revenue Fund*	\$	0	
308	Sheriff Federal Asset Fund*	\$	0	
446	Transportation Commission Fund*	\$	0	
457	School District Operating****	\$	XXXXXX	116.42

\* At the close of the fiscal year, any unexpended monies within these funds and within all capital project funds shall be carried forward with the respective fund balance for the continued established use of that fund subject to appropriations, unless specifically authorized otherwise by ordinance or directed by State law

\*\*At the close of the fiscal year, any unexpended monies within these funds shall be turned over to the General Fund Balance.

\*\*\*Industrial or Infrastructure Development Fund appropriations are hereby amended to include the prior year Fund Balance and must be adjusted by the County Administrator to include all revenues received for economic development and any other revenues designated by County Council. Such funds shall require authorization of the County Administrator or his designee prior to obligation. At the close of the fiscal year, any unexpended monies within said funds shall be carried forward within the respective fund for continued economic development use.

**e. County General & Debt Service Funds:** The Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect, taxes sufficient to meet all County General Fund appropriations directed by this Ordinance, except as provided for by other revenue sources for the operation of the County Government for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024.

The Colleton County Auditor is authorized and directed to levy upon taxable property in Colleton County, South Carolina and the Colleton County Treasurer is directed to collect taxes in the amount of \$2,293,962 to meet the Debt Service appropriation (Fund 130). To further meet the Debt Service (Fund 130) appropriation provided by this Ordinance in (d) directly above, the sum of \$36,500 is hereby appropriated from various sources and shall be collected to make a total County Debt Service (Fund 130) appropriation of \$2,330,462.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

**f. School Operations and Debt Service Funds:**

\*\*\*\*To meet the appropriation provided by this Ordinance to cover School District Operating purposes, the Colleton County Auditor is authorized and directed to levy upon all taxable property in Colleton County, South Carolina, and the Colleton County Treasurer is directed to collect millage in the amount of 116.42. Any money generated by said levy shall be provided to the School District to cover operating costs. Millage may be adjusted by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year should Council deem that to be in the best interests of the County.

Pursuant to 59-71-150 of the South Carolina Code of Laws, 1976 as amended, the Colleton County Auditor shall levy and the Colleton County Treasurer shall collect a tax, without limit, upon all taxable property in Colleton

County, South Carolina, sufficient to pay the principal and interest of School Debt and to create such sinking fund as may be necessary therefore as provided by the School District to the County Auditor. Any funds accumulated for the School Debt Fund, which exceed the amounts required as provided to the County Auditor by the School District shall be carried forward in a School Debt Service Fund and shall be subject to appropriation by County Council only for School Debt Service.

(1) Debt Service Reporting/Processing: During the budget process each fiscal year, the School District shall provide to the County Treasurer and the County Finance Director a bank certified amortization listing of outstanding bond obligations and projected debt obligations. The School District shall require managing banks to directly provide to the County Treasurer and the County Finance Director all notices of payments due.

(2) Funds Transfer Requirements: The Treasurer shall notify both the School District (in the case of School District funding) and the County Administrator (in all cases) within five (5) days of receiving notification of any cuts in State or other revenues, or upon discovering any evidence of shortfall or deficit, or in the case of a decision to delay funds transfers.

**g. Fire and Rescue District and Debt Service Funds**: To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Operating (Fund 156), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$4,618,027 for Fire and Rescue District Operations (Fund 156). To further meet the Operating (Fund 156) appropriation provided by this Ordinance in (d) directly above, additional revenue from various sources in the amount of \$2,568,000 shall be collected. In addition, intergovernmental transfers in the amount of \$6,111,466 are also appropriated from Fund 100 and Fund 131 for transfer into Fund 156 upon requisition by the Finance Office to make a total Fire and Rescue District Operations appropriation of \$13,297,493

To meet the appropriation provided by this Ordinance to cover Fire and Rescue District Debt Service (Fund 131), the Colleton County Auditor is authorized and directed to levy upon all taxable property located in the unincorporated areas of the County and in the Towns of Cottageville, Lodge, Smoaks, Williams, and the City of Walterboro and the Colleton County Treasurer is directed to collect taxes of \$2,868,099 To further meet the Debt Service (Fund 131) appropriation provided by this Ordinance in (d) directly above, the sum of \$44,000 is hereby appropriated from various sources and shall be collected to make a total Fire and Rescue District Debt Service (Fund 131) appropriation of \$2,912,099.

Sufficient mills to support these tax levies can be established by County Council Resolution before September 1<sup>st</sup> of this Fiscal Year, if anticipated to vary from what is set within this ordinance or if not set within this ordinance.

At the close of the fiscal year any unexpended or unobligated funds and any funds accumulated for the Fire and Rescue Operating (Fund 156) or Debt Service (Fund 131) Funds above the provided appropriation amounts or collected in prior years, shall be carried forward in the respective fund balance and shall be subject to appropriation by County Council for Fire and Rescue Operations or Fire and Rescue Debt Service only.

**h. Emergency Telephone Fund**: To meet the appropriations provided by this Ordinance to cover the Emergency Telephone Fund, the \$1.00 E-911 subscriber billing fee per billed access line, up to 50 lines, and the tariff on wireless communication devices are hereby continued for this purpose. These E-911 fees will be accounted for in the E-911 Tariff Fund (Fund 141) to be expended in accordance with the 1976 South Carolina Code of Laws, Chapter 47, as amended, and Colleton County Ordinance 93-O-05. At the close of the fiscal year, any unexpended funds with any other funds collected in prior years shall be carried forward within this fund and shall be subject to appropriation by County Council.

**i. Roads & Bridges Maintenance Fund**: To meet the appropriation provided by this Ordinance for the Roads & Bridges Fund (Fund 210), a vehicle user fee of \$25.00 per vehicle is hereby continued for road and bridge maintenance and repair. To further meet the Fund 210 appropriation provided by this Ordinance, supplemental operating transfers from Fund 100 in the total amount of \$1,123,758, are hereby appropriated for transfer into Fund

210. The Roads and Bridges Fund 210 shall be a separate accounting fund with a corresponding Treasurer's bank account to administer this fund. Collection of delinquent vehicle user fees will be in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Roads & Bridges Department activities.

**j. Solid Waste Fund:** To meet the appropriation provided by this Ordinance for the Solid Waste Fund (Fund 211), a Solid Waste user fee of \$75 per residential unit County-wide, a commercial Municipal Solid Waste Disposal Fee of \$55 a ton and a Construction and Debris disposal rate of \$45 a ton is hereby established. To further meet the Fund 211 appropriation provided by this Ordinance, supplemental operating transfers in the total amount of \$691,022 is hereby appropriated from Fund 100 for transfer into Fund 211. Fund 211, the Solid Waste Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it. Collection of delinquent Solid Waste user fees shall be conducted in accordance with the Colleton County Code of Ordinances, as amended, and annual budget ordinances.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to solid waste disposal including but not limited to the Landfill, Transfer Station, and Convenience Sites.

**k. Recreation Fund:** Rental and membership fees, concession stand revenues, sponsorships, golf course revenues, restaurant revenues, donations, and program income generated by Recreation programs are hereby provided to meet the appropriation established in this Ordinance for the Recreation Fund (Fund 204). To further meet the Fund 204 appropriation provided by this Ordinance, supplemental operating transfers in the total amount of \$820,000 are hereby appropriated from Fund 100, Fund 153 and Fund 155 for transfer into Fund 204. Fund 204, the Recreation Fund, shall be a separate accounting fund with a corresponding Treasurer's bank account to administer it.

All appropriated interfund operating transfers shall be made during the year as required to maintain orderly operations. At the close of the fiscal year, all unexpended funds will be carried forward within the fund balance of this fund and shall be subject to appropriation by County Council for current and future operating costs connected to Recreation Department needs.

**l. CPST Construction:** Excess capital sales tax collections are budgeted for the following projects: Old Jail ADA Improvements/Park of \$1,000,000, Voter Registration Building Renovations of \$584,911, Technology Improvements of \$726,683 and Detention Center Renovations of \$584,911.

**m. Hospitality Tax:** Revenue generated by the Hospitality Tax established by Ordinance 2000-O-28 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the Hospitality Tax Fund. Fund 153, County Hospitality Tax Fund shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent Hospitality Taxes by the Treasurer shall be in accordance with the Colleton County Code of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward in the Hospitality Tax Fund balance for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

**n. Accommodations Tax:** Revenue generated by the County Accommodations Tax established by Ordinance 2001-O-15 is hereby designated to meet the appropriation provided by **Section 1. Appropriations, d. Funds**, of this Budget Ordinance for the County Accommodations Tax Fund. Fund 155, the Accommodations Tax Fund, shall be a separate accounting fund with corresponding Treasurer's bank account to administer it. Collection of delinquent County Accommodations Taxes by the Treasurer shall be in accordance with the Colleton County Code

of Ordinances, as amended. At the close of the fiscal year, any unexpended funds and collections shall be carried forward within this fund for continued use as provided by the Colleton County Code of Ordinances, as amended, subject to appropriation by County Council.

**o. Major Funds Determination:** In accordance with Governmental Accounting Standards Board (GASB) 34 and other appropriate regulations requiring Government-wide Financial Statements, major funds will be determined annually at the end of the fiscal year during the audit process.

**p. Colleton County Transportation Committee:** The Legislative Delegation's Colleton County Transportation Committee (CTC) is responsible for the budgeting and monitoring of expenditures related to the State "C" fund's appropriated budget (Fund 446). The Colleton County Transportation Committee Funds are considered Capital Projects Fund under Governmental Accounting Standards Board (GASB) regulations though are not required to be appropriated by Council action.

The County Engineer is assigned by County Council the function of Clerk for the CTC. Assigned duties include responsibility for preparing CTC's minutes, authorizing invoice vouchers and requisitions for C-Funds, monitoring contracts approved by the CTC, monitoring CTC related expenses, requesting specific project accounts be set up in the County's financial management system in accordance with accounting standards, monitoring the account balances, preparing financial reports to the CTC, providing contract and transaction documentation to the County's Independent Auditors as requested, working with the Treasurer's Office to report reconciled cash balances to the CTC, preparing from records and CTC accounts the detail required for reporting expenditures, obligations, and other data which SCDOT, CTC, County Finance, independent auditors, or Council requests regularly. In addition, the County Engineer shall provide to the Finance Office annually by July 15<sup>th</sup> for the prior fiscal year and for inclusion in County record of roads, all CTC contractor certified costs and right-of-way information and documentation on the CTC's County road projects, listed by road and documenting the total improvement costs including the related engineering costs for each County road project.

Under a contractual agreement the CTC agrees to reimburse the County from "C" fund monies (Fund 446) on a standard hourly rate for engineering and management services by the County Engineer who is to be a certified Professional Engineer necessary for CTC operations. Colleton County agrees to cover certain ancillary expenses as contained herein.

**q. Grants Management:**

(1) Grant Fund Balances: Notwithstanding any other provisions of this ordinance, all unexpended balances in excess of \$1,000 from previous appropriations of state and federal grant funds, any State Accommodations Tax Funds not committed to the County General Fund, State Lottery Funds, and capital improvement or special project appropriations outstanding as of June 30<sup>th</sup> in the calendar year in which this budget ordinance is effective, shall be carried forward into the subsequent fiscal year budget appropriations. Any unexpended grant monies for grants which have had no spending for the current and prior fiscal years, are to be returned the grantor or transferred to the County General Fund. All grants are to be budgeted and accounted for in a special revenue fund and authorized local match transfers will be completed by the County Finance Director based on County Council's acceptance of the grant.

(2) County Acceptance: The expenditure of funds for grant programs included in this budget shall not be authorized unless evidence that the respective grants have been approved by the grantor agency is provided to the County Administrator, and the grant has been accepted and funded by proper action of County Council. In all cases, total program expenditures shall be limited to the lesser of the total grant award(s), or the amount(s) designated in the current budget appropriations, as amended, or as approved by County Council Grant Resolutions. County Finance Director must be listed as a contact on all grant applications and awards; all correspondence must be copied to the County Finance Director.

(3) **Budgeting:** Grant funds requiring matching County funds not specifically budgeted shall be authorized by passage of Council Resolution approving the grant application and identifying matching expenditure funds from other previously appropriated funds. Grants not exceeding \$50,000 and requiring no new local match appropriation may be budgeted by the County Administrator or his designee. If the amount is greater than \$50,000, then the amount shall be budgeted by Council Resolution. The Finance Director is authorized to create the necessary general ledger accounts; the opening of bank accounts, when necessary, shall be executed by the County Treasurer in coordination with the Finance Director. When grant award payments are received, the Treasurer's Office or County Offices shall provide the Finance Director with copies of all checks received for the reimbursement of grant expenditures and any other related documentation determined by the Finance Director as necessary to ensure audit compliance. All grant revenues shall be credited to the appropriate revenue line item as established by the Finance Director. Grant revenues will not be applied directly to expenditure line items. All grant disbursements shall be authorized only through the Finance Office unless State or Federal law specifically provides otherwise and the County is exempt from financial reporting on those funds at both the State and Federal levels. Positions approved by County Council and supported through Grant funding, particularly where grant funding periods do not follow the County fiscal year term, may not appear in Budget detail.

(4) **Federal Reporting:** In accordance with Federal Part 200 Uniform Reporting Requirements related to Federal grants, all County offices, Component Units and other pass-through Organizations must report the expenditures and provide copies of grant awards and any other grant related reports to the Finance Director. Prior to the disbursement of any funds, the Finance Office must be provided with all requested documents to verify the accuracy and validity of the requested grant funds disbursement. County offices, Component Units or other pass through Organizations that do not comply with this ordinance and any other published administrative procedures necessary for complete and timely reporting of grants such that the County incurs additional independent audit costs or loses grants funds will either have these costs deducted from the Office or Component Unit's budget appropriations annually or will be forbidden to receive County sponsored grants or other funds until full recoupment has been made.

## **SECTION 2. FUND BALANCE MANAGEMENT**

**a. Compliant Fund Balance Policy:** Colleton County Council utilizes a compliant fund balance methodology based on the cash-flow needs of the County to maintain sufficient reserves in order to maintain County operations. End of year fund balance estimations and associated cash flow projections for all cash-discrete funds are developed annually in the budget process to maintain a minimum of 20% of annualized appropriations in operational funds to ensure routine operations remain uninterrupted and in sinking funds (debt service fund) balances as required to timely service all scheduled debt.

**b. Tax Anticipation Note Authority:** The County is hereby empowered to borrow in anticipation of tax or other revenues for County purposes any sum not exceeding the amount anticipated to be received from taxes and other revenues during the current or following fiscal year, and not only to pledge the taxes or other revenues anticipated in the current or succeeding fiscal year, but to pledge, also, the full faith and credit of Colleton County for the repayment of any sums so borrowed. Such sums shall be borrowed from any banking institution or lending agency and shall be payable at such time, upon such terms, and in such sums as may be negotiated between the County and the lender.

**c. Temporary Inter-Fund Loans:** Interfund cash transfers are prohibited except as noted elsewhere herein and where implementation of the budget and accounting conventions dictate. Should the Treasurer determine that a temporary inter-fund loan is required to support cash flow of any fund, the Treasurer must provide to the County Administrator documentation and a written requisition for the funds needed, to include a year-to-date, by month, cash flow analysis of the shortage, and the County Administrator is authorized to approve said short-term transfer and its reversal. Temporary inter-fund loans and transfers shall be reported to County Council.

**SECTION 3. BUDGET YEAR END**

**a. Purchase Authority Cutoff:** The budget year shall expire on June 30 of this fiscal year. No monies shall be disbursed pursuant to this Ordinance unless such funds have been obligated (i.e. an order has been placed or a contract signed for the delivery of goods or services in accordance with County procurement procedures) prior to the close of the fiscal year, which is June 30th. The County Administrator will take action to preclude all purchase order activity except business required for expedient operations and emergencies after June 14th of the fiscal year; no capital purchases other than emergencies will be initiated after May 31st of the fiscal year without the express written approval of the County Administrator. In addition, all items must be received and invoiced June 30<sup>th</sup> or earlier, or the items will be deducted from the originating office’s subsequent fiscal year budget.

**b. Purchase Order Liquidation:** All offices are responsible for providing documentation regarding outstanding obligations for this fiscal year to the Finance Department on or before June 15<sup>th</sup> to facilitate the proper accrual of outstanding obligations of the County or the obligation(s) may be deducted from the office’s budget for the subsequent fiscal year.

**c. No Roll-Forward:** Budget line-item balances shall under limited circumstances roll forward at the end of this fiscal year into the next fiscal year’s budget, except for capital project funds, bond funds and grant funds crossing the fiscal year or as otherwise specified or appropriated within this budget ordinance.

**d. Unexpended Funds:** At the close of this fiscal year, any unexpended funds shall be turned over to General Fund Balance unless the County Treasurer is otherwise directed herein or specifically restricted by other County ordinances, State or Federal Law, or grant terms.

**SECTION 4. NATURE OF REVENUES, EXPENDITURES, AND CHART OF ACCOUNTS**

**a. Chart of Accounts:** Appropriation and expenditure of the funds outlined in Section 1 above shall be by object category in the County’s central accounting system as listed below:

Personal Services – Salaries & Wages	1xxx
Personal Services – Employee Benefits	2xxx
Purchased Professional & Technical Services	3xxx
Purchased-Property Services	4xxx
Other Purchased Services	5xxx
Supplies	6xxx
Property – Fixed Asset Guidelines	7xxx
Other Objects	8xxx
Colleton Transportation Committee	9xxx

**b. Transfers Prohibited:** Unbudgeted transfers are prohibited except as approved herein and in accordance with generally accepted accounting principles.

**c. Overspending:** Any office, which overspends its straight-line spending levels for two consecutive months, shall be reviewed by the County Administrator, who may freeze position vacancies, capital expenditures, and funds transfers, and remove sufficient personnel from the County payroll to offset fully the impending budget overrun prior to the close of the fiscal year.

**d. Reallocation:**

(1) Funds: The Council may transfer any appropriations by resolution. The County Administrator or his designee may authorize individual transfers as needed not to exceed \$25,000. Each fund recipient Office Head must monitor expenditures daily and exercise caution to prevent over-expenditures. Primary responsibility for monitoring expenditures rests with each such Official individually. All requests for transfers from payroll accounts must be submitted in writing with detailed explanation to the County Administrator for consideration.

(2) **Functions:** The County Administrator, in consultation with County Council, is hereby authorized to transfer County Government functions and allocated appropriations among the various County divisions and offices in order to combine compatible employee positions and functions, eliminate duplicate work, gain performance efficiencies, or reduce overall operating costs of the County Government.

## **SECTION 5. FIXED ASSETS**

**a. Reporting:** The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the useful life of the asset are not capitalized. The threshold for determining if an item is considered to be a fixed or capital asset is the value or the purchase price (whichever is higher) of \$5,000 or greater and the item must have a useful life of more than one year. Appropriate depreciation schedules are maintained on the straight-line basis over the estimated useful life of each asset in accordance with Generally Accepted Accounting Principles (GAAP). The estimated useful life is determined by guidelines developed by the State of South Carolina Office of Comptroller General, and in some cases, applicable Federal IRS regulations and/or Governmental Accounting Standards Board (GASB) 34 implementation guidelines. Fixed Asset and Capital reporting for the County is based on the following categories:

- Land
- Buildings and Improvements
- Infrastructure or Improvements Other Than Buildings
- Vehicles
- Furniture
- Machinery and Equipment

**b. Inventory Control:** Each County Office is responsible for verification of all of its items required to be listed in the Fixed Asset System maintained by County Finance and for providing paperwork/documentation to the Finance Department when the asset is received.

**c. Donated Assets:** Each County Office is responsible for verification of all items donated to that Department and required to be listed in the Fixed Asset System (valued at \$5,000 or more). Further each Office is responsible for providing paperwork/documentation to the Finance Department when such asset is received.

**d. Insurance Proceeds:** In order to comply with GASB regulations, all insurance payments will be processed by the County Finance Office and will be applied towards vehicle/equipment repairs when sufficient documentation/invoices are received from the department to justify the repair cost. If assets are considered impaired under GASB42 regulations and the impaired items will not be repaired or placed back into service, the insurance proceeds will be deposited into the Colleton Capital Fund 115 for future capital acquisitions of Colleton County unless the terms and conditions of the original funding source (Federal Asset Funds, grants, etc) require deposit of the insurance proceeds back to that particular funding source.

## **SECTION 6. RECEIPT, MANAGEMENT, AND REPORTING OF CASH:**

**a. Depositories option:** The Council by resolution may elect to designate the banks to be used as checking depositories of County Funds through a bid procedure.

**b. Timely deposit:** All service charges, fees, fines, reimbursements, grant funds etc. received by County Offices shall be deposited with the County Treasurer as soon as possible after collection. All County Offices that collect funds on a daily basis shall reconcile receipts to funds received and submit funds to the Treasurer's Office by the following business day in the format as prescribed by the County Treasurer. Offices collecting less than \$200 on any single day may delay one business day. This policy does not apply where State law specifically provides authority for other actions to a specific official.

**c. Bank Reconciliation:** The Treasurer will record the County's cash receipts in accordance with the Chart of Accounts as authorized by County Council and as amended by the Finance Director. On or before the 15<sup>th</sup> day of each month, the Treasurer will provide the County Administrator's designee, the Finance Director, with the prior

month's bank reconciliation recap for the County and other banking information on which revenue entries into the general ledger are to be based. These reports will be in a format as prescribed by the Finance Director and must contain sufficient detail to fully identify revenue and cash transfers for audit and reporting purposes, in accordance with State Law and GASB regulations. The Treasurer is responsible for reconciling bank accounts maintained in the Treasurer's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. The Treasurer's Office is also responsible for maintaining sufficient funds on hand to cover due to/from balances from various funds to the General Fund to cover interfund transfer liabilities created during the payroll and accounts payable processes and is responsible for completing timely the transfer of funds to reimburse the General Fund, and for documenting all cash transactions in detail as required by GASB and audit standards. Significant additional costs, if any, related to bookkeeping functions within the Treasurer's Office such as bank reconciliations, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of due to/from account balances related to interfund transfers and tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County.

**d. Cash Accounting:** As is required by SC State law, the Treasurer shall report to the County Administrator's designee, the Finance Director, by the 15<sup>th</sup> of every month, the complete and full nature of all monies, as well as all investments, tax levy distributions, and other cash movements. Such reports shall be in the form prescribed by the Finance Director and the Treasurer shall make available copies of bank reconciliations of each of the County bank accounts, copies of the monthly bank statements, copies of any brokerage account statements, and any other Treasurer's Office records which the Finance Director requires to ensure that the County's books are balanced and that transactions have been properly recorded. In addition, the County Treasurer's Office is responsible for annual external audit reporting of revenues to the State Comptroller's Office and for providing the Finance Office and External Auditors with sufficient data to convert revenues from the cash basis of accounting to the modified accrual basis of accounting in order to ensure legal and annual audit compliance with Governmental Accounting Standards Board (GASB) regulations, in particular GASB Statement No. 34 which requires revenue reporting on the modified accrual basis of accounting during the fiscal year and year-end conversion to accrual basis to produce Government-Wide Financial Statements. All monies collected by the Treasurer are designated for specific accounting funds established by this Ordinance and shall not be commingled. All interfund loans and transfers must be approved and executed in accordance with the provisions of this Ordinance.

**e. NSF Check Management:** All non-sufficient funds (NSF) checks related to the payment of vehicle or property taxes, which are returned to the Treasurer shall be handled timely and in accordance with State Law. Tax Receipts issued against the NSF check payment shall be voided in the County's Tax System the same day the NSF check is received, and a different receipt issued at a later date for any subsequent payment. If the funds are not redeemed in full by the taxpayer and the taxes become delinquent, that tax levy shall be immediately flagged as delinquent in the County's Tax System and, where appropriate under South Carolina Law, turned over to the Delinquent Tax Department for collection. The Treasurer is responsible for the proper handling of non-sufficient funds checks and for the proper reconciliation of NSF checks to the Colleton County Tax Levy Collection system and reports and for providing reconciled data to external auditors at the end of the fiscal year showing the proper handling of NSF checks received. All county offices will immediately void any receipts issued, so recording in any automated system tracking the payment or receipt, and proceed with collections of the amounts due and the NSF check charge established by the County. Additionally, no check may be "held" in any fashion at any time, to avoid NSF charges or receipt revocation.

**f. Investments:** All Funds clearly not needed for a period of ninety days or longer shall be invested by the Treasurer in accordance with SC Law in the highest yield, collateralized, interest bearing accounts, or County, State and United States short-term obligations, the SC LGIP, or any instruments specifically permitted by SC State Law, subject to maintaining sufficient cash balances to meet current and anticipated expenses and accruing obligations of the County. Interest earned by interest bearing accounts and investment income will be recorded to the applicable



funds and reported monthly by the County Treasurer to the Finance Office for inclusion in the monthly financial reports. No funds will be invested in CD's whenever overnight investments are earning interest at a higher rate.

**g. Title IV-D (Child Support Enforcement) Federal Funds:** The County Administrator, Clerk of Court, and Sheriff are authorized to enter jointly into agreements with the South Carolina Department of Social Services for receipt of Title IV-D (Child Support Enforcement) Federal Funds. No single individual signature on these agreements will obligate the County to comply with the terms of the agreements in any manner or fashion.

**h. New and Unbudgeted Revenues:** In accordance with State Law, all non-budgeted revenues received during the year shall be routed through the Finance Office to be allocated to an appropriate revenue line item as determined and approved by the County Finance Director. If the dollar amount exceeds \$50,000, the budgeting of said funds will be established by Council Resolution, Ordinance or through the annual Budget Amendment Ordinance. The Finance Director will designate funds to the appropriate revenue line item and create corresponding expenditure line authorizations to enable expenditure by the designated office. Only under very limited circumstances, such as the refund for overpayment on a vendor account, reimbursements for travel, or short-term insurance claim settlements on replacements or repairs, will the Finance Director have the authority to approve the direct posting of income to an expenditure line item. (Additional grant procedures are referenced separately in this Ordinance.)

**i. Delinquent Tax Collections:** The Delinquent Tax Collector is responsible for reconciling monthly all bank accounts maintained by the Delinquent Tax Collector's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law, and for properly segregating funds in accordance with SC Law so as to avoid any commingling of cash at all times. Significant additional costs related to bookkeeping functions within the Delinquent Tax Collector's Office such as bank reconciliation's, revenue accruals, reversal of revenue accruals, preparation of various audit schedules and the reconciliation of delinquent tax collection transfers will be identified and billed separately by the County's Independent Auditors from the general and actual audit costs of the County. By the 15<sup>th</sup> of every month the Delinquent Tax Collector shall report to the County Administrator's designee, the Finance Director, the complete and full nature of all monies on hand, as well as all investments, tax levy distributions, and other cash transfers or movements, in the form determined by the Finance Director.

## **SECTION 7. DISBURSEMENT OF FUNDS**

**a. General:** All funds shall be disbursed only in accordance with appropriations herein, and in accordance with Colleton County Procurement Policies, Colleton County Financial Policies and Procedures, Colleton County Personnel Policy, Colleton County Administrative Directives and with state and federal laws and regulations. All continuing service contracts previously approved by County Council and within existing contract terms are hereby approved for vendor payment.

The County Administrator or his designee is authorized to approve Purchase Orders not to exceed the maximum amount defined by SC Code of Laws Title 11, Chapter 35 Section 11-35-1550 (1) for Small Purchases or budgeted State or GSA contracts and eligible purchases that meet or are less than the South Carolina State contract purchase amount for the current year. All purchasing limits described in the county purchasing code shall be increased by the Bureau of Labor Statistics Consumer Price Index from the date of the inception of the code in January 2003 to May 2023. The Administrator may authorize designees for approval of Purchase Orders at such lower amounts as he deems appropriate.

The maintenance and repair of county facilities will be exempt from purchasing procedures in the same manner as bridges, highways, roads, vehicle and road equipment. This exemption would apply to all maintenance and repair of county facilities that do not exceed \$50,000.

**b. Warrant Required:** The Treasurer shall disburse all grant and other County funds only pursuant to a warrant from the Colleton County Administrator in accordance with South Carolina State Law and this ordinance. The

County Finance Director shall have checks prepared for each item listed on the warrant. The listing on the warrant will include the name of the payee, the amount of the payment, and the date of the payment. The warrant will be signed by the County Administrator or his designee and the County Finance Director, directing the Treasurer to disburse County funds pursuant to the warrant in accordance with the list therein. The Treasurer or the Treasurer's designee will sign the Finance Office copy of the warrant certifying that sufficient funds are on deposit and available to issue the checks authorized by said warrant.

**c. Warrant and Check Processing:** The Treasurer shall deposit sufficient authorized monies timely in each respective account to cover expenses as contained in the warrants and to cover interfund (due to/from) liabilities created through the accounts payable and payroll processes. The Treasurer shall assign the custody of the check-signing device to the Finance Director or their designee to prepare checks for each item on the warrant. The warrant cover sheet shall be made in duplicate, the original being kept by the Treasurer and the copy being kept by the Finance Office as a matter of record.

**d. Payments to Vendors:** The Finance Office shall deliver checks in payment of County expenditures to vendors. Vendors shall be paid by either (1) Delivery of such check by U.S. Mail or comparable postal service to the vendor, (2) County issued procurement or other virtual payment card or (3) On a limited basis as in the case of many debt service payments, by wire transfer.

**e. Treasurer Refunds:** The Treasurer will maintain a refund account from which all property tax refunds shall be made. In addition, the Treasurer shall maintain sufficient records to provide detail regarding which taxing units should be charged for the refunds and make arrangement to recoup the funds appropriately as soon as possible.

**f. Debt Service Payments:** All County debt service fund payments shall be processed through the Finance Office by presentation of a warrant to the Treasurer for payment, which warrant should be initiated by the Treasurer if a payment notice is received in the Treasurer's Office. The County Treasurer is responsible for ensuring sufficient funds are on hand in appropriate accounts to maintain debt service requirements. The Treasurer is responsible for reporting the balance of debt service funds available to the County Administrator by the 15<sup>th</sup> of each month, to include any pending tax levy transfers.

**g. Payments to Employees:** The Finance Office shall process all approved travel advances and reimbursements of travel and other approved and appropriated operating expenses to County employees on a bi-weekly basis as a distinct payment amount that is included on the employee's payroll voucher. These amounts will not be subject to tax or other withholding except as otherwise noted in Section 9e.

## **SECTION 8. ANNUAL FISCAL REPORTING REQUIREMENTS**

**a. Boards, Commissions, Agencies, and Institutions:** All boards, commissions, agencies, and institutions receiving County funds shall make a full detailed annual fiscal report to the County Council at the end of the fiscal year. The County governing body, the County Administrator, or the Finance Office may require reports, estimates, and statistics from any County office as may be necessary in the preparation of annual budgets or supplemental appropriations. Prior year audits are required for acceptance of annual budget requests.

**b. Alcohol & Drug Abuse Commission:** In accordance with the Colleton County Code of Ordinances, as amended, the Alcohol & Drug Abuse Commission is considered a Component Unit of the County and shall be included in the Annual Audited Financial Statements of the County. In the case of the Alcohol and Drug Abuse Commission, Colleton County Council hereby directs the Finance Director to impose a 1% surcharge to the total outstanding payroll reimbursement due to the County, to be effective thirty ( ) days after the date of the payroll billing submission from the County Finance Office to the Alcohol and Drug Abuse Commission. Any variances in the amount paid verses the actual billing related to payroll must be submitted in writing to the County Finance Director prior to the receipt of funds from the Alcohol and Drug Abuse Commission or the variance will be considered outstanding for the purposes of this Ordinance and the surcharge. This surcharge will be deducted from the Direct Aid line item on an ongoing basis, and in future budget years until paid in full.

**c. Solicitor's Office:** Pursuant to a Memorandum of Understanding between the Fourteenth Circuit Solicitor's Office and Colleton County, the County has agreed to process the Solicitor's Office payroll in accordance with the County's normal payroll procedure and to act as the insurance benefits administrator for the employees of that Office. All employees of the Office are considered political appointees and are not subject to the County's policies, rules, or procedures other than those directly related to the manner of payroll processing and benefits administration. Any interest collected on said monies shall be the property of the County and shall be used to offset the administrative costs associated with the processing of payroll and benefits administration.

**d. Library:** Colleton County Memorial Library is considered a component unit of the County and shall be included in annual audited financial statements of the County.

**e. Fire Rescue:** Colleton County Fire Rescue is considered a component unit of the County and shall be included in annual audited financial statements of the County

### **SECTION 9. COMPENSATION AND CLASSIFICATION PLAN AND PERSONNEL**

**a. General:** All County Departments, Offices, designated Agencies, and Component Units are included in the County Class and Compensation Plan administered by consultants. Neither the County Administrator nor any office head may establish or fund any new position without the knowledge and consent of County Council except that the County Administrator may approve temporary personnel based on County needs and available funding.

**b. Compensable Accruals:** When hourly employees who have accrued compensatory time leave County employment, they shall be paid for this time from the office's regular salary funds. The position the employee is vacating shall be frozen until the amount of money to be paid for the compensatory time of the terminating employee has been paid out of the budgeted funds in that Office. If sufficient funds are clearly available in the Office budget to offset the compensatory time expense and to cover future payrolls for the Office, the position need not be frozen. Neither accrued compensatory time nor any other form of leave may be used in conjunction with worker's compensation benefits except during the mandatory waiting period. In no event shall the aggregate total of compensation and annual leave payments at separation exceed the maximum legally accruable total of compensatory time. Unused holiday leave is not compensable at the time of separation.

**c. Maximum Carry-Over of Leave Accruals:** The maximum carry-over of vacation time and sick time calculations are changed from a fiscal year (June 30<sup>th</sup>) to a calendar year (December 31<sup>st</sup>) calculation date each year. This change is effective for the calendar year 2023.

**d. Effective Date of Personnel Action Requests (PARs):** Personnel actions involving salary adjustments generally shall be effective the first day of the first pay period following approval by the County Administrator.

**e. General Pay Adjustments:** Pay adjustments for employees covered by S-1 and S-2 legislation as mandated by State law and adjustments based on position reevaluations by independent consultants or employment contract adjustments by Colleton County Council are included. In the case of rounding or other minor variances caused by calculation nuances subject to interpretation, the County Administrator shall be the final authority in determining the actual salary or hourly wage in accordance with and within appropriations of County Council. All pay adjustments in this budget, unless specifically stated otherwise, are effective July 3, 2023 as processed and paid on July 21, 2023.

**f. Travel:** When employees are required to travel on official business, the County pays reasonable amounts for transportation, meals, and lodging in accordance with the County's Personnel Policies, Administrative Directives, and this ordinance. When an office has County Vehicles assigned to it or a County Pool Vehicle is available, employees should utilize a County Vehicle if this use does not impede County Operations. If the employee's personal vehicle is utilized with prior approval of the County Administrator, the employee shall be reimbursed at a rate of fifty-five (.55) cents per mile traveled. Meal expenses may not exceed \$44.00 per calendar day for in-state travel (\$12 breakfast/\$12 lunch/\$20 dinner) or \$58 for out-of-state travel (\$15 breakfast/\$18 lunch/\$25 dinner) and no per diem reimbursement will be provided for travel that is less than two days. Under this section no more than

one day of per diem will be provided for travel each way to/from a business destination. Per diem meal reimbursement is only provided when an overnight stay at the conference or business destination is required and the employee must provide the appropriate documentation to substantiate the business connection as outlined in Section 12.4A(2) of the Colleton County Personnel Policy. County Policy provides for no per diem for any travel within the County, including no meal reimbursements within the County.

For a Law Enforcement employee transporting a prisoner, the employee will be reimbursed at per diem rates for his own meal at any food stop mandated by statute on behalf of the prisoner. In all other cases, Law Enforcement employees shall be required to follow the regular requirements for reimbursement of meal expenses provided for other County employees.

There is no provision for advance per diems to the individual for Hotel Reservations, Airline Tickets, Conference/Seminar registration costs or any other costs directly related to travel; all such costs will normally be paid directly to the vendor providing the service. Travel advances to the employee for meals shall not include per diem for the day of departure and return and for any partial days. Travel advances to employees will not be paid more than two weeks in advance and full accounting of the funds must be sent to the Finance no later than (15) days after the dates of travel or the advanced funds will be withheld from the employees next scheduled payroll check.

Requests for reimbursements must be presented within (15) days of return from the trip. Original, dated, detailed receipts must accompany all travel reimbursement requests; limited exceptions to this policy will be allowed as approved by the County Administrator or his designee when sufficient reason is provided, and the Department Head or Elected Official involved approves. Where exceptions are considered taxable income under IRS regulations, the reimbursed funds will be processed through the payroll system as taxable income. County Department Heads and Elected Officials shall have no authority to waive the requirement for receipt of original, dated, detailed receipts under this section except with written approval by the County Administrator or his designee. Under no circumstances shall the County reimburse any persons eligible for travel reimbursement by the County for alcoholic beverages, personal purchases of any kind not specifically authorized in the personnel policy, or any amounts for which appropriated funds are not available or where such reimbursement would be a violation of the State Ethics Laws and regulations.

**g. Credit Cards and Accounts:** The Colleton County Procurement office has a purchasing/procurement card program with established controls and procedures, credit cards which obligate Colleton County are expressly not permitted. Credit accounts in the name of the County must be forwarded to the County Finance Office which is responsible for establishing credit accounts with vendors upon written approval by the County Administrator or the Finance Director. The County Finance Department is also responsible for the control and monitoring of all credit accounts in the County's name, verification of goods received and reconciling of such credit purchases to invoices received. Accounts not established in accordance with this ordinance are the sole responsibility of the initiating person, and the County shall not be liable or obligated to make payment on behalf of the initiator or the person using the account.

**h. Assistance to Retirees:** Persons retiring after the effective date of this ordinance may be eligible to receive for this year only, up to 50% of the cost of their individual health/dental insurance purchased through the SC State health insurance program this year provided that:

- (1) The person is employed by Colleton County at the time of his/her retirement, is at least 62 years of age, and is covered at that time under Colleton County's health/dental insurance program; and
- (2) The employee had twenty years of qualifying, full-time employment with Colleton County prior to the retirement; and
- (3) The employee is retiring under the South Carolina Retirement System or the South Carolina Police Retirement System.
- (4) The specified Council appropriation made by and within this ordinance for said assistance is sufficient to fund the full 50% of all costs of all those eligible for and receiving assistance under this provision for this fiscal year. This retiree assistance is for this year only and remains subject to appropriation by County Council.

- (5) Any person, who retires from County employment meeting all the requirements except the age requirement, will be eligible for this funded percentage of cost assistance upon reaching the age of 62.

**i. County Attorney:** The County Attorney may represent all agencies, boards, and officials in Colleton County that are employees of the County and subject to the budgetary controls of the County Council. Said attorney shall not represent any other organization, agency, or individual in any matter coming before the County Council. Specialized counsel may be retained when such representation is deemed to be in the best interests of the County.

**j. Fire and Rescue:** Any volunteer response cost assistance program must be based on specific written procedures and criteria adopted by the Fire Commission and approved by the County Council. Appropriations for all medical and firefighting positions in Fire-Rescue are for dual-certified positions only. Non-dual-certified candidates with no prior service with Colleton County may be hired as PRN and underslotted in an open position for up to one year, during which time dual certification must be achieved to be eligible for retention and transfer into the regular position status.

**k. Family Medical Leave Act:** Personnel will be removed from the County payroll when the initial FMLA mandated leave period is exhausted, before the extension period begins.

**l. Drug Testing:** Any candidate selected for employment with Colleton County shall be drug tested prior to being placed on any payroll processed by the County. Failure to report for the initial drug test scheduled by Human Resources shall result in discontinuation of any further consideration of the candidate.

**m. Position Re-evaluations:** Department Heads and Elected Officials, who wish to submit positions within their department for evaluation for Council consideration during the next fiscal year's budget process, must complete and deliver to the Finance Director the job descriptions or Comprehensive Position Questionnaires no later than November 30<sup>th</sup> in order that the consultant's evaluation can be completed and recommendations presented to Council with the First Reading of the Budget Ordinance.

**n. Thirty-Year Service Recognition Awards:** As provided in the Personnel Policy Manual, any regular full-time employee who achieves thirty continuous years of service in Colleton County government shall receive a \$5,000 Service Recognition Award. All such awards shall be paid contingent upon budget appropriation, and such payment shall be scheduled for the first pay period following the employee's thirty-year anniversary.

**o. Election Commission Stipends:** In accordance with IRS regulations, Election Commission Stipends will be processed through the Colleton County Payroll System quarterly in arrears based on funding received from the South Carolina Elections Commission. The Colleton County Voter Registration/Elections Office must provide to County Human Resources and Finance a detailed quarterly list with the name, address, and term in office for each Election Commissioner appointed in accordance with Section 7-5-10 of the South Carolina Code of Laws, as amended. Each Commissioner must complete all required payroll-record paperwork through the County Human Resources Office, including forms for tax withholdings, retirement election, etc., before payments can be issued. In addition, prior to payment processing, the County Treasurer must validate receipt of stipend revenue from the State Elections Commission.

**p. Furlough:** In the event that the economic situation creates a revenue shortfall for the County, the County Administrator is hereby authorized to institute a furlough program in the manner and for the length of time, up to fifteen days, deemed to be in the best interest of the County. Funds from the payroll and benefits account line items unexpended as a result of such furlough may be transferred at the County Administrator's discretion to cover essential operations.

## **SECTION 10. INDEPENDENT AUDIT**

An independent annual audit of all financial records and transactions of the County shall be made by a Certified Public Accountant or firm of public accountants with no personal interest, direct or indirect in the fiscal affairs of

the government of Colleton County or any of its officers. The County Council may, without requiring competitive bids, designate such accountant or firm. Unless included in the annual County audit, an annual audit of each county agency, board, bureau, or commission of Colleton County, funded in whole or in part by County funds, shall be made. Copies of the annual County audit shall be available on the County website and provided for Colleton County Administration and every member of the County governing body.

## **SECTION 11. FEES AND CHARGES**

**a. Disposition of Collections:** All taxes, fees, charges, and assessments not otherwise allocated specifically by this ordinance with the supporting detail incorporated herein by reference or by law shall be deposited in the Colleton County general fund with other general fund revenues. All such taxes, fees, charges, and assessments shall be appropriated and allocated by the Colleton County Council in the same manner as other general revenues. No such taxes, fees, charges, or assessments shall be paid to or shall accrue to the personal benefit of any officer or employee of Colleton County. Use of fees, fines, and charges to reimburse expenditure budget line items through deposit credits is prohibited. The following fees are hereby established and continued hereafter until otherwise discontinued by action of County Council by ordinance:

**b. Fee Changes:** The following fee changes are included in the respective fund appropriations.

- (1) Fund 210 Roads and Bridges driveway culvert installation fees are budgeted at the most recent State of South Carolina contracted cost plus applicable sales tax per foot for both concrete and plastic pipes.
- (2) Fund 100 Animal Control adoption fee for puppies, up to 6 months will be \$150 and remain at \$90 for all other dogs, seven months and older.

**c. Payment by Credit Card:** A Credit Card Convenience Charge of 2.35% is necessary to fully offset the costs to the County for credit card payments and processing, and is hereby directed to be assessed and collected by the County Treasurer in accordance with applicable State Laws, with all related collections and costs to be reported specifically to Finance to be included in the monthly financial reports.

**d. Museum and Recreation Department:** The Colleton County Museum, and Recreation Department are authorized to maintain cash drawers and petty cash accounts. An accounting of the monies in each account will be conducted on the last business day of each month and signed by the director or their designee attesting to the accuracy of the accounting. A copy will be forwarded to the Finance office no later than 5 calendar days of the month following. These accounts are subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required.

**e. Library Petty Cash Accounts:** The Colleton County Library is authorized to maintain an account for donations and petty cash of less than \$1,000. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15<sup>th</sup> of each month for the prior month. This fund is subject to unannounced internal audits by the Finance Office, and its inclusion in the annual County external audit is required. The Library is responsible for the proper accounting and reconciliation of the bank account.

**f. Sheriff Federal Asset Accounts:** The Colleton County Sheriff's Office is authorized to maintain account(s) as required by Title 2 U.S. Code of Federal Regulations Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards for the accounting of Federal Asset/Seizure Funds. An accounting of the monies in this account, including a copy of the monthly bank reconciliation, is to be provided to the Finance Office by the 15<sup>th</sup> of each month for the prior month. This accounting fund is subject to unannounced internal audits by External Auditors in order to ensure compliance with Federal A-133 reporting and for inclusion

of this information in the annual County external audit report as required by law. Any additional audit charges related to Federal Asset account(s) will be billed separately to the Sheriff's Office.

**g. Fire and Rescue Fire Insurance Billing:** The Colleton County Fire Rescue Commission is authorized to complete and submit where applicable insurance company billings following a response to a structure fire, car fire, auto accident, extrication, establishment of Helicopter Landing Zone, HazMat response, medical first response and rescue in accordance with specific written procedures developed and adopted by the Fire Commission and approved by the County Council. Insurance payments received shall be utilized for provision of fire/rescue service.

**h. GIS/Map Copies:** Any surveyor whose business office is headquartered in Colleton County is eligible to receive free of charge any GIS Map copy (8 ½ x 11" or 11 x 17", color or black and white) as required in the performance of his work.

## **SECTION 12. DEBT COLLECTION**

**a. Setoff Debt:** Colleton County is hereby authorized to participate in the Setoff Debt Program through the South Carolina Association of Counties on an annual basis as approved by the Colleton County Administrator, who is authorized to execute all documentation and direct all designations of personnel participating as necessary.

**b. Solid Waste and Fire-Rescue Services:** County Council approval is required to write off any current debt related to Fire-Rescue Services in connection with the provision of ambulance services or to Solid Waste in connection with the provision of waste disposal. The County Administrator is authorized to write off debts which are no longer collectible under SC State Law due to related statute of limitations or judicial decision. The Solid Waste Director and Fire-Rescue Services Director are responsible for providing detailed debt status information to the Finance Director before June 30<sup>th</sup> each fiscal year for inclusion in the 3<sup>rd</sup> Reading of the Annual Budget Amendment Ordinance.

## **SECTION 13. EDISTO AREA FIRE SERVICES CONTRACT**

The Chairman of County Council is authorized to execute a contract, as appropriated herein, with the Town of Edisto Beach for the provision of fire protection services for those portions of Edisto Island falling within the unincorporated area of Colleton County or within the Town of Edisto Beach, subject to appropriations herein and/or in the annual budget of the Town of Edisto Beach and subject to the approval of the contract by the County Attorney.

## **SECTION 14. NO SOLICITATION ON COUNTY PROPERTY**

No vendors or solicitors may display, sell, or solicit for the purpose of selling to employees or the public any goods, wares, or services within County offices or on County property unless specifically authorized by County Council or in accordance with appropriately designated uses, as in the case of the Recreation Center, the Museum/Farmers Market, and the Edisto Beach Education and Civic Center facilities. No insurance agents, including representatives from agencies providing coverage through payroll deduction, may solicit from, sell to, visit, or contact County employees in any manner during work hours or in the work place. No vendors or solicitors may post or hand out within County offices or on County property to employees or the public any materials for the purpose of selling or soliciting any goods, wares, or services unless specifically authorized by County Council or in accordance with appropriate designated uses. Anyone found guilty of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$500 per incident, or less than \$100 per incident. Such violators shall be ticketed by a Sheriff's Deputy or Code Enforcement Officer and tried in Magistrate's Court. Only open enrollment meetings schedule by Human Resources and authorized in writing shall be permitted, and such meetings shall be restricted to the time, place, and date indicated by the Human Resources Manager.

**SECTION 15. CONTRACTING AND FUNDS OR OTHER COMMITMENTS**

Except where otherwise designated by County Council, only the County Administrator (or the County Administrator’s designee) may obligate the county in any manner through signature on contracts, purchase orders, or other such agreements or documents as an authorized agent.

**SECTION 16. AGRICULTURAL ASSESSMENT EXTENSION PROCESS – PRIVATE CITIZENS**

A fixed Agricultural Assessment Extension Policy for private citizens is hereby authorized. Any private citizen may apply for agricultural assessment for no more than two tax years prior to the then current tax year. Businesses, including partnerships, corporations, etc., are not eligible to receive consideration under this fixed policy, but must continue to make application to Council demonstrating to Council’s satisfaction that the business had reasonable cause for not filing timely. The County Administrator shall administer the program with forms and procedures as necessary in accordance with South Carolina Law.

**SECTION 17. VEHICLES – OFFICIAL COUNTY FLEET RECORD**

An authorized list of all County-owned vehicles providing make, model, year, serial and tag numbers, and assigned department/office shall be established as the official County Fleet Record and shall be approved by County Council Resolution. Only vehicles included in the official County Fleet Record shall be insured and maintained by the County. The approval by written resolution of County Council or authorization as provided in annual budget ordinances shall be required to place any additional vehicles in the County Fleet Record. Without such authorization, no vehicle shall be added to the CFR or to the County’s insurance policies except where a currently insured vehicle is being removed from same. Vehicles removed from the CFR and the insurance policies must be surplus, through Council resolution if county owned and placed for sale according to County Purchasing Policy.

**SECTION 18. JUROR PAY**

Citizens selected for Jury duty within the Colleton County Court System shall be paid a flat rate of \$20.00 per day for those days when appearance in Court is required. No mileage or other such payment shall be made.

**SECTION 19. FIRE-RESCUE, S.C. MEDICAID TRADING PARTNER AGREEMENT**

The County Administrator is authorized to execute the annual contract between South Carolina Department of Health and Human Services (SCDHHS) and Colleton County on behalf of the Fire-Rescue Commission to comply with HIPAA requirements for electronic billing.

**SECTION 20. FLEXIBILITY PROVISIO**

Colleton County hereby provides that it may reduce its support to any outside direct assistance payments and/or State mandated programs or requirements by up to a percentage equal to the percentage of reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30 of the State Code of Laws, and in accordance with the State Flexibility Proviso.

**SECTION 21.**

All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 22.**

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.



**SECTION 23.** At the time this was passed, the following Elected Officials were in office for Colleton County:

<b>Official</b>	<b>Seat</b>
Bubba Trippe	Council Seat at Large
Scott Biering	Council Seat #2 Eastern District
Phillip M. Taylor, Sr.	Council Seat #3 Eastern District
Steven D. Murdaugh	Council Seat #4 Western District
Joseph F. Flowers, MD	Council Seat #5 Western District
Jeff Slocum	Auditor
Richard Harvey	Coroner
Rebecca H. Hill	Clerk of Court
Ceth Utsey	Probate Judge
Guerry Hill	Sheriff
Becky S. Hill	Treasurer

This Ordinance shall become effective on July 1, 2023.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

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

Sponsor(s) : County Council  
First Reading : May 2, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : June 6, 2023  
Public Hearing : July 25, 2023  
Third Reading : July 25, 2023  
Effective Date : Immediately

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

\_\_\_\_\_.

## **ORDINANCE NO. 23-O-09**

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

**[To Adopt Title 5 – Business Licenses & Regulations of the Colleton County Code of Ordinances, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Ordinances.]**

#### **WHEREAS:**

County Council deems it to be in the best interest of the County to adopt Title 5 – Business Licenses and Regulations, Chapter 5.04 – Late Night Establishments Preclearance of the Colleton County Code of Ordinances.

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

1. Title 5 – Business Licenses and Regulations, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Laws, is hereby adopted to read as follows:

#### **Chapter 5.02. – Late Night Establishments Preclearance**

##### **Sections**

**5.04.010. – Purpose**

**5.04.020. – Definitions**

**5.04.030. – Late night establishment preclearance letter required; application; issuance.**

**5.04.040. – Regulatory fee; expiration and renewal of preclearance letter.**

**5.04.050. – Revocation of late night establishment preclearance letter.**

**5.04.060. – Safety plan contents.**

**5.04.070. – Hearing; preclearance letter denial, revocation; safety plan incompleteness; appeal**

**5.04.080. – Preclearance letter may be required of existing businesses.**

**5.04.090 - Violations; penalties.**

#### **Sec. 5.04.010. - Purpose.**

The purpose of this chapter is to regulate late night establishments that offer or allow on-premises consumption of alcohol and that operate between the hours of 12:00 midnight and 6:00 a.m. within the unincorporated areas of Colleton County, in order to prevent

personal and property crimes, prostitution, lewdness, violence, illicit drug use and drug trafficking, negative impacts on surrounding properties, blight, litter, and sexual assault and exploitation, and to increase awareness of over-service of alcoholic beverages and curb underage drinking.

#### **5.04-020. - Definitions.**

For purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

*Administrator* means the Colleton County Administrator or his or her designee.

*Applicant* means any person, firm, corporation, or other legal entity applying for a preclearance letter to operate a late night establishment, as defined herein.

*County* means Colleton County, South Carolina.

*Employee* means any person who works on the premises of a late night establishment on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

*Hearing officer* means a citizen, not employed by the county, appointed by the administrator, deemed to have the requisite training, education, and experience to serve as an independent tribunal to conduct hearings under this chapter, and to justly and fairly hear and decide on matters presented therein.

*Late night establishment* means a commercial establishment that offers or allows consumption of alcoholic beverages on the premises and that is open for use by patrons, for any length of time, between the hours of 12:00 midnight and 6:00 a.m.

*Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.

*Recipient* means a person in whose name a preclearance letter to operate a late night establishment has been issued, as well as the individual or individuals listed as applicants on the application for a late night establishment preclearance letter.

*Specified criminal activity* means any of the following specified crimes for which less than seven years has elapsed since the date of arrest, the date of conviction, including a plea of nolo contendere or a plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), or the date of release from confinement for the conviction, whichever is the later date:

- A. Offenses against the person, listed in S.C. Code, Title 16, Chapter 3 (as amended or recodified from time to time);

- B. Offenses against public justice, listed in S.C. Code, Title 16, Chapter 9 (as amended or recodified from time to time);
- C. Offenses against property, listed in S.C. Code, Title 16, Chapter 11 (as amended or recodified from time to time);
- D. Offenses listed in S.C. Code, Title 16, Chapter 13 (which chapter is titled "Forgery, Larceny, Embezzlement, False Pretenses and Cheats") (as amended or recodified from time to time);
- E. Offenses listed in S.C. Code, Title 16, Chapter 14 (which chapter is titled "Financial Transaction Card Crime Act") (as amended or recodified from time to time);
- F. Offenses against morality and decency, listed in S.C. Code, Title 16, Chapter 15 (as amended or recodified from time to time);
- G. Offenses listed in S.C. Code, Title 16, Chapter 19 (which chapter is titled "Gambling and Lotteries") (as amended or recodified from time to time);
- H. Offenses involving weapons, listed in S.C. Code Title 16, Chapter 23 (as amended or recodified from time to time);
- I. Narcotics and controlled substances offenses set forth in S.C. Code § 44-53-370—44-53-445 (as amended or recodified from time to time);
- J. Alcohol-related offenses listed in S.C. Code, Title 61, Chapter 6, Article 13 (as amended or recodified from time to time);
- K. Any crime if it involved dishonesty or false statement, regardless of the punishment;
- L. Any crime if it involved conduct at a commercial establishment where alcoholic beverages are consumed on the premises, regardless of the punishment;
- M. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- N. Any offense in another jurisdiction that, had the predicate act(s) been committed in South Carolina, would have constituted any of the foregoing offenses.

**5.04.030. - Late night establishment preclearance letter required; application; issuance.**

- A. *Late night establishment preclearance letter.* It shall be unlawful for any person to commence operating, after July 25, 2023, a late night establishment in the county without a valid late night establishment preclearance letter. No person shall apply for a certificate of zoning compliance or approval of a special exception to operate a late night establishment before obtaining a late night establishment preclearance letter. It shall be unlawful for any person to operate a late night establishment after a nuisance declaration without a valid late night establishment preclearance letter issued after such revocation or declaration. The issuance of a preclearance letter does not authorize the recipient to operate a late night establishment. Rather, after receiving a

preclearance letter, the recipient must also obtain a valid certificate of zoning compliance or special exception issued in accordance with Colleton County's zoning laws.

For all late night establishments in existence prior to July 25, 2023, as a condition of continued or renewed operation of such establishment, a written safety plan, acceptable to the county, containing the information required by section 5.04.060., must be filed at the office of the Colleton County Administrator (or such office as the administrator may designate), during regular business hours, together with a one-time nonrefundable administrative fee of two hundred fifty dollars (\$250.00), it being unlawful for any person to continue operating such establishment in the absence of such safety plan. The information provided shall be supplemented in writing by certified mail, return receipt requested, to the administrator (or such office as the administrator may designate) within ten working days of a change of circumstances which would render the information originally submitted false or incomplete. The late night establishment must also operate in compliance with all other laws and regulations.

- B. *Application.*** All applicants for a late night establishment preclearance letter shall file in person at the office of the Colleton County Administrator (or such office as the administrator may designate), during regular business hours, a completed application made on a form approved by the administrator. The application shall be signed as required by subsection (C) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the following required information and/or items, accompanied by the appropriate fees:
1. The applicant's full legal name and any other names used by the applicant in the preceding seven years.
  2. Current business address or another mailing address for the applicant.
  3. The business name, location, legal description, mailing address and phone number of the late night establishment.
  4. If the applicant is a sole proprietor, written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
  5. If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entity's:
    - a) Officers;
    - b) Directors;

- c) Partners, members, or shareholders (natural persons) holding a ten percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent interest, the ten shareholders with the greatest ownership interests;
  - d) Employee or agent primarily responsible for operation of the late night establishment, and all managers who will be on duty during times of operation; and
  - e) Written proof of age, in the form of a driver's license or a picture identification document containing the person's date of birth issued by an agency of a state or of the federal government for each person described in subparts a. through d. above.
- 6. A statement of whether any applicant or any person listed in response to subsection (b)(5) has been an owner, director, officer, partner, member, shareholder, or manager of a business that has, in the previous seven years (and at a time during which the person was so related to the business):
  - a) Been declared in a judicial proceeding to be a nuisance; or
  - b) Had its license to operate revoked.
- 7. A statement of whether the applicant or any person listed in response to subsection (B)(5) has within the previous seven years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this chapter, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- 8. A statement of whether the applicant or a person listed in response to subsection (B)(5) resides with someone who has been an owner, director, officer, partner, member, shareholder, or manager of a business that has, in the previous seven years (and at a time during which the person was so related to the business):
  - a) Been declared in a judicial proceeding to be a nuisance; or
  - b) Had its license to operate revoked.
- 9. For each person listed in response to subsection (B)(5), a full set of fingerprints and additional information required to enable a state fingerprint-based background check conducted by the State Law Enforcement Division (SLED) to determine any state criminal history, and to enable a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history.
- 10. If the applicant is a partnership, limited liability company, corporation, or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do

business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.

11. The name and business address of the statutory agent or other agent authorized to receive service of process within Colleton County, South Carolina on behalf of the late night establishment.
12. A statement whether the applicant is the owner of the premises wherein the late night establishment will be operated or the holder of a lease thereon. If the applicant is a lease holder, a copy of the lease shall be submitted with the application.
13. A written safety plan that contains the information required by section 5.04.060.

The information provided pursuant to this subsection (B) shall be supplemented in writing by certified mail, return receipt requested, to the administrator (or such office as the administrator may designate) within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- A. *Signature.* If a person who seeks a late night establishment preclearance letter under this section is an individual, he or she shall sign the application for a preclearance letter as applicant. If a person who seeks a late night establishment preclearance letter is other than an individual, each person listed in response to subsection (B)(5) is considered an applicant and shall sign the application as an applicant. Each applicant must be qualified under this article and each applicant shall be considered a recipient if a preclearance letter is issued.
- B. *Completeness of application.* The administrator or his or her designee shall determine whether the application is complete according to the requirements set forth above. If the application is not complete, then within twenty days after its submission, the administrator or his or her designee shall inform the applicant in writing of the particulars in which the application is incomplete.
- C. *Issuance of preclearance letter.* Upon the filing of a completed late night establishment preclearance letter application, the county shall cause to be conducted a criminal background investigation of each applicant and shall transmit a summary of the investigation results to the administrator or his or her designee. Within sixty days of the filing of the application, the administrator or his or her designee shall either issue a preclearance letter to the applicant or issue a written notice of intent to deny the preclearance letter to the applicant. The administrator or his or her designee shall issue the preclearance letter unless:
  1. The applicant or a person listed in response to subsection (B)(5) is less than twenty-one years of age.
  2. The applicant has failed to provide information required by this chapter for issuance of a preclearance letter or has falsely answered a question or request for information on the application form.

3. The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon.
4. The fees required by this chapter have not been paid.
5. The county, within the previous thirty-six months, has revoked a preclearance letter to operate a late night establishment or a license to operate an adult entertainment establishment at the premises wherein the establishment will be operated.
6. A business on the premises wherein the late night establishment will be operated has, within the previous thirty-six months, been declared in a judicial proceeding to be a nuisance or has had its license to operate revoked by the county.
7. The applicant, a person who resides with an applicant, or a person listed in response to subsection (B)(5) has been an owner, director, officer, partner, member, shareholder, or manager of a business that has, in the previous seven years (and at a time during which the person was so related to the business):
  - a) Been declared in a judicial proceeding to be a nuisance;
  - b) Had its license to operate revoked; or
  - c) Repeatedly operated in violation of state law or county regulations.
8. The applicant or a person listed in response to subsection (B)(5) has within the previous seven years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this chapter.
9. The applicant is a partnership, limited liability company, corporation, or other legal entity that is required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, but is not so chartered or authorized.
10. The applicant has failed to pay county taxes or fees (including, but not limited to, personal and real property taxes, hospitality taxes, accommodations taxes, property assessments, sewer fees, stormwater fees, fire alarm taxes and fire alarm fees, and annual regulatory fees) or state taxes or fees related to the establishment, when due.
11. The applicant has failed to comply with applicable state laws (including, but not limited to, sanitary kitchen facility requirements; permitting requirements for the service of alcoholic beverages, beer, and wine; and regulations for the service of alcoholic beverages, beer, and wine) related to the operation of the establishment.
12. The applicant has failed to provide full payment to the county within ten days of notice of a check returned to the county for insufficient funds, related to the establishment. The term "full payment" means the full amount due of the original check plus costs and fees assessed to the county by its bank for the return of the check presented, as well as any return check fee otherwise assessed by the county.



13. The applicant or a person listed in response to subsection (B)(5) is shown by the county to be acting on behalf of a person who has, within the previous seven years, operated a business in violation of applicable laws or regulations.
  14. The applicant or a person listed in response to subsection (B)(5) has, within the previous five years, knowingly or recklessly allowed possession, use, or sale of controlled substances on the premises of any business establishment.
  15. The applicant or a person listed in response to subsection (B)(5) has, within the previous five years, allowed any criminal activity to occur in or on the premises of any business establishment.
- D. A preclearance letter, if issued, shall be issued in the name of the applicant and shall identify, as recipients, the persons listed in the application in response to subsection (B)(5).
- E. With respect to a late night establishment's safety plan, the issuance of a preclearance letter reflects only that the safety plan is acceptable and addresses the matters required in this chapter. A preclearance letter does not prevent the county from imposing different or additional safety-related requirements upon a late night establishment.

**5.04.040. - Regulatory fee; expiration and renewal of preclearance letter.**

- A. There shall be an annual regulatory fee of two hundred fifty dollars (\$250.00) and a one-time nonrefundable investigative fee of two hundred fifty dollars (\$250.00) for each late night establishment within the county that holds a valid preclearance letter. Both fees shall be paid with the application. If the applicant withdraws the application or the preclearance letter is denied, the applicant shall be refunded the annual regulatory fee paid. No refund shall be allowed once the preclearance letter has been issued.
- B. Each preclearance letter shall remain valid for a period of one calendar year from the date of issuance unless otherwise revoked. Such preclearance letter may be renewed by making payment of the annual regulatory fee as provided in this section. After initial approval, and if there have been no changes in information, operations, or safety plan, the validity of a preclearance letter may be extended for up to two consecutive years upon written affirmation by the applicant of such fact, in letter form, signed as set forth in section 5.04.030(C) herein and notarized, and filed in person at the office of the Colleton County Administrator (or such office as the administrator may designate), during regular business hours.

**5.04.050. - Revocation of late night establishment preclearance letter.**

- A. Revocation for specific violations. The administrator or his or her designee shall issue a written notice of intent to revoke a late night establishment preclearance letter if:
1. The recipient fails to maintain the qualifications for holding a preclearance letter;

2. The recipient has knowingly or recklessly given false information in the application for the preclearance letter or has failed to supplement the application information as required by section 5.04.030(B) after a change of circumstances that rendered the information originally submitted false or incomplete;
  3. The recipient has knowingly or recklessly allowed possession, use, or sale of controlled substances on the premises of the establishment;
  4. The recipient has knowingly or recklessly allowed sodomy, aggravated sodomy, public indecency, lewdness, prostitution, assignation, pimping, pandering, pandering by compulsion, masturbation for hire, obscenity, or disorderly conduct to occur in or on the premises of the late night establishment;
  5. The recipient has knowingly or recklessly allowed a person under the age of twenty-one years to consume alcohol on the premises of the establishment;
  6. The recipient has knowingly or recklessly allowed any specified criminal activity to occur in or on the premises of the establishment;
  7. The recipient has repeatedly operated the business in violation of state law or county regulations;
  8. The recipient is convicted of any specified criminal activity as defined in this chapter; or
  9. The establishment is found to have operated in violation of an accepted safety plan.
- B.** The fact that any relevant conviction is being appealed shall have no effect on the revocation of the preclearance letter, provided that, if any conviction which serves as a basis of a preclearance letter revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
- C.** When a notice of intent to revoke a preclearance letter has been issued, the recipient shall not apply for or be issued any new preclearance letter under Colleton County Code chapter until such notice has been withdrawn or, if revocation has become effective, until three years after the effective date of revocation.
- D.** When any person listed on a late night establishment preclearance letter application is arrested for conduct alleged to have occurred at the late night establishment, no person listed on the establishment's preclearance letter application may apply for or be issued any new preclearance letter for that location under this Colleton County Code chapter, until the arrestee is cleared or until ninety days following the arrest have passed, whichever occurs sooner.

**5.04.060. - Safety plan contents.**

A safety plan shall be considered complete when it sets forth the following:

- A. The business name, location, mailing address, and phone number of the late night establishment, and the name, title, and mailing address of the individual responsible for communicating with the county in connection with the safety plan.
- B. Affirmation that the late night establishment will not permit its employees or patrons, on the premises, to engage in any criminal activity.
- C. Affirmation that the late night establishment will require each employee, while working on the premises, to wear a light-colored name tag (on the front upper half of the employee's torso) that states a first name and last initial in dark letters that are three-eighths ( $\frac{3}{8}$ ) of an inch tall or taller; and affirmation that the late night establishment will maintain an up-to-date list of its employees' actual names, that the list will also set forth for each employee the first name and last initial that is on the name tag worn by the employee, and that the establishment will provide a copy of that list to the administrator or his or her designee immediately upon request.
- D. Affirmation that the late night establishment is not a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances;
- E. Affirmation that the establishment has established a policy that conforms with DOR approved training program on age sensitive sales as listed in the DOR SC Information Letter 06-05, or subsequently issued letter of the same subject, and that addresses that all security, floor managers, bartenders, and wait staff will be trained so as to determine when a customer is underage or apparently intoxicated, along with affirmation that the establishment, its agents, and its employees will enforce the policy of refusing further alcohol service to customers at that point;
- F. A statement whether the establishment will employ personnel that exercise security functions, and if so, an affirmation that all security personnel shall be licensed by the State of South Carolina and be bonded;
- G. Affirmation that no alcohol consumption and no glass or metal containers of any kind will be permitted in the parking lots under the control of the establishment, along with affirmation that the establishment has established policies and security resources to assure compliance;
- H. Affirmation that upon request, the establishment will consult with the Colleton County Sheriff's Office and provide such security as is recommended by that department that recognizes individual circumstances of the establishment; and
- I. A copy of the establishment's policies that specifically address the following elements:
  - 1. Patron weapon search procedures, if any;
  - 2. Control of all ways of ingress and egress;
  - 3. Control of parking lots, lot behavior, and litter;

4. Procedures for handling violent incidents, other emergencies, and calling the Sheriff's Office;
5. The number of security, and their movement and placement;
6. A description of the training provided or completed by security and other personnel, including conflict de-escalation training;
7. The procedures for determining over occupancy, crowd control, and emergency egress; and
8. Current contact information for the person or position responsible for addressing safety, security, or county code related complaints by patrons or neighborhood residents.

**5.04.070. - Hearing; preclearance letter denial, revocation; safety plan incompleteness; appeal.**

- A. When the administrator or his or her designee issues a written notice of intent to deny or revoke a preclearance letter, the administrator or his or her designee shall send such notice, which shall include the specific grounds under this article for such action, to the applicant or recipient (appellant) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the administrator or his or her designee for the appellant(s). The notice shall also set forth the following: The appellant shall have ten days after the delivery of the written notice to submit, at the office of the administrator (or such office as the administrator may designate), a written request for a hearing, accompanied by a twenty-five dollar (\$25.00) processing fee. If the appellant does not request a hearing within the said ten days, accompanied by the required processing fee, the administrator's (or designee's) written notice shall become a final denial or revocation, as the case may be, on the eleventh day after it is issued.
- B. If the appellant does make a written request for a hearing within the said ten days, then a hearing officer shall, within forty-five days after receipt of such request, unless continued by agreement of the appellant and the county, at a time and place of which the appellant has been given written notice, hold a hearing on the matter. Either party may provide for the hearing to be recorded and transcribed at that party's expense.
- C. At the hearing, the strict rules of evidence shall not apply, but the parties shall have the opportunity to present all relevant arguments, be represented by counsel, present evidence and witnesses, and request that certain questions be asked of adverse witnesses in cross-examination. The appellant shall bear the burden of proving entitlement to the preclearance letter. The hearing shall take no longer than one day, unless extended at the request of the appellant to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this chapter, to the parties within thirty days after the hearing.

- D. If the decision is to deny or revoke the preclearance letter, the decision shall advise the appellant of the right to appeal such decision to a court of competent jurisdiction within ten days after receipt of the hearing officer's decision. If the hearing officer's decision finds that no grounds exist for denial or revocation of the preclearance letter, the hearing officer shall, contemporaneously with the issuance of the decision, order the administrator to withdraw the intent to deny or revoke the preclearance letter and to notify the appellant in writing by certified mail of such action.
- E. Any party aggrieved by the decision of the hearing officer may appeal the decision to the circuit court within ten days after the issuance of the decision. If any court action challenging a decision is initiated, the county shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

**5.04.080. - Preclearance letter may be required of existing businesses.**

- A. A preclearance letter may be required of any late night establishment in existence prior to July 25, 2023 as a condition of continued or renewed operation of such establishment in the event of the occurrence of any of the following, it being unlawful for any person to continue operating such establishment in the absence of such letter if required. The late night establishment must also operate in compliance with all other laws and regulations.
  - 1. When circumstances exist permitting the county to revoke a zoning permit;
  - 2. When circumstances exist providing a basis for the pursuit of a public nuisance action; or
  - 3. When Sheriff's Office calls or visits to the establishment or premises, in response to complaints, or resulting in discovery, of illegal drug use or activity, excessive noise, litter and debris, vandalism, theft, robbery, burglary, breaking and entering, gambling, assault, fighting, disorderly conduct, breaches of the peace, shooting, malicious damage to property, public intoxication, service of alcohol to underage persons, loitering, prostitution, assignation, or lewdness, or other state or federal felony criminal activities exceed four times in any four-week period.

**5.04.090 - Violations; penalties.**

- A. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense.
- B. The county administrator or his/her designee is authorized to request and obtain injunctive relief to cease and desist against any person who fails to comply with the provisions of this article after notice. The county administrator or designee is specifically authorized to obtain injunctive relief for those persons who persist in operating a business, as defined herein, preclearance letter

**2. Severability:**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

**3. Conflict:**

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

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

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

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

COUNCIL VOTE:  
OPPOS

Sponsor(s) : County Council  
First Reading : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : July 25, 2023  
Public Hearing : September 5, 2023  
Third Reading : September 5, 2023  
Effective Date : Immediately

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

**ORDINANCE NO. 23-O-10**

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

**[AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND A COMPANY KNOWN TO THE COUNTY AND IDENTIFIED FOR THE TIME BEING AS “PROJECT WREN,” WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF TAXES, INCLUDING THE PROVISION OF CERTAIN SPECIAL SOURCE CREDITS; AND OTHER MATTERS RELATED THERETO.]**

Sponsor(s) : County Council  
First Reading : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : July 25, 2023  
Public Hearing : September 5, 2023  
Third Reading : September 5, 2023  
Effective Date : Immediately

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

\_\_\_\_\_.

**ORDINANCE NO. 23-O-11**

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

**[AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA (THE “COUNTY”) AND PROJECT MARATHON, ACTING FOR ITSELF, ONE OR MORE AFFILIATES AND/OR OTHER PROJECT SPONSORS (THE “COMPANY”), PURSUANT TO WHICH THE COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF CERTAIN FACILITIES IN THE COUNTY (THE “PROJECT”); (2) THE AMENDMENT OF THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK AGREEMENT BETWEEN THE COUNTY AND HAMPTON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN COLLETON COUNTY AS PART OF THE PARK AND ALLOCATING THE FEE IN LIEU OF AD VALOREM TAXES PAID BY THE COMPANY UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; (3) THE APPROVAL OF PROVIDING CERTAIN SPECIAL SOURCE REVENUE CREDITS; AND (4) OTHER MATTERS RELATING THERETO.]**



Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-35**

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

**[A RESOLUTION AUTHORIZING, UNDER CERTAIN CONDITIONS, THE EXECUTION AND DELIVERY BY COLLETON COUNTY, SOUTH CAROLINA OF A FEE IN LIEU OF TAX AGREEMENT WITH A COMPANY KNOWN TO THE COUNTY AND IDENTIFIED FOR THE TIME BEING AS “PROJECT WREN” WITH RESPECT TO AN INDUSTRIAL PROJECT IN THE COUNTY WHEREBY THE PROJECT WOULD BE SUBJECT TO PAYMENT OF CERTAIN FEES IN LIEU OF TAXES, AND WHEREBY “PROJECT WREN” WILL BE PROVIDED CERTAIN CREDITS AGAINST FEE PAYMENTS IN REIMBURSEMENT OF INVESTMENT IN RELATED QUALIFIED INFRASTRUCTURE; AND OTHER MATTERS RELATED 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 (the “FILOT Act”), and Title 4, Chapter 1 (the “Multi-County Park Act”), Code of Laws of South Carolina 1976, as amended (the “Code”), to enter into agreements with industry, to offer certain privileges, benefits and incentives as inducements for economic development within the County; to acquire, or cause to be acquired, properties as may be defined as “projects” in the Act and to enter agreements with the business or industry to facilitate the construction, operation, maintenance and improvement of such projects; to enter into or allow financing agreements with respect to such projects; and to accept any grants for such projects through which powers the industrial and business development of the State will be promoted, whereby the industry would pay fees in lieu of taxes with respect to qualified industrial projects; to provide credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure serving the County or such projects, including improved or unimproved real estate and personal property, including machinery and equipment, used in the manufacturing or industrial enterprise (collectively, “Infrastructure”); through all such powers, the industrial development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the workforce, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

**WHEREAS**, “Project Wren” (the “Company”) has requested that the County assist in the acquisition, construction and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute a new facility in the County for the storage of energy (collectively, the “Project”) that are expected to result in investment by the Company in the Project of at least \$150,000,000 (the “Investment”) in non-exempt investment by December 31 of the fifth year after the first year which any portion of the Project is first placed in service; and

**WHEREAS**, the Company has requested that the County enter into a fee in lieu of tax agreement with the Company, which agreement would provide the Company with certain fee in lieu of tax incentives with respect to the Project; and

**WHEREAS**, the County has determined on the basis of the information supplied to it by the Company that the Project would be a “project” and “economic development property” as such terms are defined in the FILOT Act and that the Project would serve the purposes of the FILOT Act; and

**WHEREAS**, pursuant to the authority of Section 4-1-170 of the Multi-County Park Act and Article VIII, Section 13 of the South Carolina Constitution, the County intends to place the site on which the Project will be located in a multi-county industrial and business park (a “Park”) established by the County pursuant to a qualifying agreement with an adjoining South Carolina county (the “Park Agreement”); and

**WHEREAS**, the County has determined and found, on the basis of representations of the Company, that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; that the Project will give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, *i.e.*, economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the inducement of the location of the Project within the County and State is of paramount importance; and that the benefits of the Project will be greater than the costs.

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

Section 1. (a) The adoption of this Resolution is an official action by the County Council to identify, reflect, and induce the Project under the FILOT Act. For purposes of the FILOT Act, this Resolution is an “Inducement Resolution.” For purposes of Section 12-44-110 of the FILOT Act, this Resolution constitutes preliminary approval by the County prior to the execution of a fee agreement (the “Fee Agreement”). If the Company decides to locate the Project in Colleton County, the County Council hereby commits to providing development incentives for the Project through the payment by the Company of fees in lieu of taxes with respect to the Project pursuant to Section 12-44-40 of the Act, including an assessment ratio of six percent (6%) for Project property, a five (5) year investment period and a thirty (30) year term. The millage rate for Project property shall be fixed for the duration of the Fee Agreement at the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located as determined by S.C. Code Section 12-44-50(A)(d).

(b) Pursuant to the Multi-County Park Act, the County Council will use its commercially reasonable efforts to cause the site of the Project to be located in a Park. Pursuant to Section 4-1-175 of the Multi-County Park Act, and for the purpose of providing reimbursement to the Company for certain of its investment in qualified Infrastructure, the County Council commits to provide for a twenty-five (25) percent special source revenue credit against each of the Company’s payments in lieu of taxes under the Fee Agreement; provided, however, in the event the Company shall fail to make the full amount of the Investment during the Investment Period, as may be extended at the discretion of County Council, then such special source revenue credit shall be reduced pro rata by such amount.

Section 2. The form, terms and provisions of the Fee Agreement shall be prescribed and authorized by subsequent ordinance(s) of the County Council, which, to the extent not prohibited by law, shall be consistent with the terms of this Resolution. The County Council’s commitment to place the Project land in a multi-county park is subject to the exercise of discretion by a governmental entity other than the County and the exercise of that discretion is not controlled by the County. The County agrees to

provide the incentives set forth in this Resolution as long as the Company agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project. The County Council must approve the Fee Agreement, and any other agreement or document contemplated by this Resolution, in accordance with South Carolina law and the rules and procedures of the County Council, in order for the Fee Agreement and such other agreements or documents to be legally effective.

Section 3. All orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

Section 4. The authorization of the execution and delivery of the documents related to the Fee Agreement and all other related documents or obligations of the County is subject to the compliance by the County Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 5. It is the intention of the County Council that this resolution shall constitute an inducement resolution with respect to the Project, within the meaning of the FILOT Act.

*[Signature Page Follows]*

**DONE** in a meeting duly assembled this [\_\_ day of \_\_\_\_\_, 2023].

**COLLETON COUNTY, SOUTH  
CAROLINA**

(SEAL)

By: \_\_\_\_\_  
Chair, Colleton County Council

ATTEST:

By: \_\_\_\_\_  
Clerk, Colleton County Council

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 23-R-36

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

**[A RESOLUTION IDENTIFYING A PROJECT IN ORDER TO SATISFY THE REQUIREMENTS OF SOUTH CAROLINA CODE SECTION 12-44-40, SO AS TO ALLOW INVESTMENT EXPENDITURES INCURRED BY PROJECT MARATHON TO QUALIFY AS EXPENDITURES ELIGIBLE FOR A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT ARRANGEMENT WITH COLLETON COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.]**

WHEREAS, Colleton County, South Carolina (“County”) acting by and through its County Council is authorized and empowered (i) under and pursuant to the provisions of (i) Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (“Act”) (a) to enter into agreements with qualifying industry to encourage investment in projects constituting economic development property through which the industrial development of the State of South Carolina 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 and (b) to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) and provide special source revenue credits (“SSRCs”) with respect to such investment; and

WHEREAS, Project Marathon (the “Company”) is planning an investment consisting of the total expenditure of \$235.8 million (“Investment”) in order to establish a new facility in the County (“Project”); and

WHEREAS, in connection with the Project, the Company has requested the County to adopt this Resolution (i) to establish the intention of the Company to make the Investment and (ii) to establish the intention of the County to provide a FILOT and SSRC incentive; and

WHEREAS, in accordance with Section 12-44-40 of the Act, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits, not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality and to no charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

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

Section 1. The County hereby identifies the Project, which action is intended to

satisfy the requirements of Section 12-44-40 of the Act.

Section 2. If the Company decides to locate the Project in Colleton County, the County Council hereby commits to providing development incentives for the Project through the payment by the Company of fees in lieu of taxes with respect to the Project pursuant to Section 12-44-40 of the Act, including the incentives set forth in the recitals hereof, and the County agrees to negotiate a Fee Agreement with the Company establishing the terms of such incentives. The County Council's commitment to place the Project land in a multi-county park is subject to the exercise of discretion by a governmental entity other than the County and the exercise of that discretion is not controlled by the County. The County agrees to provide the incentives set forth in this Resolution as long as the Company agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project. The County Council must approve the Fee Agreement, and any other agreement or document contemplated by this Resolution, in accordance with South Carolina law and the rules and procedures of the County Council, in order for the Fee Agreement and such other agreements or documents to be legally effective.

Section 3. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force from and after its passage by the County Council.

Resolved this 6th day of June 2023.

COLLETON COUNTY, SOUTH CAROLINA

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Steven D. Murdaugh, Chairman  
Colleton County Council

(SEAL)  
ATTEST:

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Kaela Brinson, Clerk to Council  
Colleton County Council

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 23-R-37

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

**[A RESOLUTION TO APPROVE AMENDMENT OF THE AGREEMENT FOR DEVELOPMENT FOR 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.

**COLLETON COUNTY, SOUTH CAROLINA**

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

ATTEST:

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

Adopted: \_\_\_\_\_, 2023

COUNCIL VOTE:  
OPPOSED:

**EXHIBIT A**

PROPERTY DESCRIPTION  
CHARLESTON COUNTY ADDITIONAL PARCELS

PROPERTY DESCRIPTION FOR EACH PARCEL ADDED TO THE PARK BY THIS AMENDMENT AND INITIAL TAX YEAR (FOR TAXES WHICH WILL BE LEVIED ON PROPERTY OWNED ON DECEMBER 31 OF THE PRIOR CALENDAR YEAR).

<u>Parcels to be Added</u>	<u>Property Description (TMS Number)</u>	<u>Initial Tax Year</u>
Barzan Aeronautics	319-00-00-002	2022
Cannonborough Beverage Company	334-00-00-173	2022
Elbit	393-00-00-480	2022
Belimed Life Sciences	484-16-00-035	2022
Allegiance Flag	411-09-00-012	2022
Evolt Ioh	472-00-00-020	2022
Organic Standard Solution	397-00-00-225	2022
Golf Breaks	537-00-00-066	2022

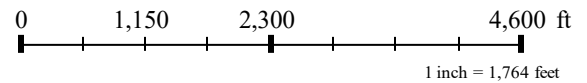
**SCHEDULE 1**

**PROPERTY DESCRIPTIONS**



## 319-00-00-002 Barzan

#



**Note:** The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County S C  
Date: 9/6/2022



BP0914173

# PGS:

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STATE OF SOUTH CAROLINA )  
 ) TITLE TO REAL ESTATE  
 COUNTY OF CHARLESTON )

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that, INDUSTRIAL VENTURES, LLC (Grantor), in the state aforesaid, for and in consideration of the sum of TWELVE MILLION ONE HUNDRED THOUSAND and 00/100 Dollars (\$12,100,00.00), to it in hand paid by JAMES ISLAND BUSINESS PARK, LLC, in the state aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions ("Exceptions") set forth below unto the said JAMES ISLAND BUSINESS PARK, LLC (Grantee), SUBJECT TO THE BELOW STATED RIGHTS, EASEMENTS, RESTRICTIONS, AND EXCEPTIONS SET OUT AND RESERVED IN THIS DEED, ITS SUCCESSORS AND ASSIGNS, THE BELOW DESCRIBED REAL PROPERTY, TO WIT:

THIS CONVEYANCE IS MADE SUBJECT TO:

1. Any applicable restrictions, easements and rights of way recorded in the ROD office for Charleston County.

**LEGAL DESCRIPTION**

All that certain piece, parcel, or lot of land, with the buildings and improvements thereon, or to be built thereon, situate, lying, and being in the County of Charleston, State of South Carolina, known and designated as TRACT B (RESIDUAL) CONTAINING 15.35 ACRES, MORE OR LESS, SIGNAL POINT ROAD, JAMES ISLAND, as shown on a plat thereof duly recorded in the office of the ROD for Charleston County, South Carolina, in Plat Book BE at page 095; SAID property having such size, shape, dimensions, buttings, and boundings as will by reference to said plat more fully and at large appear.

Being the same property conveyed to Industrial Ventures, LLC, by deed of Renken Realty, LLC, dated April 27, 2005, and recorded in Book H535 at page 795, ROD office for Charleston County.

TMS #334-00-00-173

**ALSO:**

All that certain piece, parcel, tract, or lot of land, with the buildings and improvements located thereon, or to be built thereon, situate, lying, and being in the Town of James Island, County of Charleston, State of South Carolina, known and designated as TRACT A, CONTAINING 0.226 ACRES, MORE OR LESS, SIGNAL POINT ROAD, JAMES ISLAND, as shown on a plat thereof made by Davis & Floyd, Inc., dated June 6, 1985, and duly recorded in the office of the ROD for Charleston County, South Carolina,



**EXHIBIT "A"**  
**(Property Description)**

All that certain piece, parcel or tract of land situate, lying and being in Charleston County, South Carolina, as shown and designated as Tract C-9, 25.782 Ac., on a plat entitled, "PLAT SHOWING THE SUBDIVISION OF TRACT C, TMS No. 393-00-00-065 (179.137 AC.) TO CREATE TRACT C-9 (25.782 AC.) AND RESIDUAL TRACT C (153.355 AC.) PROPERTY OF JT CK PALMETTO, L.P. LOCATED IN THE CITY OF NORTH CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," by HLA, Inc., dated July 12, 2021 and recorded August 30, 2021 in Plat Book L21, Page 0338 in the ROD Office for Charleston County. Said tract having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully and at large appear.

DERIVATION: The above described property being a portion of the same property conveyed to the Grantor herein by Title to Real Estate recorded in the ROD Office on February 20, 2007, in Book T615, Page 687, which was re-recorded to correct an error in the derivation clause in the ROD Office on September 14, 2007, in Deed Book R638, Page 477, which was further corrected to convey the right to subdivide by Corrective Title to Real Estate recorded in the ROD Office in Book 0081, Page 064, Charleston County ROD Office.

TMS: A portion of 393-00-00-065

LEGEND

- IPF BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
C&M BOUNDARY LINE & CONCRETE MONUMENT FOUND
IPF BOUNDARY LINE & CORNER SET (5/8" REBAR)
C&M BOUNDARY LINE & CALCULATED POINT
ADJACENT BOUNDARY LINE
EASEMENT LINE (AS DESCRIBED)
CENTERLINE
WETLANDS
WETLAND BUFFER

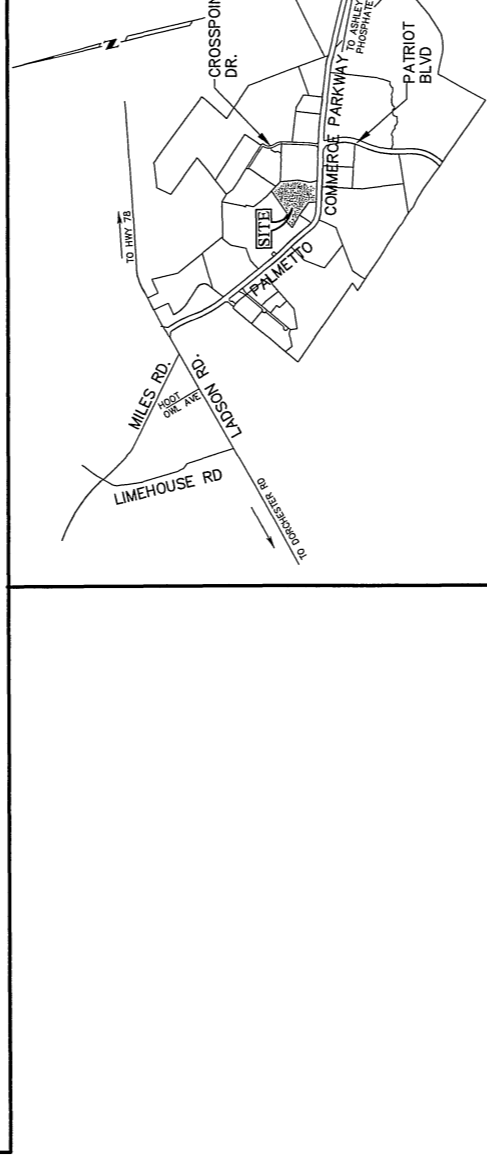
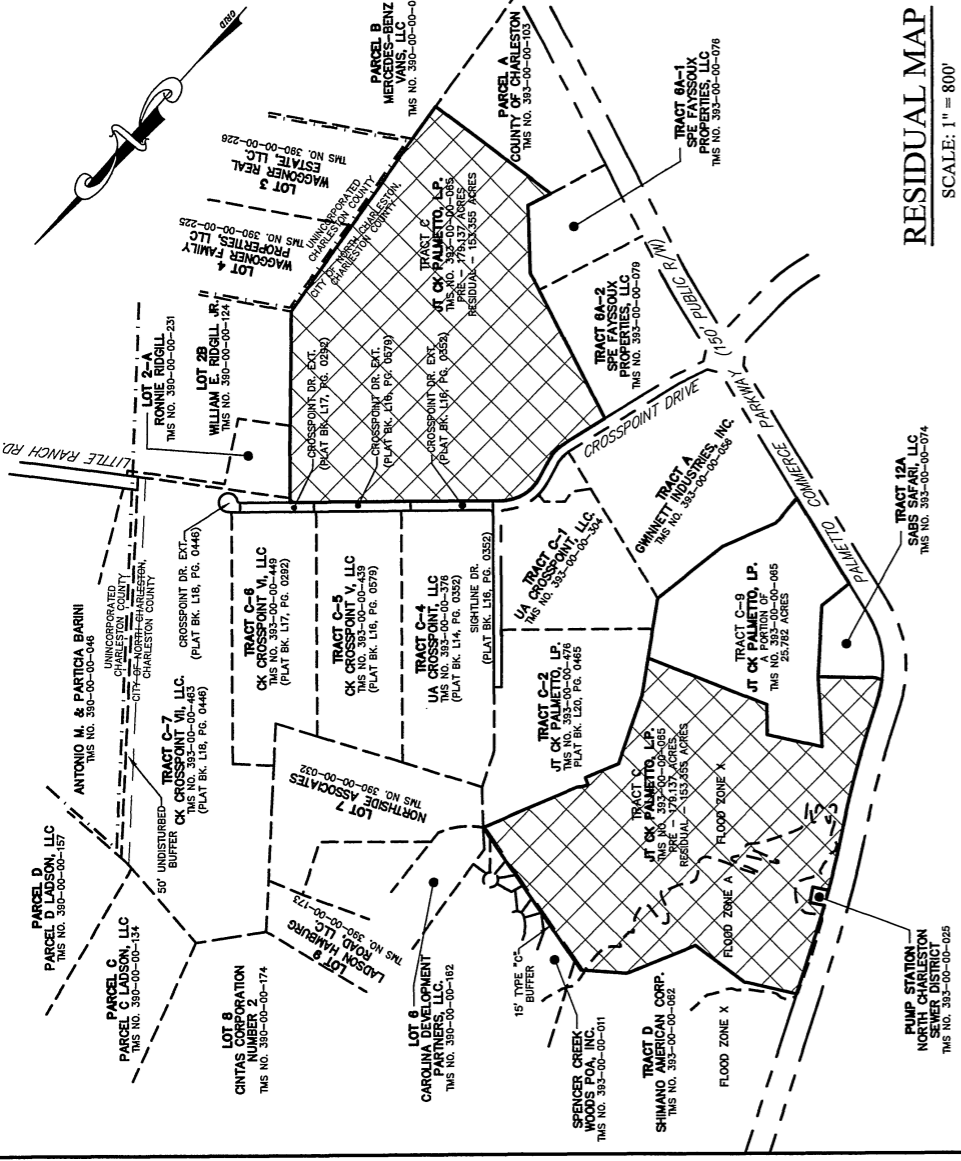
NOTES

- 1. A PORTION OF TMS NO. 393-00-00-065.
2. AREAS DETERMINED BY COORDINATE METHOD
3. SUBJECT PROPERTY IS LOCATED IN FLOOD X PER FEMA MAP NUMBER 450190280K COMMUNITY PANEL 450042 0280 K EFFECTIVE DATE JANUARY 29, 2021.
4. PROPERTIES SHOWN IN TRACT C ARE ZONED PDD (CROSSPOINT), LADSON ROAD OVERLAY DISTRICT, AND M-1.
5. NO UNDERGROUND EXPLORATION PERFORMED FOR THIS SURVEY.

LINE BEARING DISTANCE

- 1. PLAT BY HLA INC DATED NOVEMBER 8, 2012. RECORDED IN PLAT BOOK L12, PAGE 0327 & 0328. CHARLESTON CO. ROD.
2. PLAT BY HLA INC DATED NOVEMBER 8, 2012. RECORDED IN PLAT BOOK L13, PAGE 0057. CHARLESTON CO. ROD.
3. PLAT BY HLA INC DATED JANUARY 13, 2013. RECORDED IN PLAT BOOK L14, PAGE 0016. CHARLESTON CO. ROD.
4. PLAT BY HLA INC DATED AUGUST 8, 2014. RECORDED IN PLAT BOOK L14, PAGE 0352. CHARLESTON CO. ROD.
5. PLAT BY HLA INC DATED MARCH 14, 2016. RECORDED IN PLAT BOOK L16, PAGE 0352. CHARLESTON CO. ROD.
6. PLAT BY HLA INC DATED JANUARY 22, 2018. RECORDED IN PLAT BOOK L18, PAGE 0446. CHARLESTON CO. ROD.
7. PLAT BY HLA INC DATED OCTOBER 30, 2020. RECORDED IN PLAT BOOK L20, PAGE 465. CHARLESTON CO. ROD.

REFERENCES

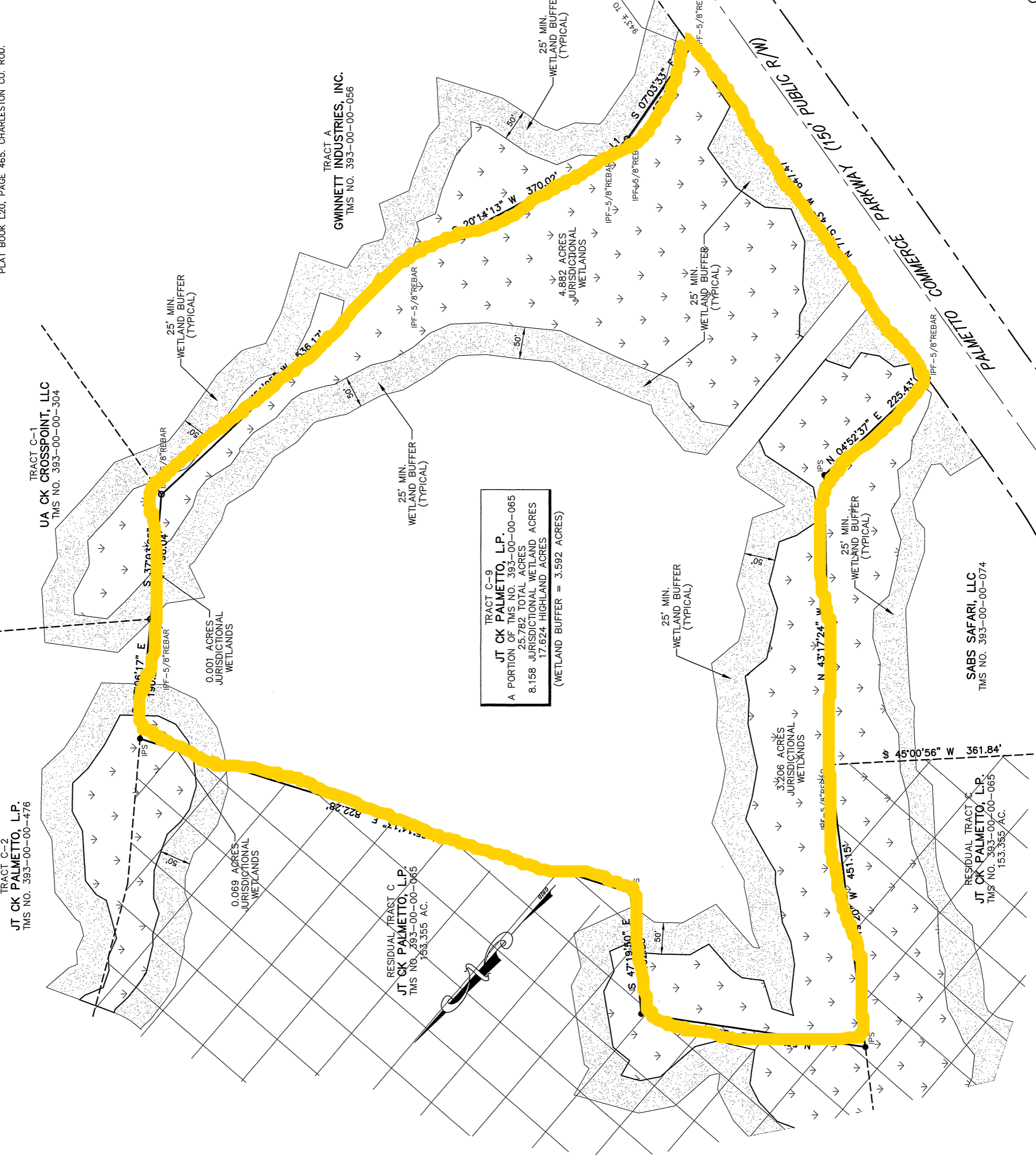
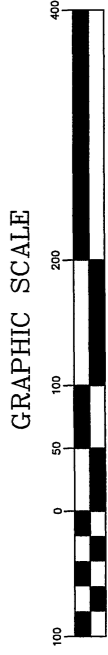


DEVELOPMENT SUMMARY table with columns for PRE-SUBDIVISION, POST SUBDIVISION, and RESIDUAL TRACT C, listing acreages.

PLAT SHOWING THE SUBDIVISION OF TRACT C, TMS NO. 393-00-00-065 (179.137 AC.) TO CREATE TRACT C-9 (25.782 AC.) AND RESIDUAL TRACT C (153.355 AC.)

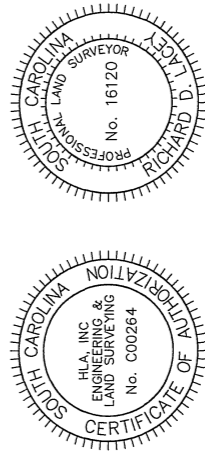
PROPERTY OF JT CK PALMETTO, L.P. THE CITY OF NORTH CHARLESTON, SOUTH CAROLINA DATE: JULY 12, 2021

HLA SURVEYING CIVIL ENGINEERING LAND PLANNING LANDSCAPE ARCHITECTURE THE SITE EXPERTS 29 Leinbach Drive, A2, Charleston SC 29407-6988



RECORDED information including DATE (8/20/2021), TIME (2:13:11 PM), Book-Page (L21 | 0338), DocType (Large Plat), and recording fees.

APPROVED PLAT Exempt from Section 18-22 (a) and 18-23 (a) of Subdivision Regulations. Date: 26 August 2024. Attest: [Signature] PLANNING DIRECTOR CITY OF NORTH CHARLESTON



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

[Signature] RICHARD D. LACEY, S.C.P.L.S. 46120



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **Connecticut General Life Insurance Company, d/b/a General Graphics**, for and in consideration of the sum of **Three Million Two Hundred Sixty Eight Thousand and 00/100 Dollars (\$3,268,000.00)** to it in hand paid at and before the sealing of these presents by **Schneck Properties of SC, LLC**, in the State aforesaid, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said **Schneck Properties of SC, LLC**, its successors and assigns, forever, the following described property to-wit:

All that certain piece, parcel or lot of land, together with any buildings and improvements thereon, situate, lying and being in the City of North Charleston, County of Charleston, State of South Carolina, being known and designated at LOT 8-A, PEPPERDAM INDUSTRIAL PARK, as shown and delineated on that certain plat entitled: "PLAT SHOWING LOT 8-A, FORMED BY THE COMBINATION OF TRACT-1 & LOT -8, PEPPERDAM INDUSTRIAL PARK, ABOUT TO BE CONVEYED TO CONNECTICUT GENERAL LIFE INSURANCE COMPANY, CITY OF NORTH CHARLESTON, CHARLESTON COUNTY, S.C." prepared by C. Rogers Jennings, Register Land Surveyor, Number 2950, dated November 13, 1991, and recorded in the Office of the RMC for Charleston County in plat book CF at page 50 on November 19, 1991. For a more complete description of said Lot, reference may be had to the aforementioned Plat, which is incorporated herein and made part and parcel hereof.

Subject to Permitted Exceptions as shown on Exhibit B attached hereto.

BEING the same property conveyed to Connecticut General Life Insurance Company, d/b/a General Graphics by deed of South Carolina Real Estate Development Company, Inc, dated November 19, 1991, and recorded December 6, 1991, in Book P-208, Page 756; and by deed of Landmark Enterprises, Inc., dated December 6, 1991, and recorded December 6, 1991, in Book P-208, Page 735, in the RMC Office for Charleston County, South Carolina.

TMS # 397-00-00-225

Grantee Address: 360 Rabro Drive  
Hauppauge, New York 11788

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Schneck Properties of SC, LLC, its successors and assigns forever.

CURVE TABLE

CURB NO	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C-1	21° 21' 52"	630 00	234 92	118 84	233 56
C-2	87° 59' 03"	25 00	38 39	24 14	34 73
C-3	10° 44' 50"	1538.58	288 60	144 72	288 18
C-4	10° 49' 34"	1538 58	290 72	145 79	290 29

Charleston South Carolina  
Office of Register Mesne Conveyance

Plat recorded this 19 day of November 1991 at  
11 o'clock in File Book CF Page 50 and tracing cloth  
copy filed in File 2 Drawer 4 Folder 23 Drawing  
No. 6 Original plat (a white print) delivered  
to C. Roger Jennings

*Robert N. Long*  
JOSEPH ABBATE JR  
TRACT-13  
TMS 397-00-00-224

TRACT-12  
SPEC ASSOCIATES  
TMS 397-00-00-385

TRACT-11  
LANDMARK ENTERPRISES INC  
TMS 397-00-00-387

PEPPERDAM INDUSTRIAL PARK  
PHASE II, TRACTS I-13  
LANDMARK ENTERPRISES, INC

RESERVED FOR  
WETLAND BUFFER  
LANDMARK ENTERPRISES, INC  
TMS 397 00 00-396

APPROVED PLAT  
Exempt from Section 18-22(a)  
and 18-23(a) of Subdivision  
Regulations

DATE 11-13-91  
ATTEST *[Signature]*  
Planning Director  
City of North Charleston

SURVEYORS' CERTIFICATE & SEAL

I, C ROGER JENNINGS A REGISTERED LAND SURVEYOR OF THE  
STATE OF SOUTH CAROLINA HEREBY CERTIFY THAT I HAVE SURVEYED  
THE PROPERTY SHOWN HEREON, THAT THIS PLAT SHOWS THE TRUE  
DIMENSIONS OF THE PROPERTY AND THAT ALL OF THE NECESSARY  
MARKERS HAVE BEEN INSTALLED

THE PRECISION OF THE SURVEY IS 1:10,000 THE AREA WAS  
CALCULATED USING THE COORDINATE METHOD

*[Signature]*  
C ROGER JENNINGS S C R L S # 2960  
REGISTERED  
NO 2960  
LAND SURVEYOR  
C ROGER JENNINGS

BK C208P6752

LOT-11  
S C REAL ESTATE DEVELOPMENT CO, INC  
TMS 397-00-00-001

LOT-10  
S C REAL ESTATE DEVELOPMENT CO, INC  
TMS 397-00-00-226

INDUSTRY DRIVE  
DETENTION BASIN SITE (0.686 ac.)  
TMS 397 00 00 398

TRACT-1  
3.883 ac

LOT-8A

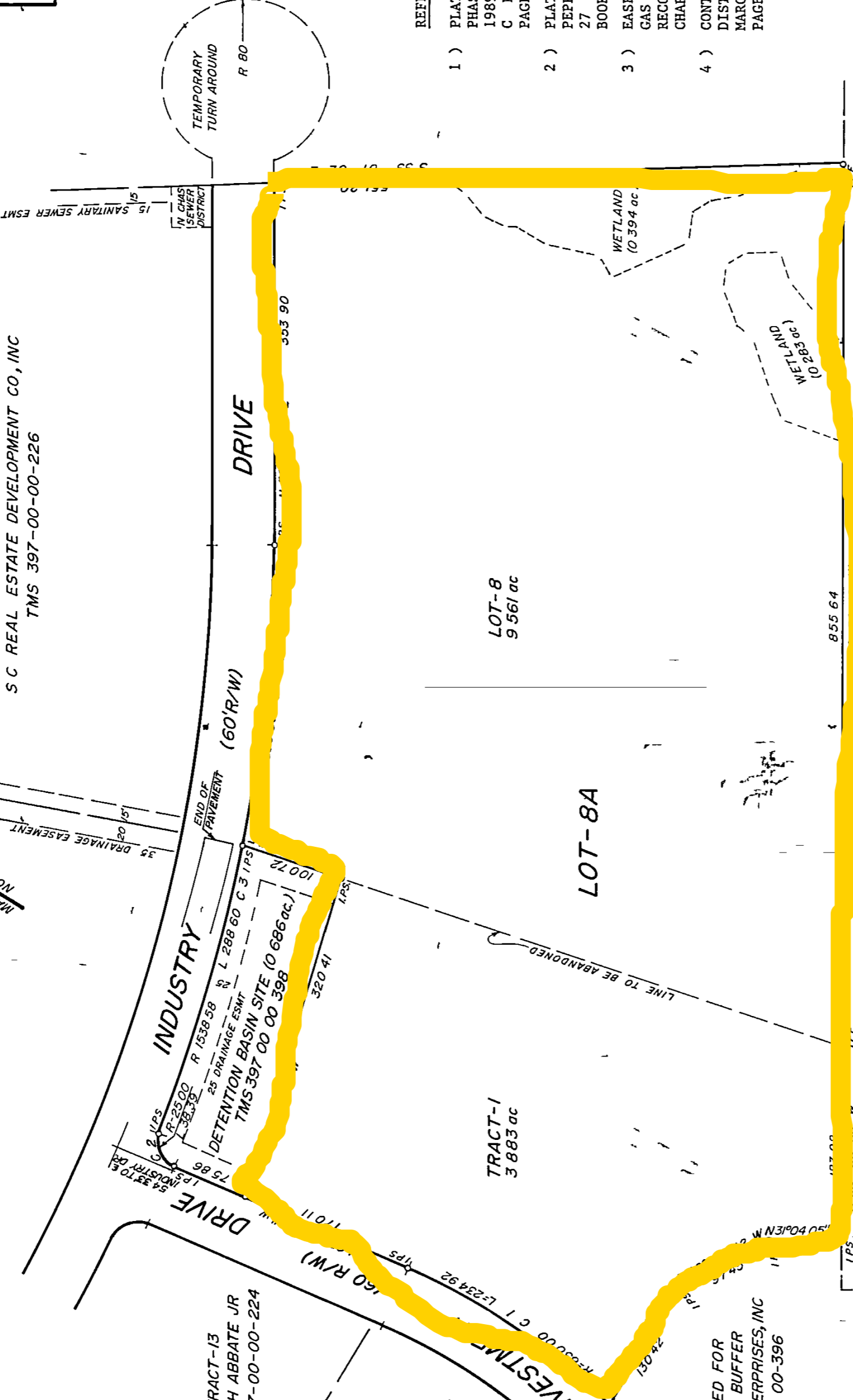
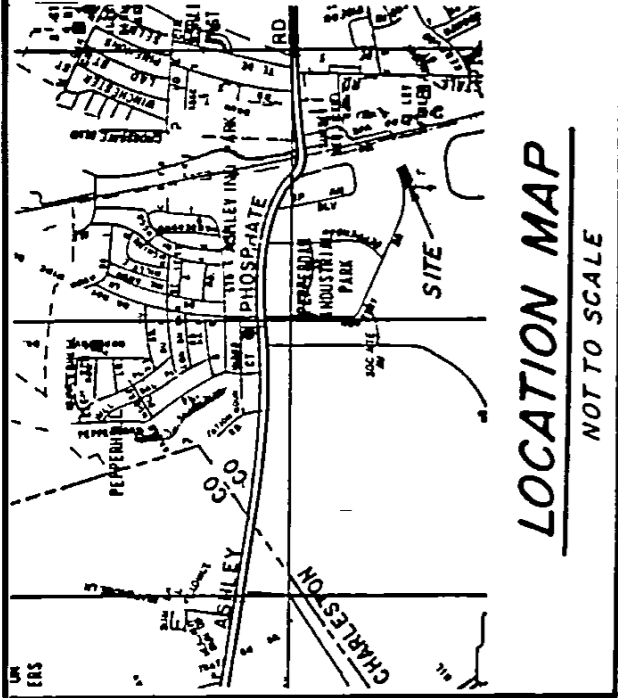
LOT-8  
9.561 ac

PLAT SHOWING  
LOT-8A  
FORMED BY THE COMBINATION OF  
TRACT-1 & LOT-8

PEPPERDAM INDUSTRIAL PARK  
ABOUT TO BE CONVEYED TO:  
CONNECTICUT GENERAL LIFE INSURANCE COMPANY  
CITY OF NORTH CHARLESTON - CHARLESTON COUNTY, S C  
DATE NOV 13, 1991 SCALE: 1" = 100'

GRAPHIC SCALE  
100 50 0 100

C ROGER JENNINGS SURVEYOR  
2130 DUNLAP STREET  
NORTH CHARLESTON S C 29418  
(803) 553-5444



REFERENCES

- 1) PLAT SHOWING PEPPERDAM INDUSTRIAL PARK PHASE II TRACTS I-13 DATED AUGUST 21 1989 AND REVISED SEPTEMBER 20 1989 BY C ROGER JENNINGS RECORDED IN BOOK BX PAGE 127 AT CHARLESTON COUNTY R M C
- 2) PLAT SHOWING LOT 10 AND LOTS 8 & 9 PEPPERDAM INDUSTRIAL PARK DATED SEPTEMBER 27 1985 BY C ROGER JENNINGS RECORDED IN BOOK BF PAGE 161 AT CHARLESTON COUNTY R M C
- 3) EASEMENT TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY DATED JANUARY 9 1975 AND RECORDED AT BOOK C-106 PAGE 394 AT CHARLESTON COUNTY R M C
- 4) CONTRACT BETWEEN NORTH CHARLESTON SEWER DISTRICT AND INDUSTRIAL ASSOCIATES DATED MARCH 5 1974 AND RECORDED AT BOOK X-103 PAGE 164 AT CHARLESTON COUNTY R M C

CHARLESTON INTERNATIONAL AIRPORT  
TMS 400-00-00-000

NOTES

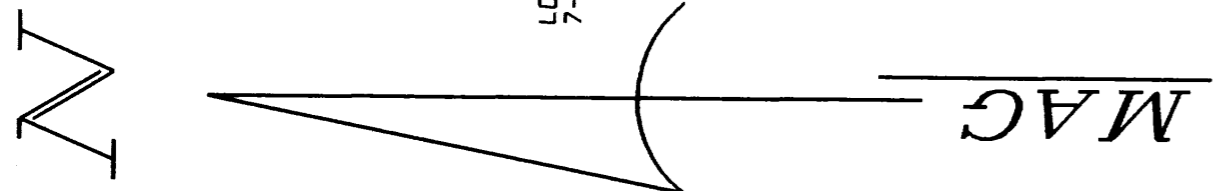
- 1) TOTAL LOTS SHOWN = 1
- 2) TOTAL AREA SHOWN = 13.444 AC (585,620 SQ FT)
- 3) LEGEND I P F = IRON PIPE FOUND I, P S = IRON PIPE SET
- 4) ALL CORNERS MARKED BY PROPERTY IRONS
- 5) TAX MAP NUMBERS TRACT-1 = TMS 397-00-00-397 OWNER LANDMARK ENTERPRISES, INC LOT-8 = TMS 397-00-00-225 OWNER S C REAL ESTATE DEVELOPMENT CO, INC
- 6) PROPERTY SHOWN IS LOCATED IN FLOOD ZONE "C" F I R M #450042-0008C DATE NOVEMBER 5, 1986

### **Exhibit "A" – Legal Description**

All that lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in Charleston County, State of South Carolina, shown as New Lot containing Sixteen Thousand Two Hundred Fifty-three square feet (16, 253 sq ft) on a plat prepared by Leo J Simard, PLS entitled "A PLAT SHOWING A CHANGE OF PROPERTY LINES ON LOTS 7B, 7C, 11 & 12, ETC" dated September 24, 1997 and recorded July 2, 1998 in Plat Book EC, at page 589 in the RMC Office for Charleston County. SAID lot having such size, shape, dimensions, buttings and boundings as are shown on said plat.

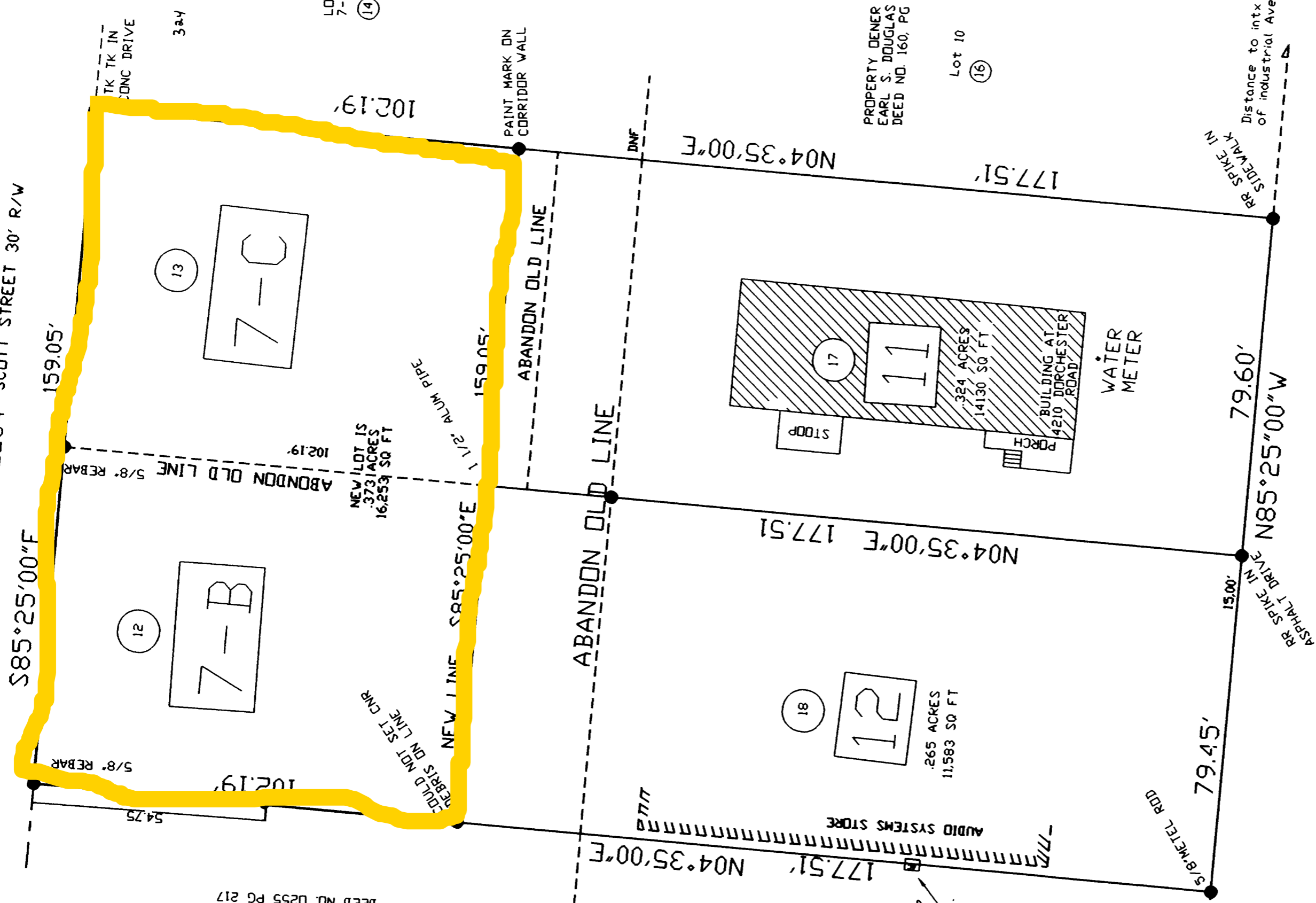
Being the same property conveyed unto 4213 Scott Street, LLC, by deed of South State Bank dated March 29, 2019 and recorded on April 5, 2019 in Book 0788 at Page 001 in the ROD Office for Charleston County.

TMS# 411-09-00-012



JA 90066030

SC RD 2264 SCOTT STREET 30' R/W



PROPERTY OWNER IS  
DANNY BERLINSKY  
DEED NO. D255 PG 217

LOT 7-A

12

7-B

13

7-C

18

12

17

11

344

2 JUL 1984  
7 6c  
10 Evelyn M Burkett  
white

PROPERTY OWNER IS  
JAMES R BURKETT  
DEED NO. G154 PG 624

LOT 7-D

102.19'

PAINT MARK ON  
CORRIDOR WALL

ABANDON OLD LINE

ABANDON OLD LINE

ABANDON OLD LINE

N04°35'00"E

177.51'

N04°35'00"E 177.51'

79.60'

N85°25'00"W

79.45'

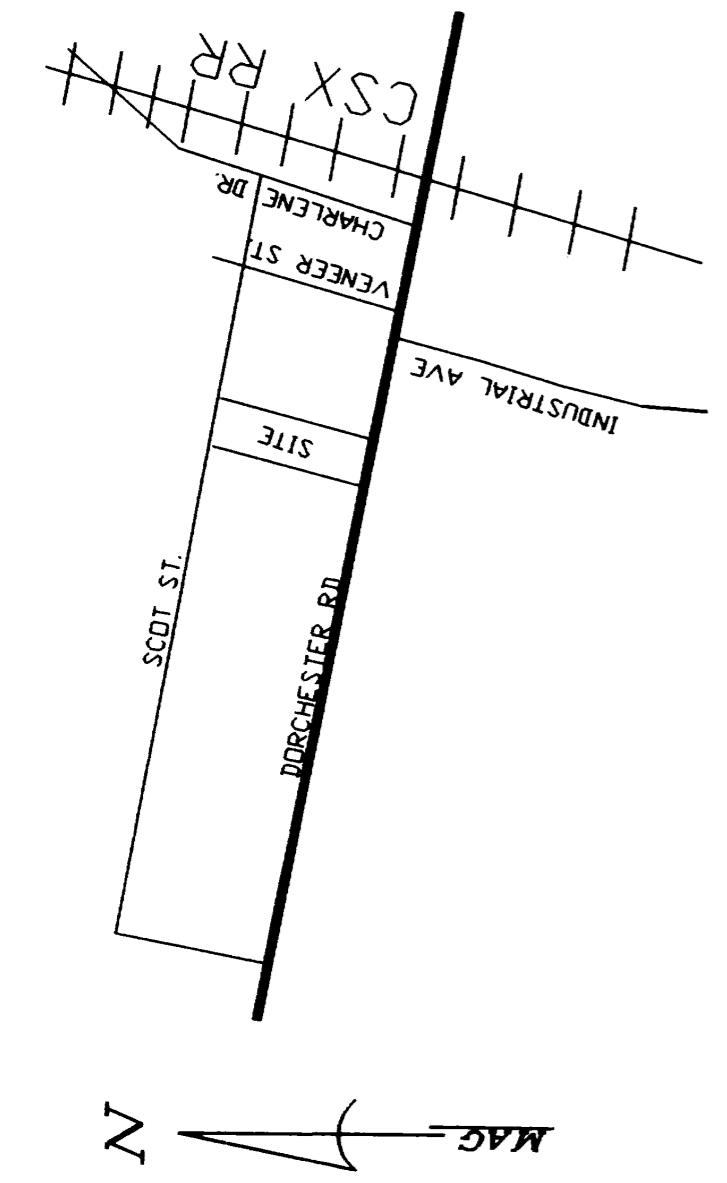
15.00'

RR SPIKE IN  
SIDEWALK  
Distance to intx  
of Industrial Ave 192'

PROPERTY OWNER IS  
EARL S. DOUGLAS  
DEED NO. 160, PG 790

Lot 10

16



VICINITY MAP N.T.S.

*Leo J. Simard*  
17/200 12/10/98

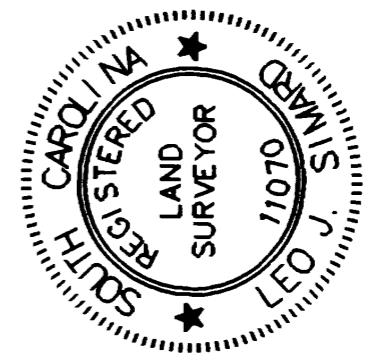
NOTES AND REFERENCES:

1. PLAT BY JOSEPH NEEDLE, CE RECORDED IN PLAT BOOK G, PAGE 43.
2. MAP OF CHARLESTON INDUSTRIAL ASSOCIATION SITE #1 RECORDED IN PLAT BOOK F, PAGE 251.
3. LOT NUMBERS SHOWN ON THIS PLAT REFER TO LOT NO'S SHOWN ON REFERENCE #1.
4. LOT NUMBERS IN SQUARES ARE PLAT NO'S.
5. LOT NUMBERS IN CIRCLES ARE TMS NUMBERS.
6. TMS NUMBER ID 411-09-00-\*
7. ALL LINES HAVE BEEN MEASURED TO AN ACCURACY OF 1 IN 20,000.
8. LOTS 7B,7C, 11 & 12 ARE OWNED BY JAMES R. & EVELYN M. BURKETT.



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS, OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED HEREIN. ALSO THERE NO ENCROACHMENTS, PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

*Leo J. Simard*  
LEO J. SIMARD, P.S. 11070



DORCHESTER ROAD 60' R/W S.C. HWY 642

**LEO J. SIMARD SURVEY**  
829 COLONY DRIVE  
CHARLESTON, S.C. 29407  
PHONE (803) 766-7474

JOB NO: 97004-70  
FILE: \LEO\97004.DWG  
DATE: 7/24/97

APPROVED BY: LEO J. SIMARD

NOTES:

NO.	REVISIONS	BY:	DATE

A PLAT SHOWING A CHANGE OF PROPERTY LINES ON LOTS 7B, 7C, 11 & 12 WHICH IS 1.02 ACRES IN THE OLD CHARLESTON INDUSTRIAL SITE #1 IN THE NORTH AREA CHARLESTON COUNTY S.C.

**EXHIBIT A**  
**Real Property Description**

ALL that piece, parcel or tract of land, situate, lying and being in the City of North Charleston, Charleston County, South Carolina, designated as Tract "A" as shown on a plat entitled "Plat Showing Land Owned by The City of Charleston, City of North Charleston, Charleston County, S.C." by Curtis W. Lybrand, Jr., S.C.R.L.S., dated December, 1978 and which plat is recorded in Plat Book AM, page 86 in the RMC Office for Charleston County.

BEING the same property conveyed to Grantor by deed of North Point Park, LLC dated May 9, 2001 and recorded with the Charleston County R.M.C. Office on June 6, 2001 in Book N373, Page 781.

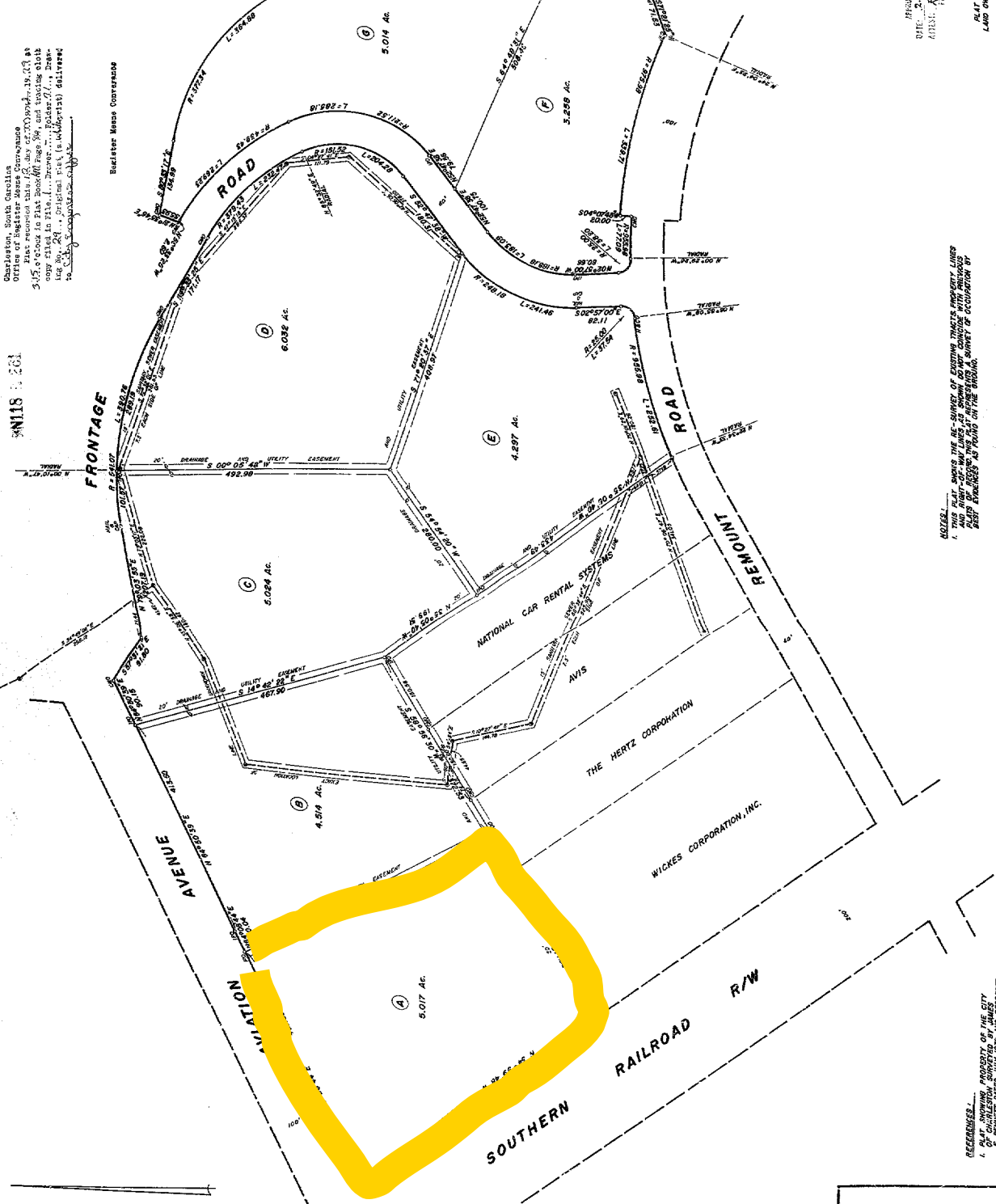
TMS 472-00-00-020

Charleston, South Carolina  
 Office of Registrar Mease Conners  
 Date received this 15th day of November, 1978, at  
 3:15 P.M. a deed in Flat Book # 48, 1978, and tracing plat  
 thereon, together with a plat of subdivision of the land  
 described in said deed, to wit: Parcel 1, Block 1, Zone  
 10, Subdivision 1, Original Plat (L-1448) of 1977  
 to the City of Charleston, South Carolina.

PLAT 1-261

Bealester Mease Conners

U. S. INTERSTATE I-26



PROPOSED  
 DATE: 11-15-78  
 TITLE: PLAT OF SUBDIVISION

PLAT SHOWING  
 LAND OWNED BY THE  
**CITY OF CHARLESTON**  
 CITY OF NORTH CHARLESTON  
 CHARLESTON COUNTY, S.C.  
 DECEMBER, 1978 SCALE: 1" = 100'

C. P. MEASE, SURVEYOR  
 1000 BROAD STREET  
 CHARLESTON, S.C. 29403

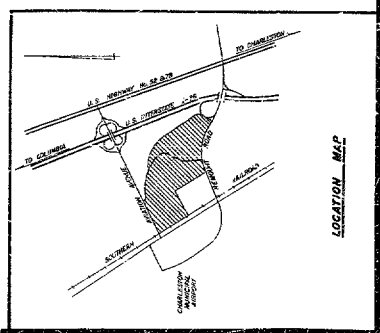
NOTES:  
 1. THIS PLAT SHOWS THE AC SURVEY OF EXISTING TRACTS, PROPERTY LINES  
 AND BOUNDARIES AS SHOWN ON THE PLAT REPRESENTING A SURVEY OF OCCUPATION BY  
 BEST EVIDENCE AS FOUND ON THE GROUND.

2. ALL CORNERS MARKED WITH METAL PIPE UNLESS OTHERWISE NOTED.  
 3. ALL CORNERS MARKED WITH CONCRETE MONUMENTS.  
 4. LOTS 100 AND 101 ARE CONCRETE MONUMENTS OLD  
 MONUMENTS FROM THE OLD  
 "SAVING" STREET MAPS.

SURVEYORS CERTIFICATE

I, CURTIS W. LEONARD, JR., A REGISTERED LAND  
 SURVEYOR OF THE STATE OF SOUTH CAROLINA,  
 HEREBY CERTIFY THAT THE PLAT OF SUBDIVISION  
 PRESENTLY BEING HEREON FILED WAS PREPARED  
 AND THE PLAT REPRESENTS THE ACTUAL SURVEY  
 AND THAT ALL NECESSARY MEASUREMENTS WERE  
 MADE AND THE PRECISION OF THE SURVEY IS 1/100,000.  
 CURTIS W. LEONARD, JR.  
 REGISTERED LAND SURVEYOR, L.S. No. 8770

REFERENCES:  
 1. PLAT SHOWING PROPERTY OF THE CITY  
 OF CHARLESTON, SUBMITTED BY JAMES  
 W. MEASE, AS MAP # 48, CHARLESTON  
 COUNTY REC. OFFICE.



LOCATION MAP



BP0548540

# PGS:

6

2

WHEREAS, at a meeting of the Members and Managers of Northwoods Center Business Park, LLC, duly called and held, it was unanimously resolved that the property hereinbelow described be conveyed to the Grantee(s) herein for the consideration hereinafter shown and that Mark C. Joye, as the Member/Manager and Authorized Agent of the Company, be and is authorized to execute this deed of conveyance on behalf of the said Company as its act and deed.

STATE OF SOUTH CAROLINA )
COUNTY OF CHARLESTON ) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that, NORTHWOODS CENTER BUSINESS PARK, LLC, A South Carolina Limited Liability Company (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of THREE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 (\$3,525,000.00) DOLLARS, and subject to the restrictions, exceptions and limitations, if any, as hereinafter set forth, to the Grantor paid by THAYNES CAPITAL NORTHWOODS LLC, a Delaware/South Carolina Limited Liability Company (hereinafter whether singular or plural the "Grantee") have granted, bargained, sold and released, and, by these presents, do grant, bargain, sell and release unto the said THAYNES CAPITAL NORTHWOODS LLC, a Delaware/South Carolina Limited Liability Company, Its Successors and/or Assigns, forever, in fee simple, the following described real property, to-wit:

ALL that certain piece, parcel, or tract of land, situate, lying and being in the City of North Charleston, County of Charleston, State of South Carolina, located on the northern side of North Center Street; said tract commencing at an iron pin north 5 degrees 32'00" west a distance of 159.40 feet from the intersection of the eastern boundary of North Center Street at Ashley Phosphate Road, thence running north 5 degrees 32'00" west for a distance of 793.58 feet to an iron pin, thence turning and running south 84 degrees 10'43" west for a distance of 199.90 feet to an iron pin, thence turning and running south 5 degrees 32'00" east for a distance of 533.72 feet to an iron pin, thence turning and running in a generally southeasterly direction along a curve having a radius of 125.00, an arc distance of 38.53 and a chord distance of 38.53 feet to an iron pin, thence turning and running south 51 degrees 41'06" east for a distance of 158.85 feet to an iron pin, thence turning and running in a generally southeasterly direction along a curve having a radius of 175.00, an arc of 140.96, and a chord of 137.18 feet to the point of beginning, be all said dimensions a little more or less. Said tract containing 2.87 acres, a little more or less.

ALSO:

All that certain piece, parcel or lot of land, situate, lying and being located in the County of Charleston, State of South Carolina, being identified as "Proposed 50' R/W" on that certain plat prepared by Trico Surveying, Inc. dated August 26, 1985 (the "Plat") and recorded in the Charleston County RMC Office in Plat Book BF, Page 34, reference being craved thereto for a complete description of the metes, bounds, courses, and distances of said parcel; be all measurements a little more or less. The Plat is hereby incorporated herein by reference.

SAID tract butting to the east on lands now or formerly of Gene Reed Toyota; to the north now or formerly land of various owners; to the west on lands now or formerly of Ashley Associates, a partnership; and to the south on North Center Street.

AND ALSO:

ALL that certain piece, parcel, or tract of land, situate, lying and being in the City of North Charleston, County of Charleston, State of South Carolina, located on the southern side of Easy Street (40' right of way); said tract commencing at an iron pin on the southern side of the 40' right of way known as Easy Street and the northern corner of the common boundary line located between Lot 9 and Lot 10 of the

"Property of Minnie Lee Tumbleston," as shown on a plat recorded in the RMC Office for Charleston County in Plat Book H, at Page 102, thence turning and running south 5 42'17" east for a distance of 79.73 feet to an iron, thence turning and running north 84 degrees 22'01" east for a distance of 99.02 feet to an iron, thence turning and running south 5 degrees 32'00" east for a distance of 533.72 feet to an iron, thence turning and running along a curve having a radius of 125 feet a distance of 56.98 feet, a chord of 56.49 feet, said chord bearing north 82 degrees 28'28" west to an iron pin, thence turning and running south 84 degrees 28'01" west to a distance of 43.75 feet to an iron pin, thence turning and running along curve having a radius of 180.32 feet, length of 68.72 feet, a chord of 68.40 feet, said chord having a bearing of south 73 degrees 32'04" west to an iron pin, thence turning and running south 62 degrees 35'07" west a distance of 6.99 feet to an iron pin, thence turning and running along a curve having a radius of 200.96 feet, a length of 29.08 feet, a chord of 29.05 feet, said chord having a bearing of south 66 degrees 44'49" west to an iron pin, thence turning and running north 5 degrees 44'49" west a distance of 100.35 feet, thence turning and running north 5 degrees 43'36" west a distance of 444.67 feet to an iron pin, thence turning and running north 3 degrees 35'41" west a distance of 79.18 feet to an iron pin, thence turning and running north 84 degrees 1'17" east a distance of 100 feet to the point of beginning, be all said dimensions a little more or less.

SAID tract butting and bounding on the north by the 40' right of way known as Easy Street, and Lot 10, being the property now or formerly of Harry C. Carlisle, on the east on lands now or formerly of Ashley Associates, a partnership, on the south on the 50' right of way or North Center Street, and on the west of properties of various owners.

LESS AND EXCEPT:

ALL that certain piece, parcel, or tract of land, with the buildings and improvements thereon, if any, situate, lying and being in the City of North Charleston, County of Charleston, State of South Carolina, conveyed to the South Carolina Department of Transportation by deed of Northwoods Center Business Park, LLC dated October 31, 2003 and recorded in the RMC Office for Charleston County in Book P476, at Page 386, as set forth in said deed.

BEING a portion of the same property conveyed to Northwoods Center Business Park, LLC, by Deed of Northwoods Center Associates, A Partnership, dated December 22, 1995 and recorded on December 29, 1995, in the RMC Office for Charleston County, SC, in Book T263, at Page 188; ALSO being the same property (as to the 50' R/W) being conveyed to Northwoods Center Business Park, LLC, by Deed of Ashley Associates, a Partnership, dated December 15, 2010 and recorded on January 27, 2011, in the RMC Office for Charleston County, SC, in Book 0168, at Page 727.

TMS#: 484-16-00-034  
484-16-00-035

Grantee's Address:

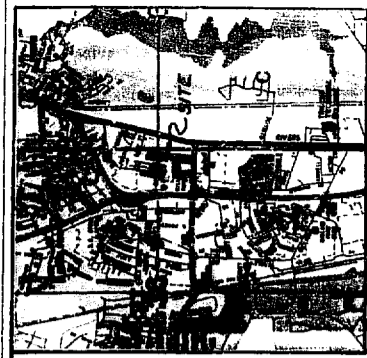
PO Box 2441  
Mt Pleasant SC 29465

Together with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Grantee, **THAYNES CAPITAL NORTHWOODS LLC**, a Delaware/South Carolina Limited Liability Company and Its Successors and/or Assigns forever.

And the Grantor do hereby bind the Grantor and the Grantor's Successors and Assigns, to warrant and forever defend all and singular the said premises unto the said Grantee hereinabove named and the Grantees' Successors and Assigns against the Grantor and the Grantor's Successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.



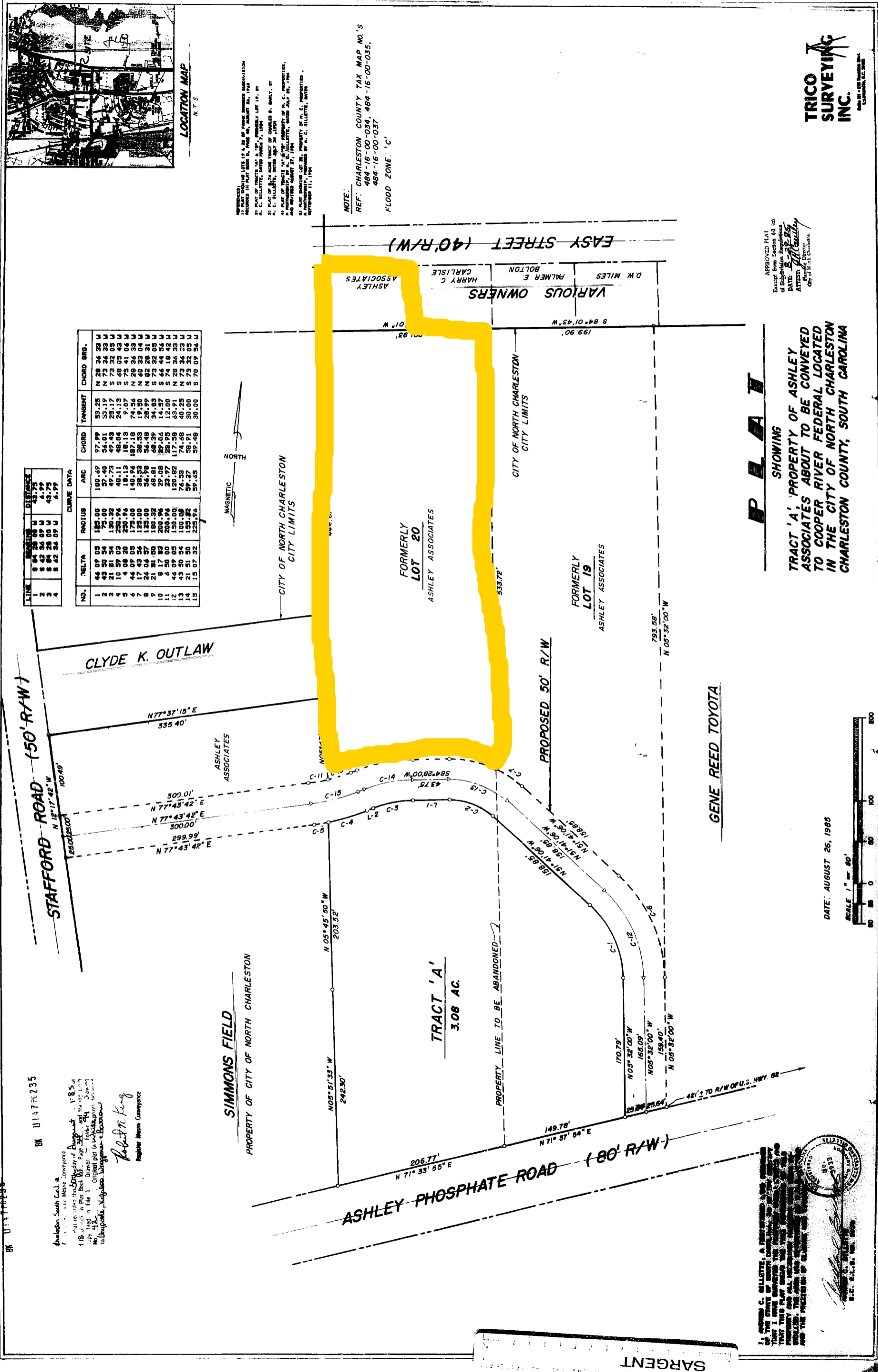


LOCATION MAP  
N.T.S.

NOTE:  
 REF: CHARLESTON COUNTY TAX MAP NO. 1'S  
 484-16-00-034, 484-16-00-035,  
 484-16-00-037.  
 FLOOD ZONE: 'C'

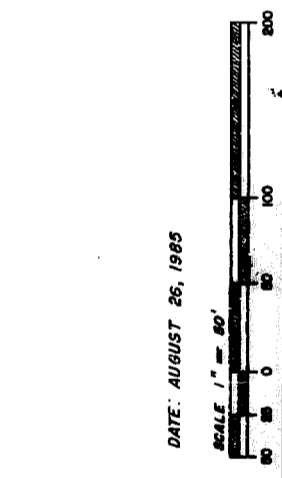
LINE	BEARING	DISTANCE
1	S 84° 28' 00" W	43.75
2	S 42° 36' 09" W	4.99
3	S 84° 28' 00" W	43.75
4	S 42° 36' 09" W	4.99

NO.	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG.
1	44 09 05	183.00	100.49	97.99	53.25	N 28 34 33 W
2	43 50 54	75.00	57.40	56.01	30.19	N 73 34 33 W
3	21 31 54	130.32	49.73	47.43	25.17	S 73 32 05 W
4	10 59 03	250.96	48.11	48.04	24.13	S 68 05 43 W
5	4 08 20	250.96	18.13	18.13	9.07	S 75 41 04 W
6	44 09 05	175.00	148.96	187.18	74.56	N 28 36 33 W
7	17 43 56	125.00	38.53	38.53	19.50	N 60 33 04 W
8	25 04 57	125.00	58.98	56.48	28.99	S 73 32 05 W
9	8 17 53	180.32	58.81	59.39	34.89	S 56 16 56 W
10	4 50 00	200.96	23.97	23.97	12.00	S 73 32 05 W
11	4 50 00	200.96	23.97	23.97	12.00	S 56 16 56 W
12	46 09 05	150.00	120.82	117.53	43.91	N 28 36 33 W
13	43 50 54	100.00	76.53	74.68	40.25	S 73 32 05 W
14	21 31 54	155.82	59.27	58.91	30.00	S 73 32 05 W
15	15 07 32	225.96	59.65	59.48	30.00	S 70 09 36 W



APPROVED PLAT  
 Except from Section 43 (a)  
 of Subdivision Regulations  
 DATE: 8/26/85  
 ATTEST: [Signature]  
 Registrar, Director  
 City of North Charleston

SHOWING  
**TRACT 'A', PROPERTY OF ASHLEY ASSOCIATES ABOUT TO BE CONVEYED TO COOPER RIVER FEDERAL LOCATED IN THE CITY OF NORTH CHARLESTON CHARLESTON COUNTY, SOUTH CAROLINA**



I, ORSONA C. GILLETTE, a Registered Professional Engineer in the State of South Carolina, do hereby certify that I have examined the plat and the accompanying field notes and that the same are correct and that the same conform to the provisions of the laws of the State of South Carolina.  
[Signature]  
 S.C. REG. NO. 1000

**TRICO SURVEYING INC.**  
 1001 W. 10th Street  
 Columbia, S.C. 29201

BK U147 PC 235  
 Charleston South Carolina  
 Full recorded this 20th day of August 1985 at 1:18 p.m.  
 1 (B) Book of Plat Book 85, Page 333 and tracing on hand  
 copy filed in File 1  
 No. 472 Original plat is in the possession of the Registrar  
 in Charleston, S.C. and is available for inspection  
Robert M. King  
 Registrar, Meigs Conveyance

SARGENT

## EXHIBIT "A" TO DEED

AN UNDIVIDED 5.742% INTEREST IN AND TO:

ALL that certain piece, parcel or lot of land with the buildings and improvements thereon, situate, lying and being in the Town of Mount Pleasant, County of Charleston, South Carolina and being shown on and designated as "Lot 6" on a plat by Penolia A. Van Buren dated August 24, 1995, entitled, "PLAT OF WANDO PARK – BELLE HALL", and recorded August 29, 1995, in Plat Book EA at Page 747, in the RMC Office for Charleston County, South Carolina

SAID tract of land having such size, shape, dimensions, buttings and boundings, more or less, as will by reference to said plat more fully and at large appear.

SUBJECT to the following:

1. Declarations of Covenants, Conditions, Easements, Restrictions, Charges and Liens for Wando Park and provisions of the Wando Park Property Owner's Association dated November 12, 1992, and recorded March 26, 1993, in Book B-225 at Page 090 in the RMC Office for Charleston County, South Carolina; as amended by First Amendment dated March 14, 1995, and recorded March 16, 1995, in Book N-253 at Page 542 in the RMC Office aforesaid; as supplemented by Supplemental Declaration dated March 9, 1995, and recorded March 16, 1995, in Book N-253 at Page 549 in the RMC Office aforesaid; as further supplemented by Supplemental Declaration dated September 25, 1996, and recorded September 30, 1996, in Book V-274 at Page 209, in the RMC Office aforesaid; as modified by instrument entitled "Assignment of Declarant's Rights" dated February 2, 1998, and recorded in Book F-298 at Page 811 in the RMC Office aforesaid.
2. Declaration of Covenants and Restrictions for Property of Long Point Road Limited Partnership and Grant of Easement dated February 21, 1992, and recorded in Book W-210 at Page 453 in the RMC Office for Charleston County, South Carolina.
3. Indenture from Wando Park Limited Partnership to the South Carolina Electric & Gas Company dated December 21, 1992, and recorded February 18, 1993, in Book V-223 at Page 15 in the RMC Office for Charleston County, South Carolina.
4. Agreement dated November 8, 1993, between Long Point Road Limited Partnership, Wando Park Limited Partnership and Wando Park Property Owner's Association, Inc. recorded in Book Z-248 at Page 120 in the RMC Office for Charleston County, South Carolina.
5. Title to Water and Sewer Systems and Grants of Easements from Wando Park Limited Partnership to the Mount Pleasant Waterworks and Sewer Commission dated June 19, 1995, and recorded in Book P-256 at Page 529 in the RMC Office for Charleston County, South Carolina.

6. Drainage easement from Wando Park Limited Partnership to the Town of Mount Pleasant dated June 30, 1995, and recorded in Book K-257 at Page 718 in the RMC Office for Charleston County, South Carolina.
7. Grant of Perpetual Easement from Wando Park Limited Partnership to the Mount Pleasant Waterworks and Sewer Commission dated June 23, 1995, and recorded in Book K-257 at Page 722 in the RMC Office for Charleston County, South Carolina.
8. Grant of Perpetual Easement from Wando Park Limited Partnership to the Mount Pleasant Waterworks and Sewer Commission dated May 30, 1995, and recorded in Book K-257 at Page 728 in the RMC Office for Charleston County, South Carolina.
9. Easement from John C. Sheridan, Jr. and Mary Edward Sheridan to Berkeley Electric Cooperative, Inc. dated May 12, 1950, and recorded in Book O-54 at Page 168 in the RMC Office for Charleston County, South Carolina..
10. License from John C. Sheridan, Jr. to Berkeley Electric Cooperative, Inc. dated August 12, 1952, and recorded in Book T-55 at Page 177 in the RMC Office for Charleston County, South Carolina.
11. Easement from Georgia Pacific Investment Company to Berkeley Electric Cooperative, Inc. dated August 29, 1985, and recorded September 10, 1985, in Book B-148 at Page 116 in the RMC Office for Charleston County, South Carolina..
12. Easement from Georgia Pacific Investment Company to Berkeley Electric Cooperative, Inc. dated August 21, 1985, and recorded October 10, 1985, in Book U-148 at Page 421 in the RMC Office for Charleston County, South Carolina.
13. All easements, notes and other matters shown on survey prepared by Penolia A. Van Buren dated August 24, 1995, entitled "PLAT OF WANDO PARK – BELLE HALL", and recorded August 29, 1995, in Plat Book EA at Page 747 in the RMC Office for Charleston County, South Carolina..
14. Indenture from Webb Clements Office, L.L.C. to the South Carolina Electric & Gas Company dated December 12, 2000, and recorded December 29, 2000, in Book H-361 at Page 422 in the RMC Office for Charleston County, South Carolina.
15. The following matters as shown on a plat by GPA Professional Land Surveyors., entitled "WANDO PARK CENTER 474 WANDO PARK BOULEVARD TMS 537-00-00-066" dated January 22, 2004, which reveals the following:
  - a. 30' PRIVATE DRAINAGE EASEMENT
  - b. 30' BUILDING SETBACK
  - c. 25' BUFFER
  - d. 20' PUBLIC DRAINAGE EASEMENT

- e. 10' SIDE SETBACK
- f. 12.5' BUFFER
- g. DETENTION BASIN
- h. 15' BUFFER
- i. POWERLINES

ALSO SUBJECT to all assessments, easements, restrictions, comments, matters and limitations of record including, without limitation, those shown on the aforesaid plats, and included in the aforesaid Declaration.

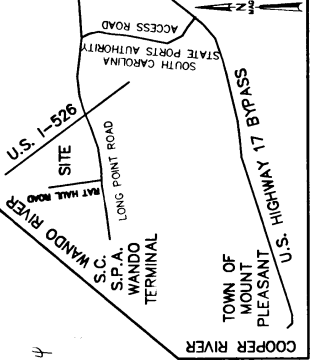
**THIS CONVEYANCE IS MADE SUBJECT TO THAT CERTAIN MORTGAGE FROM GRANTOR TO SUNTRUST BANK DATED JANUARY 23, 2004, AND RECORDED JANUARY 27, 2004, IN BOOK O-482 AT PAGE 670, AND ASSIGNMENT OF RENTS AND LEASES FROM GRANTOR TO SUNTRUST BANK DATED JANUARY 23, 2004, AND RECORDED JANUARY 27, 2004, IN BOOK O-485 AT PAGE 385, ALL IN THE RMC OFFICE FOR CHARLESTON COUNTY. SAID MORTGAGE HAVING AN APPROXIMATE PRINCIPAL BALANCE OF THREE MILLION EIGHT HUNDRED EIGHTY THOUSAND SIX HUNDRED NINETY ONE AND 37/100 (\$3,880,691.37) DOLLARS.**

BEING a portion of the property conveyed to Grantor herein by deed of Webb Clements Office, L.L.C. dated January 22, 2004, and recorded January 27, 2004, in Book O-482 at Page 433, in the RMC Office for Charleston County, South Carolina.

TMS No. 537-00-00-066

Grantee's Address:

P.O. Box 14247  
Savannah, GA 31416



COOPER RIVER  
TOWN OF MOUNT PLEASANT  
U.S. HIGHWAY 17 BYPASS

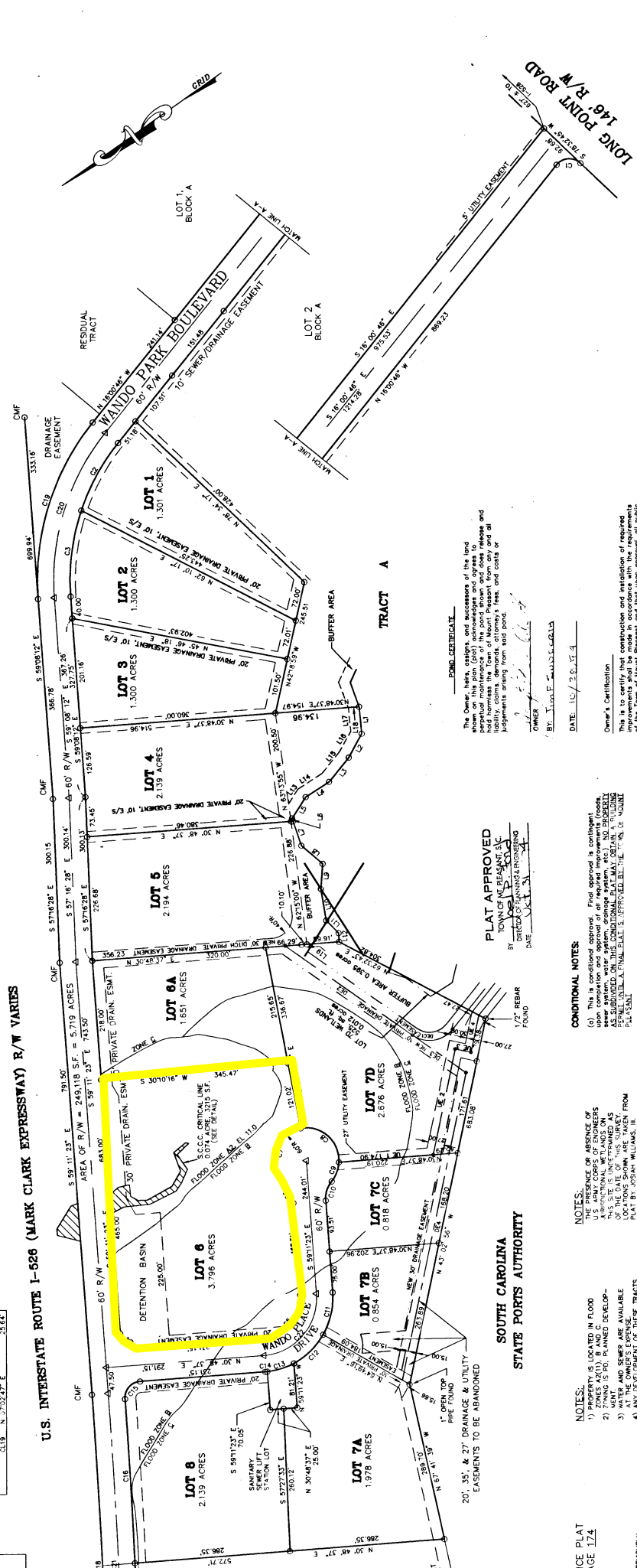
LINE	BEARING	DISTANCE	AREA
1	N 89° 13' 00" E	174.00	1.00
2	S 89° 13' 00" E	174.00	1.00
3	N 0° 00' 00" W	50.00	0.25
4	S 0° 00' 00" W	50.00	0.25
5	N 89° 13' 00" E	174.00	1.00
6	S 89° 13' 00" E	174.00	1.00
7	N 0° 00' 00" W	50.00	0.25
8	S 0° 00' 00" W	50.00	0.25
9	N 89° 13' 00" E	174.00	1.00
10	S 89° 13' 00" E	174.00	1.00
11	N 0° 00' 00" W	50.00	0.25
12	S 0° 00' 00" W	50.00	0.25
13	N 89° 13' 00" E	174.00	1.00
14	S 89° 13' 00" E	174.00	1.00
15	N 0° 00' 00" W	50.00	0.25
16	S 0° 00' 00" W	50.00	0.25
17	N 89° 13' 00" E	174.00	1.00
18	S 89° 13' 00" E	174.00	1.00
19	N 0° 00' 00" W	50.00	0.25
20	S 0° 00' 00" W	50.00	0.25

LINE	BEARING	DISTANCE	AREA
1	N 89° 13' 00" E	174.00	1.00
2	S 89° 13' 00" E	174.00	1.00
3	N 0° 00' 00" W	50.00	0.25
4	S 0° 00' 00" W	50.00	0.25
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17	N 89° 13' 00" E	174.00	1.00
18	S 89° 13' 00" E	174.00	1.00
19	N 0° 00' 00" W	50.00	0.25
20	S 0° 00' 00" W	50.00	0.25

CURVE	CHORD	BEARINGS	AREA
1	44.00	N 89° 13' 00" E	1.00
2	44.00	S 89° 13' 00" E	1.00
3	44.00	N 0° 00' 00" W	0.25
4	44.00	S 0° 00' 00" W	0.25
5	44.00	N 89° 13' 00" E	1.00
6	44.00	S 89° 13' 00" E	1.00
7	44.00	N 0° 00' 00" W	0.25
8	44.00	S 0° 00' 00" W	0.25
9	44.00	N 89° 13' 00" E	1.00
10	44.00	S 89° 13' 00" E	1.00
11	44.00	N 0° 00' 00" W	0.25
12	44.00	S 0° 00' 00" W	0.25
13	44.00	N 89° 13' 00" E	1.00
14	44.00	S 89° 13' 00" E	1.00
15	44.00	N 0° 00' 00" W	0.25
16	44.00	S 0° 00' 00" W	0.25
17	44.00	N 89° 13' 00" E	1.00
18	44.00	S 89° 13' 00" E	1.00
19	44.00	N 0° 00' 00" W	0.25
20	44.00	S 0° 00' 00" W	0.25

LINE	BEARING	DISTANCE	AREA
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8	S 0° 00' 00" W	50.00	0.25
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20	S 0° 00' 00" W	50.00	0.25



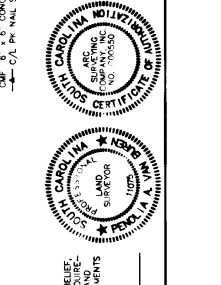
**CONDITIONAL PLAT**  
OF SUBDIVISION OF TRACT B OF  
WANDO PARK - BELLE HALL  
INTO WANDO PARK BOULEVARD,  
LOT 1 - 6, 6A, 7A - 7D, 8,  
AND LIFT STATION LOT  
TOWN OF MOUNT PLEASANT  
CHARLESTON COUNTY, SOUTH CAROLINA

OWNER: JAMES E. WANDERLICK  
DATE: 10/26/94  
BY: JAMES E. WANDERLICK  
This is to certify that construction and installation of required improvements shall be made in accordance with the requirements of the plat shown on this plat, and that the owner of the land shown on this plat has made financial guarantees to the Town of Mount Pleasant to ensure that the improvements shown on this plat will be constructed and installed in accordance with the requirements of the plat shown on this plat.

**PLAT APPROVED**  
TOWN OF MOUNT PLEASANT, SC  
BY: DIRECTOR OF PLANNING AND ZONING  
DATE: 10/26/94

**CONDITIONAL NOTES:**  
(a) The developer shall provide...  
(b) The developer shall provide...  
(c) The developer shall provide...  
(d) The developer shall provide...  
(e) The developer shall provide...  
(f) The developer shall provide...  
(g) The developer shall provide...  
(h) The developer shall provide...  
(i) The developer shall provide...  
(j) The developer shall provide...  
(k) The developer shall provide...  
(l) The developer shall provide...  
(m) The developer shall provide...  
(n) The developer shall provide...  
(o) The developer shall provide...  
(p) The developer shall provide...  
(q) The developer shall provide...  
(r) The developer shall provide...  
(s) The developer shall provide...  
(t) The developer shall provide...  
(u) The developer shall provide...  
(v) The developer shall provide...  
(w) The developer shall provide...  
(x) The developer shall provide...  
(y) The developer shall provide...  
(z) The developer shall provide...

**NOTES:**  
1) ZONES AX10, B AND C...  
2) FINING IS TO BE PLANNED DEVELOPMENT...  
3) WATER AND SEWER ARE AVAILABLE...  
4) ANY DEVIATION OF THESE TRACTS...  
5) NUMBER OF LOTS SHOWN IS 12...  
6) AREA OF TRACT B IS 6.118 ACRES...  
7) AREA OF TRACT B IS 6.085 ACRE...  
8) AREA DETERMINED BY CONFORMATE METHOD...  
9) AREA DETERMINED BY CONFORMATE METHOD...  
10) AREA DETERMINED BY CONFORMATE METHOD...  
11) AREA DETERMINED BY CONFORMATE METHOD...  
12) AREA DETERMINED BY CONFORMATE METHOD...  
13) AREA DETERMINED BY CONFORMATE METHOD...  
14) AREA DETERMINED BY CONFORMATE METHOD...  
15) AREA DETERMINED BY CONFORMATE METHOD...  
16) AREA DETERMINED BY CONFORMATE METHOD...  
17) AREA DETERMINED BY CONFORMATE METHOD...  
18) AREA DETERMINED BY CONFORMATE METHOD...  
19) AREA DETERMINED BY CONFORMATE METHOD...  
20) AREA DETERMINED BY CONFORMATE METHOD...



Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## **RESOLUTION NO. 23-R-38**

### **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.

**COLLETON COUNTY, SOUTH CAROLINA**

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

ATTEST:

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

Adopted: \_\_\_\_\_, 2023

COUNCIL VOTE:  
OPPOSED:



**EXHIBIT A**

PROPERTY DESCRIPTION  
CHARLESTON COUNTY ADDITIONAL PARCELS

PROPERTY DESCRIPTION FOR EACH PARCEL ADDED TO THE PARK BY THIS AMENDMENT AND INITIAL TAX YEAR (FOR TAXES WHICH WILL BE LEVIED ON PROPERTY OWNED ON DECEMBER 31 OF THE PRIOR CALENDAR YEAR).

<u>Parcels to be Added</u>	<u>Property Description (TMS Number)</u>	<u>Initial Tax Year</u>
SHL Medical	393-00-00-479	2022

**SCHEDULE 1**

**PROPERTY DESCRIPTIONS**

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

All that certain lot, piece or parcel of land, situate, lying and being in the City of North Charleston, Charleston County, South Carolina an being known as Tract B-1 (13.328 Acres) according to a plat entitled "A Subdivision Plat of #7791 Palmetto Commerce Parkway, Tract B, ±30.6 acres, Tax Parcel No. 3930000432, Into Tract B-1 (13.328 Acres) and Tract B-2 (17.314 Acres)" dated July 9, 2021, as recorded in the RMC Office of Charleston County in Plat Book L21 at Page 0280, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference.

Together with the easement rights contained in the Storm Water Drainage Easement dated February 14, 2018 and recorded in the ROD Office for Charleston County in Book 0698 at Page 833.

DERIVATION: Being a portion of the same property conveyed to Grantor by Limited Warranty Deed from SensusOne, SC, LLC, dated February 14, 2018 and recorded on February 14, 2018, in Book 0698 at Page 834 in the real property records for Charleston County.



Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-39**

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

**[A Resolution to Award Bid FR-26 to the Six Lowest Bidders on Protective Firefighting Equipment.]**

**WHEREAS:**

1. The County advertised a Request for Bids, FR-26, for protective firefighting equipment; and
2. Six bids were received, and each of the six companies were the qualified low bidders on the various items: Wally's Fire & Safety – 25 items; Newton's Fire & Safety Equipment – 8 items; Anderson Fire Safety – 14 items; Rhinehart Fire Services – 15 items; Fireline, Inc. – 17 items; and TechnicalRescue.com, Inc. – 1 item; and
3. Funding for these purchases is provided by the 2021 Fire Bond.

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

1. County Council hereby awards the contract in accordance with Bid FR-26 to the lowest bidders for firefighting equipment in accordance with the attached bid tabulation.
2. The County Administrator is hereby authorized to execute the contracts on behalf of the County pending approval of same by the County Attorney.
3. Funding for this firefighting equipment shall come from the 2021 Fire Bond.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-40**

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

**[A Resolution to Authorize the Sole Source Purchase of One 21' Fiberglass Brunswick Rescue Boat for Colleton County Fire-Rescue.]**

**WHEREAS:**

1. The Fire-Rescue Commission is in the process of implementing a portion of the long-range fire improvements plan for Colleton County; and
2. One Rescue Boat is included to upgrade Fire-Rescue's capabilities for search, rescue and diving operations, including the trailer and electronics; and
3. The Commission has researched several different types of boats and concluded that the 21 foot Brunswick with the attached electronics package meets the needs of the department and the functions required to provide services on the County waterways as well as the Atlantic Ocean; and
4. The Fire-Rescue Commission recommends the sole source purchase of one 21' Brunswick Boat for a cost of \$144,875.00 for the boat, motor and trailer, and \$50,002.28 for the electronics package; and
5. Funding for this purchase, in the amount of \$194,877.28 without tax, will come from the Fire-Rescue Fund – Fund 156.

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

1. The purchase of a 21 foot Brunswick Boat and electronics at a cost of \$194,877.28 (not including SC Sales Tax) is hereby approved.
2. The County Administrator is hereby authorized to execute on behalf of the County any paperwork necessary for the purchases.
3. Funding for these purchases is included in the Fire-Rescue Fund – Fund 156.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-41**

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

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

**WHEREAS:**

1. Colleton County Commission of Drug and Alcohol has one vacancy; and  
Applicant: Tamara Chisolm-Dobison
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 Commission of Drug and Alcohol: Tamara Chisolm-Dobison

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-42**

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

**[To Authorize the Council Clerk to Advertise for Board Vacancies]**

**WHEREAS:**

1. Colleton County Resource and Development Board has two vacancies; and
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 Clerk is hereby directed to advertise for the vacancies.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:

OPPOSED:



Sponsor(s)	: County Council	I, _____, Council Clerk,
First Reading	: June 6, 2023	certify that this Ordinance was
Committee Referral	: N/A	advertised for Public Hearing on
Committee Consideration Date	: N/A	_____.
Committee Recommendation	: N/A	
Second Reading	: July 25, 2023	
Public Hearing	: September 5, 2023	
Third Reading	: September 5, 2023	
Effective Date	: Immediately	

**ORDINANCE NO. 23-O-12**

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

**[AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY AND AN ENTITY CURRENTLY KNOWN TO THE COUNTY AS “PROJECT PALMETTO GREEN”, INCLUDING ANY RELATED OR AFFILIATED ENTITIES AND ANY SPONSOR AFFILIATES, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PROJECT PALMETTO GREEN; PROVIDING FOR PAYMENT BY PROJECT PALMETTO GREEN OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK 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 ADDITIONAL PROPERTY IN COLLETON COUNTY AS PART OF THE PARK; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY PROJECT PALMETTO GREEN, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.]**

Sponsor(s) : County Council  
Adopted : June 6, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 23-R-43

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

#### [COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT BETWEEN COLLETON COUNTY AND PROJECT PALMETTO GREEN; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED THERETO]

WHEREAS, Colleton County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the “FILOT Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for certain fee-in-lieu of *ad valorem* tax (the “FILOT”) with respect to economic development property, as defined in the FILOT Act, and by providing special source revenue or infrastructure credits (“SSRCs”) pursuant to Section 4-1-175 and 4-29-68 of the Code of Laws of South Carolina 1976, as amended (the “SSRC Act”); and

WHEREAS, Project Palmetto Green, an entity whose name cannot be publicly disclosed at this time (“Sponsor”), desires to invest capital in the County in order to establish a plastics recycling facility in the County (“Project”); and

WHEREAS, the Project is anticipated to result in an investment of approximately \$56,250,000 in taxable real and personal property and the creation of approximately 50 new, full-time equivalent jobs; and

WHEREAS, the Sponsor has informed the County that it intends to make or cause to be made the Investment eligible for FILOT incentives under the FILOT Act and SSRCs under the SSRC Act over the first five (5) years of the Project (the “Investment Period”), and the County intends to commit itself to entering into a fee-in-lieu of tax agreement with the Sponsor under the FILOT Act and the SSRC Act so that the Sponsor may qualify the Project for benefits under such Acts.

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

**Section 1.** The adoption of this Resolution is an official action by the County Council to identify, reflect, and induce the Project under the FILOT Act. For purposes of the FILOT Act, this Resolution is an “Inducement Resolution.” For purposes of Section 12-44-110 of the FILOT Act, this Resolution constitutes preliminary approval by the County prior to the execution of a fee agreement.

**Section 2.** If the Sponsor decides to locate the Project in Colleton County, the County Council, upon request of the Sponsor, hereby commits to enter into a negotiated FILOT arrangement with the Sponsor for the Project, the terms of which shall be set forth in a separate Fee-in-Lieu of Tax Agreement with the Sponsor (a “FILOT Agreement”), in form and manner satisfactory to the County and the Sponsor, that will provide the Sponsor with a calculation of such FILOT payments on the basis of an assessment ratio of 6%, at a fixed millage rate for the entire 25-year term of the FILOT Agreement (being the millage rate

which is the lower of (i) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement is executed or (ii) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed), and a valuation of property as provided in Section 12-44-50(A)(1)(c) of the FILOT Act.

**Section 3.** The County Council hereby commits to provide SSRCs against FILOT payments to be made during the first eight (8) years of the term of the FILOT Agreement, in the amount of thirty percent (30%) of FILOT payments for year one (1) of the term of the FILOT Agreement; in the amount of fifty percent (50%) of FILOT payments for years two (2) through six (6) of the term of the FILOT Agreement; in the amount of twenty percent (20%) of FILOT payments for year seven (7) of the term of the FILOT Agreement; and in the amount of ten percent (10%) of FILOT payments for year eight (8) of the term of the FILOT Agreement. There shall be no SSRCs against FILOT payments in years nine (9) through twenty-five (25) of the term of the FILOT Agreement. Such SSRCs shall be subject to reduction at the discretion of the County if certain investment thresholds or job creation are not met during the Investment Period.

**Section 4.** The County Council finds that: (i) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality and to no charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

**Section 5.** The County Council commits to use its commercially reasonable efforts to designate the land on which the Project is to be located as a multi-county industrial and business park, pursuant to the authority of Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, and Article VIII, Section 13(D) of the South Carolina Constitution, and to maintain the multi-county park designation for a period not less than the term of the FILOT Agreement provided for in this Resolution. The County Council's commitment to place the Project land in a multi-county park is subject to the exercise of discretion by a governmental entity other than the County and the exercise of that discretion is not controlled by the County.

**Section 6.** The County agrees to provide the incentives set forth in this Resolution as long as the Sponsor agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project.

**Section 7.** The County Council must approve the FILOT Agreement, and any other agreement or document contemplated by this Resolution, in accordance with South Carolina law and the rules and procedures of the County Council, in order for the FILOT Agreement and such other agreements or documents to be legally effective.

**Section 8.** This Resolution is effective after its approval by the County Council.

RESOLVED: June 5, 2023

COLLETON COUNTY, SOUTH CAROLINA

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Vice Chair, Colleton County Council

*(SEAL)*

ATTEST:

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Clerk to County Council

COUNCIL VOTE: UNANIMOUS  
OPPOSED: