

AGENDA AMENDED 1-7-13
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 8, 2013
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order – Evon Robinson
2. Invocation & Pledge of Allegiance
3. Roll Call- Evon Robinson
4. *Executive Session- Legal Interpretation*
5. Post 2012 Election & Formative Actions:
 - a) Seating of Chairman
 - b) Seating of Vice-Chairman
 - c) Election of Council Members to LCOG (3 members)
 - d) Chairman's Appointment of Three (3) Members of Council to LCAA Board
6. Approval of Minutes
 - a) Regular Meeting December 4, 2012
7. Administrator's Briefing
8. Public Hearing
 - a) Ordinance 12-O-06, Authorizing the Execution and Delivery of a Fee-In-Lieu of Taxes Agreement Between Colleton County, South Carolina, and Sarlaflex, Inc., whereby Colleton County will enter into a Fee-In-Lieu of Taxes Arrangement with Sarlaflex, Inc.; Providing for Payment by Sarlaflex, Inc. of Certain Fees-In-Lieu of *Ad Valorem* Taxes; to Provide for the Allocations of Fees-In-Lieu Of Taxes Payable Under the Agreement for Development for a Joint County Industrial Park with Hampton County, South Carolina; to Amend the Agreement For Development for a Joint County Industrial Park with Hampton County, South Carolina so as to Include Additional Property in Colleton County as Part of the Joint County Industrial Park; and Other Matters Relating Thereto.
 - b) Ordinance 12-O-16, To Ratify FY12 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.
 - c) Ordinance 12-O-17, To Amend Chapter 14.08 –Zoning, Section14.08-2 Zoning District Regulations, Paragraph 2.120 (C) Dimensional Requirements

of the Colleton County Zoning Ordinance in Order to Meet Modern Industrial Requirements.

- d) Ordinance 12-O-18, to Amend Chapter 14.08 –Zoning, Section 14.08-3 Conditional Uses, Paragraph 3.020 (O) Hunting and Fishing Camps, of the Colleton County Zoning Ordinance in Order to Comply with the Standards of other Rural Counties with Significant Hunting Populations.

9. Old Business

- a) 3rd Reading Ordinance 12-O-16, To Ratify FY12 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.
- b) 3rd Reading Ordinance 12-O-17, To Amend Chapter 14.08 –Zoning, Section 14.08-2 Zoning District Regulations, Paragraph 2.120 (C) Dimensional Requirements, of the Colleton County Zoning Ordinance in Order to Meet Modern Industrial Requirements.
- c) 3rd Reading Ordinance 12-O-18, to Amend Chapter 14.08 –Zoning, Section 14.08-3 Conditional Uses, Paragraph 3.020 (O) Hunting and Fishing Camps, of the Colleton County Zoning Ordinance in Order to Comply with the Standards of other Rural Counties with Significant Hunting Populations.
- d) 2nd Reading Ordinance 12-O-19, To Authorize the Rezoning of a 7.9 Acre Parcel on Hendersonville Highway Identified as TMS#207-00-00-030, from Urban Development-1 (UD-1) to Rural Development-2 (RD-2).

10. New Business

- a) Resolution 13-R-01, to Award the Contract for the Removal and Disposal of Stockpile Tires.
- b) Resolution 13-R-02, To Approve Amendment Of The Agreement For Development Of A Joint County Industrial Park, By And Between Charleston County, South Carolina And Colleton County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park, So As To Include Additional Property In Charleston County As Part Of The Joint County Industrial Park.
- c) Resolution 13-R-03, To Authorize Acceptance and Budgeting of Funds for Various Grants Received for FY2012-2013.
- d) Resolution 13-R-05, To Endorse the 2012 Community Development Block Grant, Community Enrichment Application for a Demolition Project and to Commit to the Waiver of Landfill Fees and Funds for the 10% Local Match for the Grant.

- e) Resolution 13-R-06, To Award the Purchase of One 2013 Ford F-250 Service Truck from Waltherboro Motor Sales for the Solid Waste Department.
 - f) Resolution 13-R-08, To Authorize the Council Clerk to Advertise for Board Vacancies.
 - g) Resolution 13-R-09, To Authorize the Colleton County Public Works Department to Complete the Clearing and Grading of a Ball Field at the Springtown Community Center.
 - h) *Resolution 13-R-10, Recognizing Delta Sigma Theta Sorority, Inc. Celebrating 100 Years of Public Service.*
 - i) *Resolution 13-R-11, To Approve Acceptance of Additional Grant Funds from Coastal Electric Cooperative in the amount of \$80,714.28 for Industrial Infrastructure Development.*
 - j) 1st Reading Ordinance 13-O-01, Granting Easement No. 890260, Easement No. 890269 and Easement No. 890270 to South Carolina Electric and Gas Across a Portion of the Colleton County Commerce Park located along McLeod Road near Corporate Way in Colleton County, SC; Such Easements are to be Used for the installation, operation and maintenance of natural gas facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; 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
 - a) Planning & Development
 - b) Sheriff's Department
 - c) Fire-Rescue
 - d) *Contractual-Hendersonville Solid Waste Convenient Site*
 - e) *Economic Development*
 - 15. Adjournment
 - 16. Informal Meeting of the Whole

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

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

ORDINANCE 12-O-06

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

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

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

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

WHEREAS, the County and Hampton County, South Carolina (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for Joint County Industrial Park effective as of _____, _____ (the "MCIP Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with the Multi-County Park Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Miscellaneous.

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

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

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

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

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

COLLETON COUNTY, SOUTH CAROLINA

Attest:

Signed:

Ruth Mayer, Clerk to Council

Evon Robinson, Chairman

Approved as to Form
Sean P. Thornton, County Attorney

Council Vote:
Opposed:

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

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

ORDINANCE NO. 12-O-16

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

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

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

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

- f. Approves any increase in Budget Revenues related to Medical Services for FY12 based on actual collections and the appropriation of said funds within Fund 156 to meet the needs of the County.
 - g. Approves the write-off of all Colleton County Fire and Rescue Medical Services billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/12 audit as identified by CCRFC and approved by the Colleton County Administrator.
 - h. Approves the write-off of all Colleton County Solid Waste Billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/12 audit as identified and approved by the Colleton County Administrator.
 - i. Approves end-of-year adjustments as necessary to the Operational Transfers of various funds in order to decrease particular fund appropriation and correspondingly increase other fund appropriation in accordance with the operational needs and expenditures of the various Funds in FY12 and to balance the required revenue to expenditures in said Funds.
2. Conflict: All provisions in other County Ordinances or Resolutions in conflict with this Ordinance are hereby repealed
3. Severability: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

Ruth Mayer, Clerk to Council

SIGNED:

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:

OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

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

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

ORDINANCE 12-O-17

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

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

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

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

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

2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

By: _____
Phillip M. Taylor, Sr., Chairman of County Council

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to County Council

By: _____
Sean Thornton, County Attorney

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

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

ORDINANCE 12-O-18

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

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

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

1. **Chapter 14.08 – Zoning, Section 14.08-3 Conditional Uses, Paragraph 3.020 (O) of the Colleton County Zoning Ordinance** is hereby amended to read as follows:
 - a. A maximum density of 10 campers per acre is allowed.
 - b. Any structure or camper shall be setback 50 feet from a property line.
 - c. Demonstrate compliance with SCDHEC waste treatment.
 - d. All structures and campers within 100 feet of the front property line shall meet the buffer requirements found in Section 14.08-4.020 (B) Street Yard
2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

By: _____
Phillip M. Taylor, Sr., Chairman of County Council

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to County Council

By: _____
Sean Thornton, County Attorney

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

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

ORDINANCE NO. 12-O-19

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Rezoning of a 7.9 Acre Parcel on Hendersonville Highway, Identified as TMS 207-00-00-030, from Urban Development-1 (UD-1) to Rural Development-2 (RD-2).]

WHEREAS:

1. County Council pursuant to Title 6, Chapter 29, Code of Laws of South Carolina, 1976 as amended, has the legal authority to periodically amend the Official Colleton County Zoning Ordinance and Maps; and
2. The Colleton County Zoning Ordinance authorizes County Council to amend the official Zoning Maps for Colleton County; and
3. The Planning Commission has reviewed an application to rezone from Urban Development-1 (UD-1) to Rural Development-2 (RD-2), an approximately 7.9 acre, parcel identified as TMS 207-00-00-030 (known as 3396 Hendersonville Highway), also owned by the applicant; and
4. The applicant wishes for the parcel to be zoned Rural Development-2 (RD-2) to ensure that the zoning of the property matches its rural surroundings; and
5. The Planning Commission at their Monday, November 26th Meeting, voted unanimously to recommend that Council approve the requested rezoning, as the Rural Development-2 District is compatible with the Comprehensive Plan description of the area, and the rezoning provides consistency between the surrounding zoning districts.

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

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

2. Severability:

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

3. Conflict:

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

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract for the Removal and Disposal of Stockpile Tires.]

WHEREAS:

1. The County advertised a Request for Bids, SW-23, for the removal and disposal of stockpile tires; and
2. Six companies responded to the Request for Bids, SW-23; and
3. Solid Waste evaluated the bids and recommends the contract be awarded to Baird Transport.

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

1. County Council hereby awards the contract in accordance with Bid SW-23 to Baird Transport in the amount of \$118.00 per ton of tires.
2. The County Administrator is hereby authorized to execute the contract on behalf of the County pending approval of same by the County Attorney.
3. Funding for the removal and disposal of stockpile tires was received from the FY2013 Waste Tire Grant.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip Taylor
Council Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS,

1. 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
2. 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 a 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
3. The Original Agreement was substantively amended by that 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, adopted December 5, 2006; and by Colleton County Council Ordinance 06-R-20 adopted January 2, 2007; and
4. The Original Agreement, as amended, is referred to herein as the "Agreement," and
5. The Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

6. The Counties desire to amend the Agreement to include certain additional parcels in order to fulfill commitments made to companies which are considering expansion or location decisions.

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

1. Colleton County hereby approves expansion of the Park premises located within Charleston County as set forth in the attached **Exhibit A**.
2. This resolution shall take effect immediately upon its adoption by County Council.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip Taylor
Council Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

- (1) The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
- (2) The Fire-Rescue department is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY13 for grant number EM-3-903; and
- (3) The Economic Development Department is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY13 for grant number C-12-0336.

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

- (1) County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures in the following funds for the grants and unbudgeted revenues for FY13 as listed:
 - a. Fund 156 - Fire-Rescue Fund; SC DHEC Grant-in-Aid; \$11,344.43 for trauma funds,
 - b. Fund 120 – Special Revenue Fund; Rural Infrastructure Fund Grant; \$500,000 for economic development.
- (2) The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY13 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip Taylor, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-05

[A Resolution To Endorse the 2012 Community Development Block Grant, Community Enrichment Application for a Demolition Project and to Commit to the Waiver of Landfill Fees and Funds for the 10% Local Match for the Grant.]

WHEREAS:

1. The need to address quality of life issues for the Colleton County, and addressing the concerns and issues of LMI residents is a priority for the County, and the Colleton County Demo Project within the County have been identified as a priority community need for Colleton County; and
2. Colleton County wishes to address this need by making application to the South Carolina Department of Commerce, Grants Administration for Community Enrichment Funds; and
3. The completion of this project would benefit residents in the Colleton County, of which at least 46.8% qualify as having low-to-moderate incomes.

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

1. County Council hereby endorses the Colleton County Demo Project because it will greatly improve the quality of life for the residents of the Colleton County.
2. The County Administrator shall be and is authorized to prepare and submit a Community Development Block Grant (CDBG) Community Enrichment Application for the Colleton County Demo Project and to commit to the waiver of landfill fees and funds in the amount of 10% of the total grant request to assist with the matching requirements of the Community Development Program; and to commit to the additional funds that exceed the required 10% match.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip Taylor, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-06

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

**[A Resolution To Award the Purchase of One 2013 Ford F-250 Service Truck from
Walterboro Motor Sales for the Solid Waste Department.]**

WHEREAS:

1. Walterboro Motor Sales has agreed to meet the State contract pricing on the Ford F-250 Service Truck in accordance with the Colleton County Procurement Code §3.08.225; and
2. Funding for this purchase is provided in the FY13 Capital budget.

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

1. The purchase of one 2013 Ford F-250 Service Truck in accordance with County specifications at a cost of \$19,369.00 from Walterboro Motor Sales is hereby authorized.
2. The County Administrator is hereby authorized to execute on behalf of the County any paperwork necessary to complete the purchase.
3. Funding for this purchase shall be taken from the FY13 Capital Budget.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip Taylor, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted: : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Authorize the Council Clerk to Advertise for Board Vacancies.)

WHEREAS:

1. Colleton County Land use Zoning Board of Appeals two vacancies; and
2. Keep Colleton Beautiful has five vacancies; and
3. Colleton County Library Board of Trustees has two vacancies; and
4. Colleton County Resource & Development Board has one vacancy; and
5. Colleton County Recreation Commission has two vacancies; and
6. Colleton County Commission of Alcohol & Drug Abuse has one vacancy; and
7. The County Council is the appointing authority for Boards.

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

- 1) The Council Clerk is hereby directed to advertise for the vacancies.

ATTEST:

Ruth Mayer, Council Clerk

SIGNED:

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : Phillip Taylor
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Colleton County Public Works Department to Complete the Clearing and Grading of a Ball Field at the Springtown Community Center.]

WHEREAS:

- (1) The Springtown Community Center desires to construct a ball field adjacent to the community center; and
- (2) The Community Center has requested that County Council provide the assistance of the Public Works department for the clearing and grading of the ball field on property owned by the center.

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

- (1) The County Public Works department is hereby authorized to complete the clearing and grading for the proposed ball field at the Springtown Community Center.
- (2) The County Administrator is authorized to coordinate with the Springtown Community Center to provide for the clearing and grading of the ball field.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED

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

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

ORDINANCE NO. 13-O-01

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance Granting Easement No. 890260, Easement No. 890269 and Easement No. 890270 to South Carolina Electric and Gas Across a Portion of the Colleton County Commerce Park located along McLeod Road near Corporate Way in Colleton County, SC; Such Easements are to be Used for the installation, operation and maintenance of natural gas 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 Easements to South Carolina Electric and Gas across a portion of the Colleton County Commerce Park located along McLeod Road near Corporate Way in Colleton County, SC; such easements are to be used for the installation, operation and maintenance of natural 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. 890260, Easement No. 890269 and Easement No. 890270 to South Carolina Electric and Gas across a portion of the Colleton County Commerce Park located along McLeod Road near Corporate Way in Colleton County, SC to be used for the installation, operation and maintenance of natural gas facilities within Colleton County, SC.
- 2) The County Administrator is hereby authorized to sign said easements on behalf of the County pending final approval of the document by the County Attorney.
- 3) Said easements 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.

By: _____
Phillip M. Taylor, Sr., Council Chairman
Colleton County, South Carolina

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to Council

By: _____
Sean Thornton, County Attorney

Sponsor(s) : Phillip Taylor
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution Recognizing Delta Sigma Theta Sorority, Inc. Celebrating 100 Years of Public Service.]

WHEREAS:

1. Delta Sigma Theta Sorority, Inc. was founded on January 13, 1913, by twenty-two visionary women at Howard University; and
2. Since that day, Delta members have been actively involved in almost every major social movement in the United States; and
3. The first public act performed by the Delta founders involved their participation in the historic Women's Suffrage March in Washington, D.C., in March 1913; and
4. The Walterboro Alumnae Chapter of Delta Sigma Theta Sorority, Inc. has been committed to public service in Walterboro, SC for 32 years; and
5. Every Delta uses her influence for the enactment of laws to protect the unfortunate and for the repeal of those laws which deprive human beings of their privileges and rights; and
6. On January 13, 2013, Delta will celebrate 100 years of Public Service.

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

We pause in our deliberations to recognize and honor the members of the Walterboro Alumnae Chapter of Delta Sigma Theta Sorority and we thank them for their tireless efforts on behalf of the citizens of this community and we direct the Clerk of this Board to prepare a commemorative copy of this Resolution to the end that it may be presented to our honorees at a time and place deemed appropriate by the Sponsor.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 8, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 13-R-11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution To Approve Acceptance of Additional Grant Funds from Coastal Electric Cooperative in the amount of \$80,714.28 for Industrial Infrastructure Development.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The County previously received \$105,000 from Coastal Electric Cooperative under the South Carolina Rural Development Act; and
3. The RDA Pool Fund has acquired additional funds to be transferred to the County; and
4. The County is in receipt of an additional \$80,714.28 from Coastal Electric Cooperative to be used for the construction of infrastructure and or qualifying projects within the Colleton County Commerce Center, for road work and site work for the spec building owned and controlled by County government, and other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act Number 462 of 1996, as amended) and other applicable state laws.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures as follows:

Colleton County Special Revenue Fund 120; \$80,714.28 in revenues from Coastal Electric Cooperative to be used for the construction of infrastructure and or qualifying projects within the Colleton County Commerce Center, for road work and site work for the spec building owned and controlled by County government, and other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act Number 462 of 1996, as amended) and other applicable state laws.
2. The County Council Chairman is hereby authorized to execute the Contract (copy attached and included herein by reference) agreeing to receipt and accepting the terms of the \$80,714.28 grant from Coastal Electric Cooperative.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip Taylor, Chairman

COUNCIL VOTE:
OPPOSED: