

**AGENDA  
COLLETON COUNTY COUNCIL  
SPECIAL MEETING  
WEDNESDAY, AUGUST 14, 2013  
1:00 P.M.  
COLLETON MUSEUM, 506 E. WASHINGTON ST.**

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Roll Call
4. Old Business
  - a) 2<sup>nd</sup> Reading Ordinance 13-O-07, Granting Easement No. 890885 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located just Southeast of the Intersection of Lemacks Street and Carn Street in Colleton County, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.
  - b) 2<sup>nd</sup> Reading Ordinance 13-O-09, To Provide for the Sale of Real Property Owned by Colleton County, South Carolina to Coastal Electric Cooperative, Inc.; and Other Matters Relating Thereto.
  - c) 2<sup>nd</sup> Reading Ordinance 13-O-10, Authorizing The Acquisition Of Certain Property By Colleton County By Lease-Purchase Financing In The Amount Not Exceeding \$3,300,000; The Execution And Delivery Of Certain Instruments, Including A Lease-Purchase Agreement By Colleton County; And Other Matters Relating Thereto.
5. Executive Session
  - a) Contractual
6. Adjournment
7. Informal Meeting of the Whole

Sponsor(s): County Council  
First Reading: July 30, 2013  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: August 14, 2013  
Public Hearing: September 3, 2013  
Third Reading: September 3, 2013  
Effective Date: Immediately

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

## ORDINANCE NO. 13-O-07

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

**[An Ordinance Granting Easement No. 890885 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located just Southeast of the Intersection of Lemacks Street and Carn Street in Colleton County, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.]**

#### WHEREAS:

Colleton County Council deems it to be in the best interest of the County to grant an Easement to South Carolina Electric and Gas across a portion of property owned by Colleton County located just southeast of the intersection of Lemacks Street and Carn Street in Colleton County, SC; such easements are to be used for the installation, operation and maintenance of electrical gas facilities within Colleton County, SC.

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

- 1) The documents attached and included herein by reference grant Easement No. 890885 to South Carolina Electric and Gas across a portion of property owned by Colleton County located just southeast of the intersection of Lemacks Street and Carn Street in Colleton County, SC to be used for the installation, operation and maintenance of electrical gas facilities within Colleton County, SC.
- 2) The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
- 3) Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
- 4) Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be 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.

- 5) Conflict:

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

ATTEST:

SIGNED:

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Ruth Mayer, Council Clerk

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Phillip M. Taylor, Sr., Chairman

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Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
First Reading : July 30, 2013  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : August 14, 2013  
Public Hearing : September 3, 2013  
Third Reading : September 3, 2013  
Effective Date : Immediately

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

## **ORDINANCE NO. 13-O-09**

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

**[To Provide for the Sale of Real Property Owned by Colleton County, South Carolina to Coastal Electric Cooperative, Inc.; and Other Matters Relating Thereto.]**

#### **WHEREAS:**

1. Coastal Electric Cooperative, Inc. (the "Company") has agreed to construct and operate an electric power substation for the purpose of delivering the electric power necessary to serve the industries which locate in the Colleton County Commerce Center; and
2. Colleton County (the "County"), and the businesses which are located in, or which will locate in, the Colleton County Commerce Center will derive significant benefit from the construction and operation of the electric power substation; and
3. In exchange for the Company's commitment to construct and operate the electric power substation, the County Council of the County (the "Council") deems it to be in the best interest of the County to provide for the sale of approximately two acres of real property located in the Colleton County Commerce Center and further described in the legal description attached hereto as Exhibit A, on such terms and conditions as set forth herein.

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

1. The County of Colleton hereby authorizes the conveyance to Coastal Electric Cooperative, Inc. the property (the "Property") more fully described in attached Exhibit A for a consideration of Five and No/100 Dollars (\$5.00) and other good and valuable consideration, and upon the other terms and conditions as set forth herein.

2. The County Administrator is hereby authorized, empowered, and directed on behalf of the County of Colleton to execute and deliver a deed for the Property pursuant thereto, and to such other documents as may be necessary or desirable in connection with the conveyance of the Property.

3. Conflict:

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

4. Severability:

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

Attest:

Signed:

\_\_\_\_\_  
Clerk to Council

\_\_\_\_\_  
Phillip M. Taylor, Sr., Chairman

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

Council Vote:  
Opposed:

## EXHIBIT A

### LEGAL DESCRIPTION

All that certain piece, parcel or lot of land, lying and being in Colleton County, State of South Carolina, being located on the Northern side of Global Place and East of Corporate Way and being more fully shown and designated on plat entitled, "A Boundary Survey of 2.00 Acres A Portion of TMS 097-00-00-051 Surveyed For Coastal Electric Cooperative, Inc.", by Fowler Land Surveying, LLC, dated January 10, 2013, and recorded on \_\_\_\_\_, 2013, on Plat Slide \_\_\_\_\_, at page \_\_\_\_\_, in the Office of the Register of Deeds for Colleton County, South Carolina, and having the following metes and bounds, to wit:

Commencing at the Northeast right-of way intersection of Corporate Way and Global Place, THENCE South  $81^{\circ}42'16''$  East a distance of 1358.97 feet to a # 5 rebar set having State Plane Coordinates with a Northern value of 423676.15' and an East value of 2104257.77' and identified as the "POB".

THENCE North  $09^{\circ}32'52''$  East a distance of 296.87 feet along the property of Colleton County to an ips for corner;

THENCE South  $80^{\circ}27'08''$  East a distance of 278.66 feet along the property of Colleton County to an ips and a point on a curve;

THENCE along a curve to the left having a radius of 225.03 feet, a delta of  $39^{\circ}05'33''$ , an arc length of 153.54 feet, and a chord which bears South  $04^{\circ}34'46''$  West having a chord distance of 150.58 feet along the property of Colleton County to an ips and a point on a line;

THENCE South  $11^{\circ}40'19''$  East a distance of 81.09 feet along the property of Colleton County to an ips and a point on a curve;

THENCE along a curve to the right having a radius of 53.75 feet, a delta of  $100^{\circ}26'34''$ , an arc length of 94.22 feet, and a chord which bears South  $39^{\circ}55'07''$  West having a chord distance of 82.61 feet along the property of Colleton County to an ips and a point on a line;

THENCE North  $80^{\circ}27'08''$  West a distance of 279.28 feet along the property of Colleton County to a ips which is the POINT OF BEGINNING, and containing 87,134 square feet or 2.00 acre(s) of land, more or less.

Said parcel as described has a 50' ingress/egress easement on the southern boundary line from Global Place.

Being a portion of the same property conveyed to Colleton County, South Carolina, from Haws Management, LLC, by deed dated December 15, 2005, and recorded in the Colleton County Office of the Register of Deeds, on December 15, 2005, in Book 1144, at Page 251.

Tax Map Number: A portion of 097-00-00-051

Sponsor(s) : County Council  
First Reading : July 30, 2013  
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Effective Date : Immediately

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

## **ORDINANCE NO. 13-O-10**

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

**[AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY BY COLLETON COUNTY BY LEASE-PURCHASE FINANCING IN THE AMOUNT NOT EXCEEDING \$3,300,000; THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS, INCLUDING A LEASE-PURCHASE AGREEMENT BY COLLETON COUNTY; AND OTHER MATTERS RELATING THERETO.]**

**WHEREAS**, Colleton County, South Carolina, a body politic and corporate and a political subdivision organized and existing under the laws of the State of South Carolina (the “County”), acting by its governing body, the County Council of Colleton County (“County Council”), is authorized to enact ordinances in relation to health and order in Colleton County or respecting any subject as appears to County Council necessary and proper for the security, general welfare, and convenience of Colleton County or for preserving health, peace, order, and good government in Colleton County; and

**WHEREAS**, the County is authorized to acquire and lease personal property (excluding any real property and permanent improvements thereon) (the “Property”) by means of lease-purchase financing which does not count against the limitation set forth in Article X, Section 14, paragraph 7(a) of the South Carolina Constitution and Section 11-27-110 of the Code of Law of South Carolina 1976, as amended; and

**WHEREAS**, County Council have determined that it is in the best interest of the County to acquire a county-wide 800 MHZ radio and dispatch system from Motorola Systems, Inc. for Colleton County Public Safety and Colleton County Fire/Rescue to be financed by means of a lease-purchase arrangement pursuant to which all lease payments are made with respect to all Property so financed and secured by a security interest in such Property so financed; and

**WHEREAS**, the County has obtained competitive offers from financial institutions to provide the required lease-purchase financing; and

**WHEREAS**, County Council intend that the specific terms of such lease-purchase financing arrangement, including the principal amount to be financed, interest rate, term, and other financing terms, and the selection of the financial institution or institutions providing the

financing, will be approved by the County Administrator, based on the competitive offers received and subject to the parameters set forth herein, without further action of County Council; and

**WHEREAS**, the terms of the lease-purchase financing arrangement are to be set forth in a lease purchase agreement (the "Lease Purchase Agreement"), as approved by the County Administrator.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA,**

Section 1. The lease purchase of the Property set forth in Schedule A attached hereto by the County from Motorola Systems, Inc. pursuant to the terms set forth in the Lease Purchase Agreement is hereby approved. The County Administrator is hereby authorized and directed to execute and deliver the Lease Purchase Agreement, in form and substance satisfactory to him upon the advice of counsel, his execution being conclusive evidence of his approval.

Section 2. The consummation of all transactions contemplated by the Lease Purchase Agreement are hereby approved.

Section 3. The County Administrator is hereby authorized to approve, on behalf of the County, the specific terms of financing of the Property, including the principal amount to be financed, interest rates, term, and other financing terms, and the selection of the financing institution or institutions providing the financing, based on the competitive offers received and as he deems in the best interest of Colleton County Government.

Section 4. The Chairman and all other appropriate officials and employees 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 contemplated by the Lease Purchase Agreement.

Section 5. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 6. This Ordinance shall become effective immediately upon approval after third reading by County Council.

Section 7. 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 hereof.



Section 8. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Attest:

Signed:

\_\_\_\_\_  
Clerk to Council

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Phillip M. Taylor, Sr., Chairman

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

Council Vote:  
Opposed: