

AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 1, 2022
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
 - a) Joint Council Meeting October 3, 2022
 - b) Regular Meeting October 4, 2022
5. Awards and Recognitions
6. Appearances & Public Presentations
 - a) Sabrena Graham – Amendment to the Lowcountry Council of Government Board’s Policy on Membership and Representation
7. Public Hearing
 - a) Ordinance 22-O-12, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances
 - b) Ordinance 22-O-13, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws
 - c) Ordinance 22-O-14, To Ratify FY22 Grant and Budget Resolutions and Related Appropriations for All Funds; To Ratify Transfer and Other Resolutions Previously Authorized by Council; And Other Matters Related Thereto
8. Old Business
 - a) 3rd Reading Ordinance 22-O-12, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances
 - b) 3rd Reading Ordinance 22-O-13, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws
 - c) 3rd Reading Ordinance 22-O-14, To Ratify FY22 Grant and Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer and Other Resolutions Previously Authorized by Council; And Other Matters Related Thereto

- d) 2nd Reading Ordinance 22-O-15, An Amended and Restated Ordinance Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County, South Carolina, Gehl Foods Southeast, LLC and NM GL, L.L.C., Whereby Colleton County Will Enter Into a Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, L.L.C.; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, L.L.C. of Certain Fees In Lieu of *Ad Valorem* Taxes; Providing for the Assignment of Certain Existing Economic Development Incentives to Gehl Foods Southeast, LLC and NM GL, L.L.C.; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid by Gehl Foods Southeast, LLC and NM GL, L.L.C. Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release from Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC and a Partial Assignment and Assumption of Fee In Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, L.L.C., and Colleton County, South Carolina; And Other Matters Relating Thereto
9. New Business
 - a) Resolution 22-R-53, To Ratify Amendments to Agreement Creating a Regional Council of Governments, Article II, Section 2 – Membership and Representation
 - b) Resolution 22-R-54, To Designate Rudco Products, Inc. as a Sole Source Vendor for the Solid Waste Department
 - c) Resolution 22-R-55, To Authorize the Council Clerk to Advertise for Board Vacancies
 - d) Resolution 22-R-56, To Appoint Members to Board Vacancies
 10. Items for Information and Public Record
 11. Public Comments (3 minutes per person/max time 20 min.)
 12. Council Time
 13. Executive Session
 - a) Personnel – Voter Registration
 - b) Legal – Opioid Litigation
 14. Adjournment
 15. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON NOVEMBER 1, 2022

Colleton County Council will hold a regular meeting on Tuesday, November 1, 2022, at 6:00 pm. The public will be able to stream the meeting from a link on the County's home page or by going to www.colletoncounty.org/live. Individuals who would like to participate in public comment can do so at www.colletoncounty.org/comment.

MINUTES
MONDAY, OCTOBER 3, 2022
JOINT COUNCIL MEETING
6:00 P.M.

Colleton County Council
Walterboro Wildlife Center
100 S Jefferies Blvd
Walterboro, SC 29488

Colleton County Council

Chairman Steven Murdaugh called the meeting to order with Council Members Phillip Taylor, Dr. Joseph Flowers, and Art Williams in attendance; Gene Whetsell was absent.

Colleton County Sheriff's Office

Sheriff Buddy Hill

Walterboro City Council

Mayor Bill Young and Council Members James Broderick, Judy Bridge, Ladson Fishburne, Paul Siegel, and Carl Brown.

Cottageville Town Council

Mayor Timothy Grimsley and Council Members Andy Sahlmann, and Elizabeth Green.

Edisto Beach Town Council

Mayor Crawford Moore and Councilman Bob Renner.

Colleton County School Board of Directors

Superintendent Vallerie Cave and Board Members Patricia Simmons, Sharon Witkin, Mary Jones, and Harry Jenkins.

Others Included: Kevin Griffin, Kaela Brinson, Deputy Johnson, Susan Keith, Jeff Molinari, Ryan McLeod, Adrienne Nettles, Iris Hill, Mark Aakus, Craig Stivender, Scott Biering, Hiram Davis, Lynn Stroble, Mary Cox, Jacqueline Harvey Brown, Dawn Davis, Charles Davis, Harry Bellinger, Mattie Bellinger, Lillie Singleton, Leila Williams, Silas Ferguson, Frank Santorella, Stewart McAdoo, Clarence Wiggins, Rev. Jack Lewis, Jr., Sandy Nettles, Jessica Williams, Anderson Grant, Janice Young, Charlotte Norwood, Brenda Perkins, and Walter William.

Vice Chairman Phillip Taylor gave the invocation.

Chairman Murdaugh welcomes everyone to the joint meeting.

Public Presentation

Chairman Murdaugh: Stated, I would like to thank Councilman Williams who pushed us to get together, it was a good idea. I am going to go through a few items from the county's perspective

and maybe some statistics. I don't know if any of you are gamecock fans or not, but the philosopher Lou Holtz stated that, "Statistics are like a two piece bikini. They can make you look real good or they can make you look real bad, but they never tell the whole story." So, we are going to hit some of the high points, but keep in mind there is a lot that is not in here. The County's fiscal year 2022 assessable property tax base is \$193,167,536 which represented growth of 6.8% from 2021's assessable property tax base of \$180,910,266. This growth in assessed values was driven in part by growth in real property that is a result of the continued high volume of home sales and home refinancing activity due to mortgage rates remaining near historical lows. The home refinancing has led residents to undertake building new homes as well as existing home renovations as seen in the over 1,300 building permits issued that totaled valuation of \$45.3 million. In addition, personal property assessed values saw significant growth based on previously announced business expansions as well as new businesses beginning operations in the County. As reported by the S.C. Revenue and Fiscal affairs office, median household income for the County in 2022 was forecasted at \$44,399 which continues to climb from \$36,139 just five years ago and is now 77% median household income of the State of South Carolina that was reported at \$57,216 also a great improvement over the last five years from when it was less than 70%. The County is continuing to rebound from the economic impact incurred from COVID-19 during fiscal year 2020. It is hard to have a meeting anymore without hearing the word COVID-19, but it still continues to have an impact on the municipalities and the county. This rebound is evidenced by the reduction in County unemployment which was 4.7% as of June 2021 as compared to 8.2% as of June 2020. Unemployment in the County is now roughly the same as the rate for South Carolina of 3.5% and slightly better than the U.S. rate of 3.7%. The rebound was also seen in the growth in retail sales which increased by over 9% for the year and drove increases in collection of 1% local option taxes, 1% capital projects taxes, and 2% local hospitality taxes. The County continues to invest time and resources in the development of three major County industrial sites. The sites are the Colleton Mega Site, the Stokes Tract, and the Colleton Industrial Campus. Both the Colleton Mega Site and the Stokes Tract are key industrial sites to support the financing undertaken in 2017 related to the purchase of the Salkehatchie Railroad along with Palmetto Railways, a division of S.C. Commerce. On this Economic Development front, Gehl Foods Southeast announced the purchase of Crescent Dairy and on Spec Building II for a large manufacturing distribution of shelf stable milk products and sports drinks. This project will bring \$44 million in new investment and 106 new jobs to the Colleton County Commerce Center. Mr. Jason Krause, Manager, says to let everyone know that Gehl is now hiring. The last of projects approved by voters with the Capital Projects Sales Tax got underway during the last quarter of fiscal year 2021-2022. These projects include the final phase of the City of Walterboro I-95 business loop which was undertaken to rehab and provide appeal to the Jefferies Blvd/Bells Highway span between exits 53 and 57 on I-95 to attract more visitors and tourists to the historic downtown of Walterboro. In addition to this project, the new Colleton County Taxpayer Service Center (Floyd Buckner Building) is complete and opened Friday. This building is being constructed to house the offices of the Treasurer, the Auditor and Delinquent Tax. The building will provide a more streamlined and efficient manner for residents to access these offices and even now offers a drive thru window for payments. At the same time of this construction, the current office building, the Harrelson Building, is undergoing planning and design to reengineer this building to allow for better access by residents to the offices of the Assessor, Planning and Development, Register of Deeds and Human Resources and complete a new County IT server room for all County IT needs. Also completed in the last month is the construction of a central parking area for visitors to the various County offices. This was the

County’s last major 2014 Capital Project Sales Tax projects. With the 2014 Capital Project Sales Tax program nearing completion, the County Council just voted to put another 1 cent Capital Project Sales Tax on the ballot for November 2022. Those projects are listed as:

<u>No.</u>	<u>Project Description</u>	<u>Amount</u>
1	Colleton County Animal Services Facility	\$ 3,330,550.00
2	Veteran's Park	\$ 988,200.00
3	Town of Smoaks - Johnsville/Smoaks Community Center	\$ 937,000.00
4	Colleton County Emergency Operations Center	\$ 2,719,185.00
5	Colleton County Recreation Center Additions (New Gym and Activity Rooms)	\$ 2,953,575.00
6	Colleton County Recreation Center Additions (Pool Facility)	\$ 2,029,690.00
7	Town of Cottageville - Park Expansion	\$ 455,000.00
8	Town of Williams - Water Infrastructure Improvements	\$ 250,000.00
9	City of Walterboro - I-95 Business Loop Project Phase 3	\$ 6,802,045.00
10	Edisto Municipal EOC and Town Hall Complex Phase 1	\$ 10,000,000.00
11	City of Walterboro - Ireland Creek Greenway Park and Stream Restoration	\$ 9,889,816.00
	Total Amount of Sales and Use Tax Proceeds for All Capital Projects	\$ 40,355,061.00

Litter is always a problem in the county. As part of County Council’s initiative to keep Colleton Beautiful, as of September 1, 2022, the County litter program has picked up 340.76 miles in the County totaling 26.95 tons. The County is now adding two cameras to our litter program which will be going up in a few weeks in some of the high litter areas to help catch repeat offenders. If you have a specific area you would like for us to focus on, please let us know. Fire-Rescue hosted the first “Mile in our Boots” training for mental health clinicians who treat Public Safety Personnel. The three-day course allowed the clinicians the opportunity to experience what their clients do for a living. They learned about work schedules, how to wear and work in Firefighter gear, search a building, carry victims, respond to high stress incidents, etc. It was an eye opener for most of them and there were many positive comments from participants. Fire Prevention Education began this week in the schools and will run throughout the month of October. Lastly, if you have been to any of the recent county council meetings, you have noticed that the county has been having some issues with some businesses. We have had lots of trouble, and it is difficult for law enforcement to enforce those things. So, county council has now began to initiate a county wide business license. This is a business license registration so, is not a fee based on income. It will be a set registration fee depending on the type of business that you operate. We hope to have that initiated soon so that we can assist law enforcement with those businesses that are not following the rules. Again, I wanted to say this was just to hit some of the highlights. That is not to say that Colleton County does not have struggles just like all municipalities. The state of the economy is in influx so, that means interest rates are on the rise. There are a lot of unforeseen things in the future that we are going to have to encounter, but we are in a good position financially so we should be able to make it through those things.

At this time I am going to ask that the municipalities, school board, and Sheriff to come up and speak in the order that it is on the agenda.

Sheriff Hill: Stated, thank you all for having us tonight. I would like to touch on what Chairman Murdaugh just spoke on, business licenses' for the county. The Sheriff's office supports this, because it is going to give us the authority to shut down some of the nuisance businesses that we have had over the years. I have been in and about Colleton County law enforcement since 1986, and this has been an ongoing problem for many years. I think that having the ability to record the instances and being able to look at taking the business license or having some sort of fine that we can give to keep this in check. As it stands right now, if they have an alcohol license, the state can come in and they can assist us, but in some of these instances that is not the case, it is a bring your own and the business license would help with that. I would like to say this past week, as you all know, we dodged a bullet with the storm, but I would like to thank the community for heading our warnings. Of course law enforcement were out and about, and traffic was very limited. People listened to the warnings and stayed home, and we really appreciate that. Speaking on hiring, like Gehl foods, we also have vacancies within law enforcement, detention, and communications. So, if you know anyone that would fit those needs, please send them our way.

Chairman Murdaugh: Stated, thank you Sheriff. Next on the list we have Mayor Young of the City of Walterboro, which according to the US City's Statistics has a population of 5,398. That doesn't seem right, but you also have 832.2 residents per square mile.

Mayor Young: Stated, City Council has approved a lot of projects that are either underway or will be soon. The city manager and city staff are diligently working on those projects, and have done an excellent job on getting grants in order to get those projects completed. I want to take just a minute and go through the things that we have going on right now. Boardwalk Replacement – Design and engineering has begun on the boardwalk replacement project, the city has over \$2.4 million in place for the project including a \$2.1 million revenue bond, a \$200,000 Undiscovered SC grant and \$113,513 from tornado recovery funds. I-95 Business Loop Project Phase 2 – Project is underway and will be completed by the end of 2022. Project will extend from I-95 exit 53 to the intersection of Jefferies Blvd./Bells Highway and will include decorative mast arms, medians, lighting, landscaping, stamped asphalt crosswalks, and milling and resurfacing. Water/Sewer Projects (CDBG) – the city currently has three (3) active CDBG projects including the East Side Water Line (nearing closeout), Black Street Sewer Subsystem (under construction), and Subsystem 1 and 3 East (under construction). SCIIP Application – As part of the South Carolina Infrastructure Investment Program (SCIIP), the city applied to RIA to construct a sewer trunk line to exit 57 from Ireland Creek and to extend sewer service into Northwest Walterboro. The total anticipated project cost is \$11,773,510. Main Street SC Application – the city applied to the Municipal Association of South Carolina Main Street SC program, a rigorous technical assistance program that will help to bolster downtown Walterboro. Ireland Creek Greenway Park and Stream Restoration – the project will create a new public space along Ireland Creek from West Washington Street to North Jefferies Blvd., including greenways, day-use areas, and trails. The Greenway will provide a park setting connecting downtown Walterboro and shopping areas with the Walterboro Wildlife Sanctuary. I-95 Business Loop Project Phase 3 – the final phase of the I-95 Business Loop project will extend from the intersection of North Jefferies Blvd. and Bells Highway to Exit 57. The project will include decorative mast arms, medians, lighting, landscaping, stamped asphalt crosswalks, and milling and resurfacing. The projected cost is \$6,802,045. WWTP Expansion (\$15.6 million EDA grant) – this project will expand capacity of the city's wastewater treatment plant from 2.64 MGD to 5.5 MGD. The total estimated cost of the project is \$20 million, and

construction will begin next year. Lower & Middle Ireland Creek Sewer Trunk Line Improvement Project - Upgrade sewer trunk line from WWTP to West Washington Street. The city was awarded a \$3.3 million grant from EDA for the project. The total projected cost is \$4,071,876. The City of Walterboro received the Government Finance Officers Association (GFOA) Award for Excellence in Financial Reporting for the 10th consecutive year. Water Tower Park – construction of a passive park that will feature the old water tower in downtown Walterboro (site of the former Strickland Cleaner’s). Walterboro Wildlife Center Programming (Director of Tourism and Downtown Development, Scott Grooms) – the city hired a new Tourism Director and modified the job description to include more of a focus on downtown redevelopment. The new Director will also be tasked with attracting entertainment to the Wildlife Center to include concerts in the amphitheater and wildlife shows and live exhibits. Thank you.

Chairman Murdaugh: Stated, I would like to thank you for allowing us to have this joint meeting at the Wildlife Center tonight. At this time I would like to ask the Mayor of Cottageville, Mayor Grimsley, to come forward.

Mayor Grimsley: Stated, for those of you who do not know me I am Timothy Grimsley, the Mayor of Cottageville. I have been Mayor there for 8 years, we have got a lot done, but I sure got a lot more that we need to get done. My main concern and goal is to get water and sewer in our community. If we cannot get water or sewer, we cannot have any industry. We cannot get a grocery store or restaurant, and as you all know it is a major undertaking. It looks like the only thing that we can do is “piggy back” off of the existing system. Mayor Young, I may be contacting you about that in the future. There are no more permits being issued for discharge water coming from the Edisto River, so the only way we will be able to accomplish this is to “piggy back” off an existing system. As far as the 1% CPST, we submitted for a park extension. The park that we built a few years ago is doing extremely well and is being used daily. The playground equipment is already getting worn out because the kids are using it a lot. We are hoping that the park expansion is going to double the size of our park. We would like to add an open stage area. The area we are looking at doing that is a very low area. It had some seagulls, believe it or not. They are occurring around a drainage system that was put there many years ago. We are going to try to fill that in and grade it out. I would also like to add that there is nothing available in Cottageville for the children. I have raised my children there, and we need something. The playground is being used greatly, but I would like to be able to install a small splash pad for the little kids. Our playground equipment is not suitable for the toddler aged children, so we would like to expand our playground to include things that they can play on and that new moms can push their infants in. We need some security improvements with cameras. We get a good bit of vandalism. It is nothing major just primarily writing on the pavilion walls, and the bathrooms are constantly having to be up kept. We were on Tik Tok one time. Apparently there was a Tik Tok trend on destroying a bathroom, and one of our office workers happened to see it, so we were able to catch the individual who did that. So we do need that increase in security in the form of cameras. We have contracted with a company to pave our parking lot, which is in horrible condition, but now they will not answer their phones. So, we are trying to work on figuring that out. The last thing I want to say is that Cottageville is very well known, nationally known to be specific. If you Google Cottageville, the first thing that comes up is speed trap. I am not kidding, go home and Google Cottageville. Now, that is not true. I have limited my police officers and if you’re doing 15 over you are going to get pulled. We are trying to get away from that to make Cottageville a destination, not just a drive through. As you all are

aware, 17-A is a major highway with a lot of tourist and such driving right through. We really need to work on making Cottageville a destination and I will take suggestions from anyone. We are looking for grants to upgrade our office building because it is getting in pretty bad shape.

Chairman Murdaugh: Stated, thank you Mayor. We will now hear from Mayor Crawford Moore from Edisto Beach, who thankfully weathered the storm fairly good.

Mayor Moore: Stated, thank you Steve. I appreciate the opportunity to be here with you all tonight. I am going to start off with some information most of you already know but wanted to explain where we are in our long-term plan for Edisto Beach on pressing issues. First, I would like to thank County Council for our ongoing positive relationship we have shared for many, many years. We have worked well with council and with your staff and we value that relationship greatly. We also want to thank you for your approval of the referendum for this upcoming election in November. It will benefit all of Colleton County. As you know, as a state Hwy, 174 carries all of the traffic to Edisto Beach and is also the front beach road that extends all the way down the beach to the area where the sound meets Big Bay Creek. This road is a public road and is, as it should be, for public use and is used by travelers and vacationers from all over the country and the world. Parking is free, as it should be. That being said, we need to understand that although it does belong to the public, it is our responsibility to police and take care of it. We partner with Colleton County in those policing efforts, and as always appreciate that partnership greatly. Also, as you know, the front beach is our “economic development park” for lack of a better term. In the summer your beach can be filled with as many as 25,000 visitors, not to mention the one half million visitors the State Park gets each year. As is the highway, the beach does not belong to Edisto Beach, it belongs to the public for public use by anyone. We get visitors from all over the country on a regular basis: Ohio, NJ, NY, Vermont, Connecticut, Maine, Tennessee, Texas, Georgia, Alabama, Kentucky, NC, Virginia, just to name a few. I have also seen license plates from Oregon, Washington and California. The Beach at Edisto is utilized and enjoyed by people from all over this country. This is not to mention the regular visitors we service from Summerville, Charleston, Mt. Pleasant, Walterboro, and the other surrounding towns and cities. We have become a national vacation destination. The economic impacts of this public beach to the towns and to Colleton County are essential to our ongoing success. Our challenges are beachfront maintenance among other issues, but beach front management is our elephant in the room. The perception is that because the name Edisto is followed by the word “beach” that we are somehow considered an economic powerhouse. Unfortunately, that is not true. When you look to the likes of other beaches in SC, we fall desperately short. Edisto Beach does not have the financial resources that the likes of Hilton Head, Myrtle Beach, Isle of Palms, Folly Beach or any other SC beach community. We don’t have high rise hotels for multiple layers of people occupying the same small piece of real estate, high rise condos or any of the amenities that these communities have, that create the type of tax base that they can carry. Our budget is a fraction of any of these beach front areas. At 7.2m annually our budget is lower than Colleton County towns; like Walterboro and many other South Carolina towns. Maintaining a beach front community has its very special challenges. Water, drainage, sewer, beach access maintenance, road maintenance and the big one is always Beach front management. Just because our budgets are a fraction of other beach front communities, our cost to maintain these public beaches are just as expensive as theirs. With the public aspect of Palmetto Blvd/174 and the beach front itself and all 38 beach accesses, Edisto Beach is still responsible for their maintenance, policing, turtle patrols, cleaning, and storm damage repairs, all of which are

taxing on our annual budget. We are working with the Army Corp of Engineers for an ongoing beach nourishment contract which should be ready very soon. This contract will provide us full repairs of the beach in the likelihood that a storm damages it. Our challenge going forward will be normal beach nourishment projects. If we do not do our nourishments as necessary, the beach will wash away and the loss of valuable real estate and tax income will negatively affect not only Edisto Beach but also Colleton County and the state of SC. Our deal with the Corp. in regard to regular maintenance is a 65-35 percent share. This means we must come up with 35 percent of the cost of regular nourishment. The upcoming project is projected to cost around 22 million dollars, our share of that is approximately 7.5 million. As with any project, the cost is usually higher than expected. So, ever since Hurricane Matthew, the Town has been putting back approximately \$200,000 annually, from our budget, in order to be prepared for this expense. These are monies that we need in other infrastructure areas particularly in areas of drainage and sewer, but we have prioritized this money for the public beach front nourishment. We consider it that critical to the future of not only Edisto Beach but also Colleton County. But unfortunately, it's not enough. Fortunately for all of us, the state has seen to it to help us out with a one-time commitment to our next nourishment project which is right around the corner. Our concern is for future nourishments, so to be able to maintain this public use area for years to come. Not only for the benefit of our public, but also for Edisto Beach and Colleton County. As I mentioned before, the Town of Edisto Beach has committed to putting back a substantial part of our annual budget so to be prepared, when the time comes, to nourish again, usually in the 12-to-16-year time frame, and we will continue to do that. What we would like to ask is that Council consider also investing into the ongoing protection of our greatest financial asset here in Colleton County. We would like to ask that the county consider committing, just as we have, to putting back an annual financial line item to your budget that would be earmarked specifically for beach front nourishment. It would be a strong return on your investment. I cannot express how important maintaining the beach front is to the financial stability of Colleton County and Edisto Beach. You know this, as do I, and I believe that the surrounding communities know it also. I would ask that Council consider starting a conversation around the possibility of moving forward with just such a commitment. These needed regular nourishments are not going away and will be increasingly difficult for Edisto Beach to handle alone. Once again, thank you for your continued support of our town and the great relationship we have had for many years.

Chairman Murdaugh: Stated, thank you Mayor Moore. Do we have anyone here from the Town of Lodge, the Town of Smoaks, or the Town of Williams? Hearing no one, I am going to ask for the Superintendent of Education for Colleton County, Dr. Vallerie Cave.

Superintendent Cave: Stated, thank you for the opportunity to tell you a little bit about the greatest place that I have found to work, Colleton County School District. Our vision for Colleton County School District is to prepare every child today for tomorrow, and that is what we try to do each and every day. Our theme this year is progress forever, backwards never. CCSD currently has about 5100 students, 820 Employees, 11 school sites, with an operating budget of 52 Million dollars for this year. Also, we currently have 13 vacancies. We have provided our employees with a raise this year to all our certified, classified, and administrators. Our vision is to prepare our children, and we do that to make sure they can be employed. There are only four things that children should be able to do in this world; to be employed, enlisted, enrolled, and to be entrepreneurs. Those are the choices that they have in this life, because being a drop out is not one

of those choices. How we do that is through partnerships, safe and secure learning, programming, academic progress, and the path forward, which I will be telling you more about. Our partnerships to name a few, artsNow, colleges & universities, businesses, non-profit organizations, and corporate sponsorships. Not only do we have partnerships, we have safe and secure learning. Of course, we will have those day to day struggles with children providing misbehaviors, but we do things like provide metal detectors, clear book bags, random administrative screenings, updated camera system, updated crisis management system, mindset training, gang awareness training, mental health counselors, and Social Workers. We have partnerships with MUSC so our children can have telehealth therapy, as well as, partnerships with Fetter Health Care and so to be Genesis Health Care. Also, some facility upgrades we have done is new playgrounds and new roofing on many facilities. We have also provided some paving starting today. We continue to provide those facility upgrades for our children to be safe and secure. Programming, children can have opportunities for great futures when you upgrade programming within the school. So, we have expanded our career and technology programs by offering HVAC. That will soon begin in January. We have our arts integration in our early childhood center, a drone program that will be at our middle school, we have e-sports, and we are getting ready to do our STEM reveal at two of our STEM labs, cyber security class, open courts learning program, super tutors, and parenting programs. Let's talk about our academic progress. We have intense professional development opportunities for Leaders and teachers, teacher recruitment and retention, positive growth between the school years 2021-2022 and 2020-2021 in all content areas for end of course in high school, positive growth in all content areas for grades three, five, six, seven and eight on SCREADY and SCPASS. Now, the path forward, some do not like to hear about this and some do, but it will carry us to success. We are providing aggressive monitoring of academic improvement, a modified school calendar, hoping to create the 6th grade academy, build a new early childhood center, a new TCTC facility, to expand the early college program, create a teacher leadership academy, teacher advisory council, a community advisory board, parents as partners groups. So, I continue to provide a quality learning environment for our teacher, students, and parents so that we have progress forever and not move backwards. Thank you for the opportunity to be here.

Chairman Murdaugh: Stated, at this time we have been through all present municipalities and the school board, so I am going to open it up to public questions and comments. I ask that you please come forward and speak into the mic, so that we can all hear you.

Public Comment

Rev. Lewis: Stated, he stands here today to thank Councilman Williams and Council for bringing this meeting together. First, I would like to ask, what you are doing to improve the City of Walterboro and Colleton County. What major businesses are you bringing here, not just "ma and pa"? The "ma and pa" businesses that hire two and three people are here, but the major businesses who would hire 200-300 are not coming here. I listen to the Mayor and all the projects are great, but what about the projects in impoverished neighborhoods and the African American community? What about the projects there? Why aren't there anything going on over there? Now, that is City and County Council. That is my issue, but not only that. Does the Sheriff's Department have community policing? Do you have deputies' assigned to different neighborhoods so, that they can get to know the people in the community, and the people in the communities get to know the deputies? Also, the city police department. As far as the School Board is concerned...and I am

going to put it where the ghosts can get it... Most of you who know me know that I am very outspoken. The issue is with the School Board...I listen to Dr. Cave, I have been in Colleton County for fourteen years. Dr. Cave has a tremendous program for the school board, but the only problem is, and I am going to end on this Dr. Cave does not look like the majority of you sitting there. Thank you.

Chairman Murdaugh: Stated, I will attempt to answer from the county's perspective as it relates to what we are trying to do to improve the county. The biggest thing you can do to improve the county is to create jobs, economic development is the tide that raises all ships. I did hit on some of that. We have three parks we are trying to develop, the railroad system that is now in place, and we do have two projects that are looking at those things. Some of those we are not at the liberty to talk about because they have not officially announced or done anything, but let me say this. Are we going to recruit a BMW to come to Colleton County right now? No, we are not. The reason we are not is because work force, and we don't have the workforce to support it. Work force development is a priority. We have been working with the technical colleges, the school, and we build the facility out in the industrial area, but the fact of the matter is we don't have the work force to support a large plant or facility like that. So, by putting in a plant or facility like that that will create 100 jobs or 120 jobs in Colleton County that is a big impact. We have to focus on what we can get. If you go out and focus all your time and effort on a project that we know we will never be in the running for, to me that is a waste of our time and our resources. We are trying to improve the workforce at the same time as we are trying to improve economic development. As far as what is going on in the county, I know there has been a lot of discussion about the kids and youth not having anything to do in this county. We do have some things in the Capital Project Sales Tax referendum. Since I have been on council all I have heard is we need a pool, we need a pool. If Mr. Buckner were here tonight he would be able to tell you the same thing. He was one who pushed and pushed for a swimming pool in this county, and we are finally getting a swimming pool on this referendum. I know there may be some disagreement....

Rev. Lewis: Stated, I hate to interrupt, but a swimming pool does not bring any jobs.

Chairman Murdaugh: Stated, I agree with you.

Rev. Lewis: Stated, but if you build it they will come. So, if you bring businesses in, people will come and they will bring people with them.

Chairman Murdaugh: Stated, I understand that, but your question touched on several different things not just that you were talking about not having opportunities and things to do in the county and how we were going to improve that. To go back, then I am going to let the Mayor and whoever else would like to speak here, economic development and work force development are the two most important things we need to do, and we certainly have limitations in those. You said you were going to be straight and I am going to shoot straight with you to. We are not going to get a BMW, we don't have the workforce to support that, but we do have the workforce to support a facility that will create 120 jobs, like Gehl Foods. Those create jobs, and for somebody who does not have a job, that is a good job. They also have benefits, which is something that is lacking in this county. So, I do think councils' are trying and working together to do that, but it is going to take all the organizations to do their jobs before we are going to get the improvements.

Mayor Young: Stated, just about every one of the projects that I presented to you tonight impact economic development. They are designed to bring businesses into Walterboro. The I-95 Loop Project is designed to bring people in off I-95. Several of the sewer and water projects are in low income areas within the city and some are just outside of the city that we had received grants to put in within the low income areas. I would just disagree with what you said about that. Growth does happen fast enough to suit people. We don't like to see things just busting loose and I don't think we are far from that happening. All of these things, the sewer, the increase in the waste water treatment plant, the sewer lines are all tied into the county's recruitment for bigger industries and better jobs. All those things have to be in place before that happens, so we are trying to build it so that they will come.

Dr. Cave: Stated, the school district is working to expand all our offerings to our children so that we can make sure we prove a good work force, because you need to have an abled bodied work force. The children will be ready to take the jobs when the businesses get here. Our goal is to get the children ready so that they are ready to take the jobs.

Sheriff Hill: Stated, we do have deputies that are assigned to zones. Of course, as you all know Colleton County is a big county. We do as much as we can as far as those deputies staying in their zone. As I stated earlier, we are shorthanded as are most of the counties in the state. We do have a community officer who is dedicated to going to the different areas of the county and meeting with people. So far this year we have participated in 26 community events, and 13 more scheduled that we will participate in. We have attended 12 community meetings and conducted 12 active shooter seminars for churches and different groups. We are doing as much as we can to interact with the community, because that is vital to the wellbeing of the county.

Chairman Murdaugh: Stated, are there any further comments.

***Next citizen came to the podium to speak.

Ms. Leila Williams: Stated, I wanted to say to the Mayor and to Council, thank you so much for thinking about beautifying Colleton County and all of the improvements you are making. As I travel around the states I like to take the time to drive through small towns just to look and see how they appear. So, I am happy to hear of your efforts for beautification. However, there is one small concern that I have. Fortunately, I am very mobile. I walk and ride my bicycle, but I happen to have several counter parts and several agencies that I am involved with and they have citizens that either walk with walker, sticks, or are in wheel chairs. In your efforts to beautify, there have been several light posts that have been put in the middle of sidewalks so, when these persons are in their wheel chairs and they get to that point, they have no choice but to hopefully have someone to assist them to get down onto the highway and get back up on to the side walk. In addition to those light posts, we have some beautiful palm trees that have been planted. However, here again they are in the middle of the side walk. So, I ask that in your future efforts to beautify, to please think of all of our populations, because within Colleton County we do have a disabled population and those things do make it difficult for them to maneuver. Of course, we know it is not everywhere and every day, but if it effects one person negatively, then it is something that we need to consider. I would also ask that those light posts and trees that have already been placed as you are doing your planning if there is someone on board that could look at those to see what could be done to

make some changes so that it will not negatively impact our disabled population which you know if so near and dear to my heart. I would be so appreciative as would those citizens and their families, thank you so much.

Mr. Grant: Stated, We appreciate the opportunity to come before you all and for council making this happen tonight. As Ms. Williams and others have said, we still have a long way to go in this community. This is one step for some transparency for lack of a better word. In Colleton County we live in an information dessert. In a meeting of this importance I see no press.

***A Press and Standard publishers states that she is there.

Mr. Grant: Stated, thank you for being here. I have attended several meetings at different levels and there has been no press at all. Normally it is two weeks after the meeting before some information is put out, and sometimes that information is not correct. I am here right now with concerns on the 1% sales tax referendum. I know you are fighting to get it passed because there are some good projects on it, but I believe the process coming up to this referendum...that the full community has not been involved. The project was tabled and then brought back to the table and swept through so quickly that a lot of Colleton County residents still don't understand what this referendum is all about. I think that the committee that was charged with reviewing those different projects and reporting back to council may have done a very good job, but I do not think they listen to the entire community when they made their report. So, this is the concerns that I have. Let's be clear and not white wash anything. Let's let the facts be facts and let your yays be yays and your neighs be neighs.

Chairman Murdaugh: Stated, Thank you Mr. Grant. Are there any more comments?

Rev. Bellinger: Stated, I have lived in Colleton County since 2003. Spending 30 years in the Federal government in Washington D.C., safety is one of my top priorities. Now, living in Roadside. I live right on Highway 17 and like I said, safety is a high priority to me. I travel Highway 17 daily, and I think that is one of the most unsafe highways we have here in Colleton County. We get all the traffic that comes off I-95 when there is an accident, we can hardly get on that highway. That highway is very unsafe especially in rainy weather. As I drive through the county and see other highways that have been repaved and resurfaced and they were nowhere near as bad as highway 17A. Can someone kind of give me a general idea that we are on the list of re-pavement soon or what is going to happen there?

Chairman Murdaugh: Stated, I can answer from my perspective and understanding, which may not be accurate, the transportation committee is appointed by the Legislative Delegation, which is comprised of the senators and the house members that represent Colleton County, they appoint a committee called the Colleton County Transportation Committee. Their funding primarily comes from the fuel tax you pay when you go to the gas station on your fuel. That committee is charged with, along with the representative from the state, prioritizing the re-pavement. I do not profess to be an expert on what the transportation committee does at all. There is probably a list somewhere of the roads they have set as priority. That does that mean that wouldn't change if there was some sort of emergency. For example, if a bridge could no longer support trucks and such that could reprioritize the list. That is my understanding, but I am not on that committee. That list should be

maintained somewhere by CTC Committee. We will try to get you the name of the Chairman of that committee and they should reach out to you.

Mr. Ed Williams: Stated, I serve on that committee and every month we ask the state what their plan is on fixing that road. They first told us they were going to start it in June and now it has gone to January. They are supposed to fix it from the river to Walterboro within the next two years. I have also been told they are having problems getting the concrete and that the state has sent people to India and Pakistan. So, that is where we are with things. The transportation committee does not handle highways. We basically work with dirt roads and rocking and some improvements to county owned roads. ***Inaudible.

Ms. Brenda Perkins: Stated, while you are talking about county roads and such, we have a road in the Pine area that has not been resurfaced. They came and threw rock on the road and it is flying and hitting cars. So, we have several pot holes on Pine Hill Road close to Clover Hill road, so tell the committee Pine Hill road. We are thankful for the traffic signs, but we need the road repaired so it won't tear up our cars. One more thing I would like to say and I need to ask this question, I left South Carolina in 1998 and went to Florida. When I came back to Walterboro, South Carolina it was like stepping out of a time capsule back to the 30s, 40s, and 50s. We have not grown, and I thank you for the progress and for the re-paved roads. I thank you for all those things, but it seems like it takes so long for us to get from one point in Colleton County to the next point, and I don't know how we can get around that. We need to move forward. We need to move forward. As far as our Sheriff's Department, you all are doing a fine job. I sit on my front porch and I see your deputies riding down Pine Road. We are doing a wonderful job with our schools, but we need more. Especially in the Green Pond area. We heard about the new center that is going on the Ivenia Brown site. They tore down the building and we are still looking. We have not seen that yet. Some of our parents have a car and are able to transport their children to the beautiful baseball field, but some of our children can't get all the way out there. We need something in the Green Pond area. That has been on the agenda and has not come to pass yet. So, we would like something out there. If we are going to build and be in partnership with our schools then we need that. I would like to know a time frame on that. I heard that it will only be open at certain times and for certain events, and our children come first. If we don't give to our children our community is going to die.

Chairman Murdaugh: Stated, I agree with everything that you said. Mr. Ed keep taking all the concrete so we don't have any concrete.

Mr. Ed Williams: Stated, the Legislative Delegation is supposed to meet on Wednesday night at 6:00 PM.

Chairman Murdaugh: Stated, I will say one of the issues that Colleton County has had forever is that Colleton County is sort of like the sacrificial lamb when it comes to reapportionment. We haven't had a resident representative and we finally have a resident relative Senator, Senator Matthews. The result of that is we did get some funding and built a community center, and we have others on the list. Hopefully, that message will get through the rest of delegation and they will assist her with trying to get that funding. That is the only way the county can try and jump in and match that is with some help from the state. We are getting some help from the state now. It is still difficult because we do not have a representative from this county that represents the

majority of this county. The problem with that is when they get to Columbia they are going to look out for the base of their support which not in this county. Senator Matthews would be the exception, because she lives in this county. That is a problem unfortunately we can't do anything about, because every year we try, we push, we attempt, County Council, the Mayor, we all go to the meetings and try to get the reapportionment maps drawn to put more of Colleton in one district. Unfortunately we have not made a lot of progress on that. That is one of the results with this trying to get funding out of the state. Fortunately we have a resident Senator now, and we really should have a resident House member in the House of Representative up in Columbia. I agree we need more for the children. Even back to your comment, one of the problems that Colleton County has, which is a problem, but also our biggest asset, we are a huge county geographically. We also have rivers, streams, and the ace basin. We have a lot of assets that are natural beauties. They are not heavily populated at all, and they are difficult to maintain all those things. One of the problems with creating jobs is getting our kids to want to come back to this county. I have four kids and as soon as they graduated the first thing that they say is, I want to get out of Colleton County. Of course I was in agreement initially because I thought they were going to get off my payroll. If I am still giving them money and they are somewhere else, then they need to be here. We have got to change the mind set with our kids. The only way we are going to be able to do that is creating jobs. Most kids get out of high school and they don't go to college. We need to have jobs available to them where they can raise and support their families. That is why I think the emphasis on my part should be on economic development and creating jobs because that is how we are going to fix the problem. Are there any other questions?

Mr. Charles Davis: Stated, My question is for the Sheriff's Office and the City. Could you address the incident that happened with the Tuskegee Airman Monument that was damaged?

Sheriff Hill: Stated, the landscape company accidentally backed into it and knocked it over. The Mayor may be able to answer this better than I can, but it was not intentional.

Mayor Young: Stated, It was not intentional, we are in the process of getting the people responsible to notify their insurance companies and get all of that done.

Mr. Davis: Stated, Is he contracted through the city to do the landscaping?

Mayor Young: Stated, he is contracted through the county and I believe that particular parcel is through the county and he does all of the airport.

Inaudible discussion of multiple people.

Mayor Young: Stated, you are right he should not have been in there with his mower. We tried to figure out why he would do that and someone said he would use the lawn mower to blow off grass and leaves from the monument.

Mr. Davis: Stated, they need to look for someone else...he should have used something designed to do that...inaudible... I only see one landscaping company, Ackerman.

Mayor Young: Sated, we were thankful to find out that it was an accident and no one was being mean.

Mr. Davis: Stated, that needs to be published because a lot of people think otherwise.

Mayor Young: Stated, I am not sure how that got out, but that was my first thought when I saw that it was knocked down, but we investigated it a little bit more and looked at our surveillance and where able to determine how it happened.

Chairman Murdaugh: Stated, I just received an update on the Ivenia Brown center. The design is done, we are just waiting on the funding to come in...maybe it will within the next month or so. Are there any other comments or questions?

Public Comment (Unknown due to inaudible recording) Rev. from the Yemassee area: I want to thank you, Sheriff, for instituting that program...inaudible (door opening and shutting)...we have the ace basin community development center and we have an officer that is coming out there periodically and checking with us on what they can do to help. I want to thank you for that with us being in such a rural area. Dr. Cave I was very impressed with your presentation, you are doing a great job. To the Mayor of Edisto Beach, you all seem to have a major problem with sewer. Have you all come together and looked at tapping into the infrastructure?

Chairman Murdaugh: Stated, we have looked into the infrastructure money. The problem is they only allocate so much, and we have to use what we do have for economic development. Now the county does have water and sewer authority. It was on the referendum, I can't recall how many years ago. They may be a conversation that we need to engage in with the Town of Cottageville. Which I believe the Town of Cottageville has more problem with that than Edisto as far as that goes.

Rev.: The key thing with what you said in Cottageville area. That infrastructure is the key to bringing in businesses and you can't do that without it. I think that should be a top priority with the council members.

Chairman Murdaugh: Are there any other comments?

Mr. Ed Williams: Stated, I serve as the President of the NAACP, my question to County Council is, you said that we do not have the people to do the work...inaudible. When is County Council going to decide that they are going to either give the school district more money and get children in place for workforce or keep struggling....inaudible.

Chairman Murdaugh: Stated, in my personal opinion, the issues with the physical autonomy should be left to the citizens, not the council. Even at the state level I don't know what they have done. I feel like physical autonomy should be voted on by the citizens, not by an elected body. What the county does when we focus on workforce development is after high school. The school system that is their job to prepare the children up until that point. As far as money and funding, the school board didn't come before us this year for request. I guess the short answer is that they did not ask for money, you are not going to get it if you didn't ask for it.

Russell (Inaudible last name): Stated, when most people see me they don't realize that I march on the band with Mayor Young. It has saved me a couple times. The Sheriff pulled up to the house just the other day. They said they were looking for Russell, he robbed a bank. I said, "Wait a minute it couldn't be me." They said, "Yeah you match the description." I said I marched in the band with Mayor Young. What is funny about it is so did Senator Bright, she marched on the band with us also. When I met Mr. Young it was 1973 and I was in the 10th grade. I walked into the band room and said I want to play drums. He replied, "Most of these kids have been playing since elementary school." He put me in front of the band with the drum and that day I joined the band. I wanted to thank you, because he did not have to bring me onto the band because I didn't know how to read music but he knew I was talented. The reason I got up here is because I became a drummer only because there was a Library and a Rec Center in the neighborhood I grew up in and I was able to walk from one to the other without transportation. So, when I heard the issue that the rec center was going to be built out in the industrial center, I thought if you could build it near the Library you will have people that could develop skills the way I did. This way 9-10 year olds can ride their bikes from the City to the Rec center and to the Library. This is my plea to help develop kids by having facility close enough that they can ride their bikes to. I am with the NAACP Economic Development Council. If we ever have a drought, we are going to be in trouble. When we have storms and all the trees fall, they do not move them away, they only move them to the side and if you have to quickly come to the shoulder of the road, there will be an accident. If we could get someone to remove them from the shoulder, because that is dangerous. Oh, and there is no body in my neighborhood trying to defund the police. Thank you.

The school board stated that they will be in contact about funding.

Chairman Murdaugh: Stated, one thing the county has tried to put in place is transportation. I realize what you are saying about location and being able to ride your bike, but that still doesn't help the kids in Green Pond, Lodge, or Cottageville. We are still going to have some short fall there and we will have transportation needs if we are going to get these kids to the different community centers or recreation centers. Again, I want to thank everyone for coming. I think this has been positive and I think everyone has had a chance to speak.

Adjournment

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

This 1st day of November, 2022.

Steven D. Murdaugh, Chairmen

ATTEST:

Kaela Brinson, Clerk to Council

MINUTES
TUESDAY, OCTOBER 4, 2022
REGULAR MEETING
6:00 P.M.

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

Present: Chairman Steven Murdaugh called the meeting to order with Council Members Dr. Joseph Flowers, Phillip Taylor, and Art Williams in attendance, with Council Member Gene Whetsell appearing virtually.

Others Included: Kevin Griffin, Sean Thornton, Meagan Utsey, Jon Carpenter, Kaela Brinson, Barry McRoy, Scott Biering, Crawford Moore, Anderson Grant, Felicia Johnson, Charles Davis, Steven Baker, Bubba Tripp, Austin Rugar, Jr., Mark Wysong, Roy Williams, James Rutledge, Clarence Way, and Kellye Whitaker.

Phillip Taylor gave the invocation and led the Pledge of Allegiance.

Approval of Minutes

- A. Regular Meeting September 6, 2022— Dr. Flowers moved to approve the minutes of the Regular Meeting held on September 6, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.

Awards and Recognitions

- A. **Proclaiming November 2022 as Family Court Awareness Month in Colleton County**— Chairman Murdaugh read the Proclamation into the record. Dr. Flowers moved to adopt Proclaiming November 2022 as Family Court Awareness Month in Colleton County. The motion was seconded by Councilman Taylor and the motion carried unanimously.
- B. **Proclamation for Colleton County Council's Recognition and Appreciation of Mr. Chris Bickley and his Service to Colleton County**— Chairman Steven Murdaugh read the Proclamation into the record. Dr. Flowers moved to approve the Proclamation and the motion was seconded by Councilman Williams. The motion carried unanimously.

Appearances & Public Presentations

- A. Town of Edisto Beach Introduction of Police Chief — Mayor Crawford Moore introduced the new Police Chief, Daniel Seyle.

Chief Seyle: Stated, I have been in law enforcement for about 15 years and 10 years with Edisto Beach. Like Mayor Moore stated, I grew up on Edisto, I currently live on Edisto, and I am raising my family on Edisto. I can't think of a better place to be the Chief of Police. It is a privilege, and with that being said, it is not about me, it is about the community. If there is anything that you all need from me, do not hesitate to reach out.

Council as a whole congratulates Chief Seyle.

Administrator's Briefing

Mr. Griffin: Stated, under New Business item "A", there is a restatement of Fee-In-Lieu tax agreement with Gehl Foods Southeast. They are doing a lease back funding for the project for what was Crescent Dairy that turned into Gehl Foods Southeast. That portion will be about 33 million on the lease back for four new manufacturing lines that will go into the building, and another 9 million that will go into the spec 2 building that we just closed on with them on Friday. They are turning that into their manufacturing and distribution facility to disperse all the products that are being prepared in the current facility. State law allows lease back, but requires a restatement with that with three readings in order for them to do it, because as a new company doing a lease back that has a tax liability. The other two items on there is the design build services for SC303 Sidewalk Engineering Services. That is the first thing Councilman Williams asked me about when he came onto council. So, we have got that funded and moving forward. This will be coming from Lowcountry Marine back into town. There are a lot of trees through there that they will have to work through to get that design made. That is why we are going the design build route there. Also, our solid waste transfer station, it has a good bit of wear and tear on it. We have another design build on there for some engineers to give us a recommendation on resurfacing and bringing the floor up as well as the transfer shoot. It has never operated the way we would have liked it to as far as spillage and some damage that was happening to the transfer station itself. We will discuss maximum on that during executive session.

Chairman Murdaugh: Stated, just so the public is aware, these are RFQ's. Can you explain how, when we do a design build, gives us the right to negotiate?

Mr. Griffin: Stated, during the time we're in right now, you see a lot of design builds, because it is hard to find individuals to do anything. With a design build the engineer, along with a general contractor, will work with us and negotiate with us to get that design done and what the price would be. Of course, we have a ceiling on that within our budget. As you all are probably aware, it is hard to get anything done, and the design build seems to move projects a long a lot faster than doing straight bid.

Chairman Murdaugh: Stated, thank you for clearing that up.

Dr. Flowers: Stated, on this Ordinance with Gehl Foods we passed an Ordinance on that before, did we not?

Mr. Griffin: Stated, Yes.

Dr. Flowers: Asked, Do we have to resend that Ordinance?

Mr. Griffin: Stated, this is a restatement of that Ordinance, and adding in NM incorporated, which is the lease back company. It is a restatement or editing of that original Ordinance to bring it up to date to add NM.

Public Hearing

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

- A. **Ordinance 22-O-11, To Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals.**

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

Old Business

- A. **3rd Reading Ordinance 22-O-11, To Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals.**

Dr. Flowers moved to approve the 3rd Reading Ordinance 22-O-11, To Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals. The motion was seconded by Councilman Taylor.

- B. **2nd Reading Ordinance 22-O-12, By Title Only, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances**

Councilman William moved to approve the 2nd Reading Ordinance 22-O-12, By Title Only, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances. The motion was seconded by Councilman Taylor. The motion carried unanimously.

Dr. Flowers: Stated, under Section 5.02.020. *Person*, Estate; I think we better clarify that a little better because that is going to be misinterpreted. It should be “Estate Trust” with no comma between. I don’t think we need to get into a person needing a license that has an estate. There is enough that goes on with having an estate without adding one more. I think we need to clarify that very clearly and not leave it as it is.

Chairman Murdaugh: Stated, I think the intent there was that some estates get opened, and I have seen them stay open for over 25 years, and they actually run businesses. I think the comma is okay

because a trust and an estate can be two separate entities, but some trusts run businesses. It does need clarifying that they are business entity.

Dr. Flowers: Stated, it does need clarifying rather than leaving it like it is. If not, then we will have somebody wanting to get a business license for every estate filed in the county. Someone could misinterpret this down the road. We need to get better wording in that area. Also, I think we need to be very clear on whether businesses in the city or town that have a license through that city or town would not be required to have a license under this ordinance. Although it may elude to that, I do not think it clearly states that. I would also like to know what kind of fee is going to be charged.

Mr. Griffin: Stated, it will be a straight \$15 a year.

Dr. Flowers: Stated, I did not see that listed in the Ordinance.

Mr. Griffin: Stated, we will make sure that it is listed if it is not.

Councilman Taylor: Stated, it is listed on page 5.

Dr. Flowers: Asked, what department will be handling this?

Mr. Griffin: Stated, we are working on that. I think we have an idea, but until we finish discussion with those departments I would rather bring that to you at third reading.

Dr. Flowers: Stated, I am sure they will have a lot of questions about a new Ordinance, and I want to make sure it is clear before we pass it.

Chairman Murdaugh: Stated, since we are talking about the definitions section of *Persons*, I know we talked about clarifying estate and trust, but what is not in there is Limited Liability Companies and Limited Liability Companies with partnerships. Those two would need to be added. Also, I know we discussed some exemptions. Is that something you are still working on such as agricultural?

Mr. Griffin: Stated, Mr. Chairman I would say let's take the rest of this to Executive Session.

Chairman Murdaugh: Stated, Do we want to hold the vote on this?

Mr. Griffin: Stated, you do still have third reading, but that certainly is at you all's pleasure.

Chairman Murdaugh: Stated, there is a scrivener's error on Page 3 when you get to section 5.02.080 item "B". We have "B" "1" on page 3 and on Page 4. I think it should probably be 2, 3, 4, etc.

No further discussion.

C. 2nd Reading Ordinance 22-O-13, By Title Only, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws

Dr. Flowers moved to approve the 2nd Reading Ordinance 22-O-13, By Title Only, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update

Commission Bylaws. The motion was seconded by Councilman Taylor. The motion carried unanimously.

D. 2nd Reading Ordinance 22-O-14, To Ratify FY22 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto

Councilman Taylor moved to approve the 2nd Reading Ordinance, To Ratify FY22 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer and Other Resolutions Previously Authorized by Council; And Other Matters Related Thereto. The motion was seconded by Councilman Williams. The motion carried unanimously.

New Business

A. 1st Reading Ordinance 22-O-15, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County and Gehl Foods Southeast, LLC and NM GL, LLC, Whereby Colleton County Will Enter Into A Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, LLC of Certain Fees-In-Lieu of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives To Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid By Gehl Foods Southeast, LLC and NM GL, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release From Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC and a Partial Assignment and Assumption of Fee-In-Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, LLC, and Colleton County, South Carolina; and Other Matters Relating Thereto.

Councilman Williams moved to approve the 1st Reading Ordinance 22-O-15, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County and Gehl Foods Southeast, LLC and NM GL, LLC, Whereby Colleton County Will Enter Into A Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, LLC of Certain Fees-In-Lieu of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives To Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid By Gehl

Foods Southeast, LLC and NM GL, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release From Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC and a Partial Assignment and Assumption of Fee-In-Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, LLC, and Colleton County, South Carolina; and Other Matters Relating Thereto. The motion was seconded by Dr. Flowers. The motion carried unanimously.

B. Resolution 22-R-49, To Authorize Acceptance and Budgeting of Funds for a Grant for FY 2022 -2023

Dr. Flowers moved to approve Resolution 22-R-49, To Authorize Acceptance and Budgeting of Funds for a Grant for FY 2022 -2023. The motion was seconded by Councilman Taylor. The motion carried unanimously.

C. Resolution 22-R-50, To Award the Contract for Design Build Services for the Colleton County SC303 Sidewalk Engineering Services

Councilman Taylor moved to approve Resolution 22-R-50, To Award the Contract for Design Build Services for the Colleton County SC303 Sidewalk Engineering Services. The motion was seconded by Councilman Williams. The motion carried unanimously.

D. Resolution 22-R-51, To Award the Contract for Design Build Services for the Colleton County Transfer Station Improvement Project

Dr. Flowers moved to approve Resolution 22-R-51, To Award the Contract for Design Build Services for the Colleton County Transfer Station Improvement Project. The motion was seconded by Councilman Taylor. The motion carried unanimously.

E. Resolution 22-R-52, To Appoint Members to Board Vacancies

Dr. Flowers moved to approve Resolution 22-R-52, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Taylor. The motion carried unanimously.

The following appointments were made: Steven Baker – Colleton County Planning Commission.

Public Comment

Felicia Johnson: Stated, this is my fourth time coming. I was here last month and forget to tell you all that I wrote the governor again. It is up to y'all because the governor said he needs more information. I already told him about the people getting killed at the club. Last month I had to go

to the Sheriff's Department to handle some business. While I was there I asked to speak with Mr. Hill, but he was in a meeting. So, Officer Johnson, who came to my house that night on August 17th, he asked if I was talking about the Silver Shadow. I told him I had a petition back then to close that club, and he told me the Sheriff's Department could never close that club down; it is SLED. He did call one of them for me, but I have been sick and in pain and have not been able to go over to the SLED building. He gave me the names of David Lesley, Captain Ryan Neil, Lt. Sean Holly. The Governor gave me the Better Business Bureau to turn in Ms. Hazel Sanders. I haven't done anything to this woman yet because it is hard. She is the owner of this club, and she talks about this is her income, but she is not thinking of our lives. My grandson on Sunday talking about the Church is going to have to move...NO! The church doesn't have to move. There are two empty churches right by each other because of this club. It needs to be closed, and like I said this woman does not have a liquor license or food license. I have called DHEC on her too, and the only person who would help me then was the lady in Beaufort. She is a convicted felon for selling drugs and out here running a club with strippers and everything out there. My son went out there the other night, and I told him that I already called the police earlier because I can't sleep and I have a headache from the noise. I need peace on the weekend and I keep telling my grandson that I am sorry, but he cannot stay the night. I never know if someone is going to start shooting again. Like I showed Mr. Hill a bullet hole in my living room and said thank goodness I was at a gospel meeting and was not home. It is sad that we cannot live in peace, and that I cannot get my grandchildren. Officer Johnson said the Sheriff's Department can't do anything and you all will have to call SLED. Every time I call them to come out I hear I am tired of coming. Well I am tired of it too. Close this place down! We are a small community and do not need this in our community. I am disabled from head to foot. Somebody help us please!!!

Councilman Williams: Stated, I do not want Ms. Johnson to feel that she has been before us several times and we are not doing anything. We just did a second reading on an Ordinance tonight to help with the situation that you are going through. It is easier to create a problem than to undo a problem. So, we are trying to go about it the legal way of getting things done properly so you don't have to take matters into your own hands. Just be patient with us. It is a process that we have to go through. I can assure you that everyone on this council feels your pain. Everyone up here may not be grandparents, but a couple of us are and we know how it is when you want your grandchildren to come to your house. So, we understand that and we are doing all we can to come up with a solution. I know you have been patient for years, but just hold on a little while longer.

Ms. Johnson: Stated, I am not giving up.

Sabrina Johnson (Online Comment read aloud by Meagan Utsey): Thank you to the county councilmen, administrator, and everyone who has an active role in impacting and governing Colleton County.

Special thanks to Councilmen Art Williams, Phillip Taylor, and Steve Murdaugh, the three of four councilmen who responded to my concerns on September 24th about the vulgar situation just past Walmart and to all those who corrected the problem.

Thank you for working with the other community leaders to have the Joint Council Meeting that was held last night. I couldn't attend but I do thank you for giving the community members an opportunity to learn about what's happening in local government and make comments to our community leaders.

This is a request that Colleton County Council and the City of Walterboro work together to change the day and or time of the regular monthly meetings for one of the councils. County council and the City of Walterboro's regular council meetings are both set for the 1st Tuesdays of each month at 6:00pm.

For those of us who live in the city limits and would like to be involved and know what's going on with both governing councils, we must choose between the two meetings. I am not sure if it's a reason why these meetings are set at the same time or if this is done by design, but this should be changed, and the community members should not have to choose between the council meetings. Please explain the conflict and let us know how this will be corrected.

Thanks again,

Sabrina L.W. Johnson

Council Time

Chairman Murdaugh: Stated, just in brief response to Sabrina's comment. It is certainly not by design. I think the county has been meeting on the first Tuesday a lot longer than the city so, I think they may have to change. However, that is an issue that we can discuss with the Mayor and see what we can work out. Do they meet twice a month?

Mr. Griffin: Stated, they have been but I am not sure if they are...

Chairman Murdaugh: Stated, let's just talk to the Mayor and see if there is some resolution.

Councilman Williams: Stated, I believe many years ago we had the same issues and I thought they had changed the meeting nights.

Councilman Taylor: Stated, they initially went to the second Tuesday, but then they added another meeting and with two meetings they went with the first and second.

Councilman Williams: Stated, that was a problem many years ago.

Chairman Murdaugh: Stated, let's have a discussion. I am sure we can work it out some way.

Councilman Williams: Stated, I appreciate the administrator working things out so that we could have the meeting yesterday. I know none of us here knew exactly what was going to turn out and he didn't know what was going to turn out either, but I thought it turned out real well. I applaud you and your staff for that.

Mr. Griffin: Stated, you can thank Kaela, she did the yeoman's work on putting that together.

Councilman Williams: Stated, thank you Kaela, that was a good job.

Chairman Murdaugh: Stated, I would also like to say when the hurricane was bearing down on us. The information we get from our Fire Rescue is amazing. I sat in on all the calls and didn't say anything, but I can't say enough about how informed we are. Years ago we had a radio station here that we don't have any more to get information like where to get sand bags from. I am sure the only information most are looking for now is where I can go charge my cell phone. A lot of the information is put out on the website, so if you are not looking at it, you should. They are doing a great job. I am not singling out David, but his name pops up on the emails. I know his whole staff did a great job.

Executive Session

Councilman Taylor moved to go into executive session to discuss the following: Personnel – Magistrate's Office, Personnel – Solid Waste, and Economic Development – Project Lion, Project Marathon, Project Waterfall, and Project Gehl. Dr. Flowers seconded the motion. The motion carried unanimously.

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

Councilman Taylor moved that the county be authorized to establish a position for Bond Clerk I in the Magistrate's Office. Dr. Flowers seconded the motion. The motion carried unanimously.

Adjournment

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

This 1st day of November, 2022.

Steven D. Murdaugh, Chairman

ATTEST:

Kaela Brinson, Clerk to Council



MEMORANDUM

To: Colleton County Council
From: Sabrena Graham, Executive Director
Subject: **Amendment to Creation Agreement -Article II Membership and Representation**
Date: October 26, 2022

An amendment to the LCOG Board's policy on Membership and Representation is presented for ratification. The purpose of this amendment is to maintain fair representation among the member counties and municipalities therein and a manageable size board.

The members remain the counties and incorporated municipalities within the jurisdiction of the Lowcountry Region. Member representation will continue to be determined based on population according to the most recent census. The 2020 Census reports a population of 273,073 individuals for the Lowcountry Region. Almost 70% of the population 187,117 is in Beaufort County alone, 38,604 in Colleton, 18,561 in Hampton and 28,791 in Jasper.

The Council will now be composed of 29 representatives of which 11 from Beaufort County and 6 each from Colleton, Hampton and Jasper Counties. Member counties may have at least one or up to five county elected representatives based on their population. The minority group representative and non-elected official representative remains for each county. Incorporated municipalities with a population of 1,501 or more shall have one elected official appointed to the Council. Municipalities with a population of 1,500 or less may appoint one advisory representative.

The original creation agreement includes an article to address amendments. It states:

Article VII – Amendments

The Council may from time to time propose amendments to this Agreement. Any such amendment shall become effective only upon ratification by the governing bodies of the political subdivisions which include at least 66 2/3 percent of the population within the area of jurisdiction who are eligible to appoint voting members to The Council under the terms of this Agreement.

The LCOG Board voted to approve this amendment at the August 25, 2022, board meeting.

This memo serves as the official notice that the LCOG Board seeks ratification of this amendment from the County Councils of our four-member counties.

Lowcountry Council of Governments

PO Box 98 | 634 Campground Road
Yemassee, South Carolina 29945
Main: 843.473.3990 Aging: 843.473.3991 Fax: 843.726.5165
www.lowcountrycog.org



Serving **Beaufort Colleton Hampton Jasper** Counties

Draft

Amended Article II – Membership and Representation

Section 1. Membership of the Council: The counties and incorporated municipalities in The Council's area of jurisdiction which have ratified this agreement shall be members.

Section 2. Representation of Members: Members shall be entitled to representation on The Council by elected officials and appointed representatives as follows:

- a. The Council shall be composed of 29 representatives of which eleven (11) shall be from Beaufort County, six (6) each from Colleton, Hampton, and Jasper Counties.
- b. There must be at least one minority group representative and one representative who is not an elected official from each member county and/or the participating municipality therein.
- c. Member counties with a population of less than 20,001 according to the most recent census of population by the U.S. Bureau of Census, shall be represented by at least one (1) elected official.
- d. Member counties with a population of 20,001 to 40,000 according to the most recent census of population by the U.S. Bureau of Census, shall be represented by up to three (3) elected officials.
- e. Member counties with a population of 40,001 to 60,000 according to the most recent census of population by the U.S. Bureau of Census, shall be represented by up to four (4) elected officials.
- f. Member counties with a population of more than 60,000 shall be represented by up to five (5) elected officials.
- g. Each member county shall include among its appointed representatives on The Council elected municipal officials at least equal in number to the number of incorporated municipalities located within the respective county having a population of 1,501 or more according to the most recent census of population by the US Bureau of Census.
- h. An incorporated municipality with a population of 1,500 or less may appoint one (1) advisory representative to The Council from its governing body; however, such representative shall not be eligible to vote on Council's matters or to hold a Council office. Such municipalities are not required to participate in the financial support of The Council.

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- i. Should the possibility of change occur in the preceding factors on membership representation, as a result of population shift, the above shall be reviewed.

Section 3. Appointments: Representatives on The Council may be appointed by the County Governing Bodies of the respective counties provided, however, that a municipality which participates financially by payment of its full per capita share of the expenses of the Council shall be entitled to appoint its representative to the Council.

Section 4. Terms: The terms of representatives to The Council who hold elective public office, including the advisory representative of municipalities shall be co-terminus with their terms of office. Initial terms of representatives who do not hold elective office shall initially serve for a term of two years, or until replaced or reappointed by their respective appointing body.

If any County shall cease to participate in the fiscal support of The Council, the terms of office of all its, and its municipality, representatives shall thereupon expire. Any additional incorporated municipality which attains a population of 1,501 or more, according to the most recent census of population by the U.S. Bureau of the Census, shall be eligible to participate in The Council by notifying The Council of its intention to participate. The member County shall include among its appointed representatives to The Council an elected municipal member. If any participating municipality is dissolved as an incorporated municipality or consolidates with another municipality, such municipality shall thereupon cease to participate, and the terms of its representatives shall expire.

Section 5. Vacancies: If a vacancy in The Council representation of a member shall occur by reason of death, resignation, change of residence or any other cause, it shall be filled for the duration of the unexpired term in the same manner as the original appointment.

Section 6. Representation, General: No representative shall receive any compensation for his services on The Council, but any representative may be reimbursed from the funds of The Council for any expenses incurred in connection with authorized activities on behalf of The Council. Council representatives may also be members of a local planning council or boards.

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Sponsor(s) : County Council
First Reading : September 6, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : October 4, 2022
Public Hearing : November 1, 2022
Third Reading : November 1, 2022
Effective Date : Immediately

I, Kaela Brinson, Council Clerk
certify that this Ordinance was
advertised for Public Hearing on
October 13, 2022.

ORDINANCE NO. 22-O-12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, 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 5.02 – Countywide Business Registration 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 5.02 – Countywide Business Registration, of the Colleton County Code of Laws, is hereby adopted to read as follows:

Chapter 5.02. – Countywide Business Registration

Sections

- 5.02.010. - Purpose**
- 5.02.020. - Definitions**
- 5.02.030. - Classification of business**
- 5.02.040. - Business registration**
- 5.02.050. - Business in good standing**
- 5.02.060. - Change of ownership or address**
- 5.02.070. - Administration of article**
- 5.02.080. - Denial and revocation**
- 5.02.090. - Notice, appeals and re-applications**
- 5.02.100. - Confidentiality of information**
- 5.02.110. - Penalties**

5.02.010. - Purpose

This Ordinance establishes a registration \$15 fee, as prescribed by South Carolina State Code Section 12-37-135, for businesses in the UNINCORPORATED areas of Colleton County only. No person shall conduct business, in whole or in part, by maintaining an office in the unincorporated part of the County of Colleton, or

by soliciting orders through such office, or in any other manner whatsoever, without having first registered such business as provided in this article.

5.02.020. – Definitions

Business. Any person, who, within the unincorporated areas of the County of Colleton, engages in, any occupation or activity with the object of gain, benefit, or advantage, either directly or indirectly. This shall include any person advertising by any means, including, but not limited to signs, cards, circulars, newspapers, etc., that he/she is engaged in a business of any kind. However this does not include those persons who are engaged in the profession of teaching or who are ministers of the gospel and rabbis, persons and businesses acting in the capacity of telephone, telegraph, gas and electric utilities, suppliers, or other utility regulated by the Public Service Commission, insurance companies, professional sports teams or an entity which is exempt from license tax under another law or a subsidiary or affiliate of any such exempt entity.

Engaged in Business or Carrying on Business. The doing or performing of any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, all of the foregoing performed either as an owner, operator, or agent of any business, trade, profession, or occupation within the County of Colleton.

Person. Any individual, firm, partnership, cooperative non-profit membership, corporation, joint venture, association, limited liability company, limited liability partnership, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural. The mere filing of a decedent's estate in probate court does not require a registration under this ordinance.

5.02.030. - Classification of business

For the purpose of this article, businesses are classified as any business located within the unincorporated area of the County of Colleton that has a Licenses, Permits, and/or Registrations (LPRs) from any State of South Carolina department or agency in order to do business in South Carolina (i.e., S.C. Department of Labor, Licensing, and Registration, S.C. Department of Revenue, S.C. Department of Health and Environmental Control, etc.).

5.02.040. - Business registration

Any person doing business in the unincorporated area of the County of Colleton must register annually with the County. This registration fee shall be \$15.00, as prescribed by State Code Section 12-37-135. No person shall be engaged in or carry on any business as described in Section 5.01.030 unless the business is

properly registered with the County. If business is conducted at more than one location or place, each such location or place shall be considered a separate business upon which a separate business registration will be required. One registration is required for each separate business location. Persons working for a registered business are not required to maintain a separate registration with the County. The Business Registration form shall contain the federal employer's identification number and/or social security number, the South Carolina SID or retail license number if applicable, and the business name and address as reported on the South Carolina income tax return.

Every business or person who registers with the County must sign an affidavit, on a form designated by the County or prescribed by the South Carolina Illegal Immigration Reform Act, being S.C. Code, Title 41, Ch. 8, attesting under penalty of perjury that the business and/or person is in compliance with the S.C. Illegal Immigration Reform Act and does not knowingly or intentionally employ any person who is an unauthorized alien.

Upon the receipt of credible, specific information concerning a potential violation of the South Carolina Illegal Immigration Reform Act, Colleton County shall forward such information to the South Carolina Department of Labor, Licensing and Regulation for further investigation pursuant to state law.

5.02.050. - Business in good standing

All applicants applying for or renewing a business registration must be current with all Colleton County taxes/fees and in compliance with all County ordinances.

5.02.060. - Change of ownership or address

- A. Business registrations are not transferable under any conditions. Businesses that change ownership during the year will be allowed 45 days to register with the County.
- B. A person must notify the County in writing within 45 days of any change of address for their business.

5.02.070. - Administration of article

Colleton County shall administer the provisions of this article through the registration, initiation of denial and revocation procedures, reporting of violations to the Sheriffs or Codes Enforcement Offices and assistance in prosecution of violators.

5.02.080. - Denial and revocation

- A. Colleton County shall have authority to deny or revoke any business registration under the provisions set forth in this section.
- B. A registration application may be denied, or an issued registration may be suspended or revoked, upon any of the following grounds:

1. The registrant's operation of the business constitutes a public nuisance, provided the determination of the public nuisance arises from 1 or more of the following activities on the premises or in the immediate vicinity thereof and the registrant has actual or constructive knowledge of the activities:
 - a) Frequent arrests of persons for crimes of violence, possession or sale or controlled substances, possession or sale of deadly weapons, the discharge of firearms, excessive noise, disorderly conduct, prostitution, disturbance of the peace, and the illegal acts correspond with or relate to the hours of operation of the business operations of this registrant;
 - b) Law enforcement agencies make an unusually high number of response calls, regardless of arrests, to the business premises, or to the immediate vicinity, and the high number of response calls corresponds with or relates to the hours of business operations of the registrant;
 - c) There are ongoing and significant deposits of litter and debris in the immediate vicinity, whether the persons making the deposits can be identified or not, when the litter and debris relate to the business operations of the registrant; and
 - d) Material violations of property maintenance codes, environmental codes, fire code, and/or building codes where violations are applicable to the business premises.
2. Failure to provide sufficient security measures to protect people and property located on the premises, and to protect people and property located in the immediate vicinity when the immediate vicinity is affected by the business operations of the registrant;
3. The provision of materially false and inaccurate statements in the business registration application or to a County official at the time of application;
4. Failure to pay taxes or fees applicable to the premises or business operations when due, including but not limited to personal and real property taxes, hospitality taxes, accommodation fees and accommodation taxes, and property assessments;
5. Failure of an applicant or registrant to show current compliance with applicable state laws related to the operation of business activities;
6. Failure to provide full payment to the County within 10 days of notice of a check returned to the County for insufficient funds. 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;

7. Failure to provide substantiation, when asked by the County, that the actual business use of the location for which a business registration has been applied for or granted, complies with what is allowed at the location under the County's zoning ordinance. Nothing in this provision shall be interpreted to abrogate or limit any variances, special exceptions, or lawful nonconforming uses, previously established under the County's zoning ordinance. In the case of amortization of signs, structures, and uses, the business owner must demonstrate that the amortization period has not expired. In instances requiring an interpretation of the zoning administrator, such interpretations may be rendered in accordance with the duties assigned to the zoning administrator under the zoning ordinance;
8. An applicant or registrant whose employer's license is suspended or revoked for violating the South Carolina Illegal Immigration Reform Act shall have his business registration suspended or revoked by the County. Such suspension or revocation by the County shall run concurrently with the penalty imposed by the South Carolina Department of Labor, Licensing and Registration.

5.02.090. - Notice, appeals and re-applications

- A. Where grounds exist to deny or revoke a registration under the provisions of this article, Colleton County shall provide written notice to the applicant or registrant setting forth the grounds revoking the license effective 10 days from the date of the notice, and advising of the appeals process.
- B. Any person aggrieved by a denial or revocation of a business registration may appeal the decision to the County Administrator (or his designee) within 10 days after notice of the denial or revocation. A written notice of appeal must be accompanied with a \$25 fee that will be used to partially defray the costs incurred in connection with the administration of appeals. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant. An appeal shall stay the revocation until the administrator or his designee renders a final decision.
- C. The administrator or his designee shall hold a hearing within 15 days of the request and render a written decision based upon the findings of fact and the application of standards herein. The decision of the administrator or his designee shall be final unless appealed to a court of competent jurisdiction within 10 days after notice of the decision. An appeal from the final decision shall not stay revocation of the registration.
- D. For a period of 1 year after the revocation or denial of a business registration, no new registration shall be granted to the same registrant or to the registrant's agent or any person who can be shown to acting on the registrant's behalf in attempting to register the business with the County.

5.02.100. - Confidentiality of information

All information furnished or secured under the authority of this article by Colleton County shall be used for public safety purposes. Social security and/or federal employer identification numbers shall not be released to the general public; however, address and contact information supplied by a business is subject to the Freedom of Information Act, being S.C. Code, Title 30, Ch. 4, and may be open to public inspection.

5.02.110. - Penalties

Any person, firm, corporation or agent who shall violate the provisions of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$200 for a first offense violation. Any person, firm, corporation or agent committing a second or subsequent violation shall be guilty of a misdemeanor punishable within the jurisdictional limits of magistrate’s court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued. In addition, the County may take action as allowed by law to prevent the business from operating until such time that the business registers with the 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:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

Approved as to Form
Sean P. Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s): County Council
First Reading: September 6, 2022
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: October 4, 2022
Public Hearing: November 1, 2022
Third Reading: November 1, 2022
Effective Date: Immediately

I, Kaela Brinson, Council Clerk,
certify that this Ordinance was
advertised for public hearing on
October 13, 2022.

ORDINANCE 22-O-13

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws.]

WHEREAS:

1. The Edisto River Canoe and Kayak Trail Commission was established by County Council through Ordinance 89-O-85; and
2. The Edisto River Canoe and Kayak Trail Commission recommends that County Council reviews the by-laws in order to fill vacancies.

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

1. **Title 2 – Administration and Personnel, Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission**, of the Colleton County Code of Laws, and all subparagraphs thereof, is hereby established to read as follows:

CHAPTER 2.48. – EDISTO RIVER CANOE AND KAYAK TRAIL COMMISSION

Sections:

- 2.48.010. – Appointive powers of Council.**
- 2.48.020. – Establishment.**
- 2.48.030. – Purpose and Objectives.**
- 2.48.040. – Membership and appointment.**
- 2.48.050. – Removal of a member.**
- 2.48.060. – Organization, meetings, rules, and staff.**
- 2.48.070. – General powers and duties.**
- 2.48.080. – Officers.**
- 2.48.090. – Advisory Committee.**
- 2.48.100. – Standing and Special Committees.**
- 2.48.101. – Rules of Order.**
- 2.48.102. – Amendments.**

2.48.010. – Appointive Powers of Council.

Pursuant to section 4-9-170, Code of Laws of South Carolina, 1976, and section 3 of Act 283, (the Home Rule Act), the Colleton County Council hereby assumes all appointive powers in regard to the Edisto River Canoe and Kayak Commission.

2.48.020. – Establishment.

There is hereby created the Colleton County Edisto River Canoe and Kayak Trail Commission.

2.48.030. – Purpose and Objectives.

The purpose of the Commission shall be to develop, preserve, and protect the Edisto River and the major rivers and waterways in or bordering Colleton County.

- A. Increase the usage of the Edisto River by canoeist, kayakers, campers, and other recreational users.
- B. Increase the usage of Colleton State Park and Givhans Ferry State Park.
- C. Develop other area rivers as canoe trails.
- D. Protect the Edisto and other local rivers from misuse.
- E. Acquire easements and rental property from willing property owners along the rivers to allow picnicking and camping along the rivers.
- F. Develop a canoe program that will enable the commission and committee to provide canoe and kayak trips, and educational programs throughout the year.
- G. Develop a promotional brochure that accurately portrays the canoe and kayak trail and promote the website.
- H. Maintain the momentum of the programs and expand them to appeal to tourists in order to increase economic impact.
- I. Promote and develop safety and safe usage of the waterways.

2.48.040. – Membership and Appointment.

The commission shall be composed of a board of seven members. This board shall have a representative from Colleton County Recreation Commission, and six others appointed at large by County Council and one ex-officio (non-voting) member from the Dorchester County Rivers and Waterways Commission. Each appointment shall be for four years except that for the initial appointment, four members shall be appointed for four years and three members shall be appointed for two years. If a vacancy occurs, the County Council shall fill the vacancy by appointment for the unexpired term. All voting members shall serve without compensation and shall be residents of Colleton County. They shall be selected by County Council to represent a cross-section of the community. Four of the members of the commission shall be present to constitute a quorum for the transaction of business. Voting proxies can be given to the other members from commissioners that cannot attend to vote only on specific items on the agenda.

2.48.050. – Removal of a Member.

Any member may be removed for cause by vote of a majority of the County Council after hearing upon proper notice to the interested party.

2.48.060. – Organization, meetings, rules, and staff.

Quarterly meetings of the commission shall be held during the year. The time and place shall be determined by the commission. Emergency meetings can be called by the chairman or any commissioner with twenty-four hours' notice to all commissioners. Commissioners may attend the meeting of the advisory committee.

2.48.070. – General Powers and Duties.

The Edisto River Canoe and Kayak Trail Committee shall be authorized:

- A. To Establish an Advisory Committee to help run the day to day activities and programs of the Commission.
- B. To set an annual budget and send an approved copy to County Council each June.
- C. To hire, set salary, and have total supervisory responsibilities over the Executive Director and all other personnel.
- D. To receive and expend gifts, bequests, devises, contributions, contracts and leases: to seek financial support from private and corporate sources, foundations, and State and Federal programs to carry out its programs.
- E. To develop tourism program for the river and waterways in Colleton County which will not only help the economy but will protect and preserve our natural resources.
- F. Provide County Council an annual report each year on commission activities and programs.
- G. To cooperate with all other agencies with program directed toward these goals.

2.48.080. Officers.

The officers of the Commission shall be: Chairman, Vice-Chairman, Secretary, and Treasurer. All officers shall be elected by the commission for a (2) two-year term. Officers may serve (2) two consecutive terms and must step down for (2) years before serving again. A vacancy among the offices shall be filled by the Commission for the unexpired portion of the term.

Duties: The duties of the officers shall be as follows:

- A. Chairman: The Chairman shall be the chief Commission officer and shall preside at all meetings of the Commission and Advisory Committee. Subject to the control of the Board of Commissioners, The Chairman, shall, in general, supervise and control all business and affairs of the commission. The Chairman shall also appoint the membership and chairman of all committees, with the exception of the finance committee.

- B. Vice-Chairman: The Vice-Chairman shall assist the Chairman and in the absence of the Chairman perform the duties of the office. He/She shall perform, other such duties as delegated by the Commission.
- C. Secretary: The Secretary shall keep minutes of all meetings, maintain a minute's file, and be responsible for all correspondences of the Commission. The Secretary shall perform other such related duties delegated by the Commission. The Secretary does not have to be a commissioner but can be a member of the Advisory Committee.
- D. Treasurer: The Treasurer shall receive, keep in a bank, and disperse by check upon proper authority all money or assets of the commission, and keep at all times an itemized account of all receipts and disbursements: giving quarterly statements to the commission to be preserved by the Secretary. The books, records, and accounts may be audited when necessary. Members of the Advisory Committee shall be eligible shall to hold this office. The treasurer shall attend all meetings of the Commission.

2.48.90. – Advisory Committee.

The Advisory Committee shall be appointed by the Commission not to exceed twenty members.

There shall be representatives from SC PRT, SC DNR, property owners adjacent to the river, tourism, and the remainder shall be at large representatives.

Duties and Responsibilities:

- A. Advisory Committee members will assist and advise the Commission in carrying out the duties, running the business, and achieving the goals of the commission.
- B. Shall hold monthly meetings to do the work of the Commission and committees.
- C. Shall serve on committees as delegated by the Commission.
- D. Shall be eligible for the offices of Secretary and Treasurer.

2.48.100. – Standing and Special Committees.

- A. There shall be such standing and special committees of the commission as are required to carry out its work and business.
 - 1. The Commission Chairman shall appoint the chairman and membership of all committees, except the finance committee, which will include all Commissioners and the Treasurer.
 - 2. Non-Commission members may be deemed eligible to serve on any committee as delegated by the Commission.
- B. Finance Committee: This committee shall include the Treasurer an all members of the Commission. Financial matters will be discussed at regular board meetings. Guidelines for expenditures by the Advisory Committee shall be established with approval by the Board.

C. Special Committees: The Chairman shall appoint special committees as needed to carry out the work and objectives of the Commission. Some examples of special committees are: The Riverfest Committee, ACE Basin Events Day Committees, and others needed to carry out special events or tasks.

2.48.101. – Rules of Order.

Robert’s Rules of Order in its most recent form shall be used as the guide for parliamentary procedure at all meetings.

2.48.102. – Amendments.

These By-Laws may be amended by two thirds vote of those members of the Commission, provided a statement of the proposed amendments has been presented in writing at least 30 days prior to the vote.

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:

Kaela Brinson, Council Clerk

SIGNED:

Steven D. Murdaugh, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s)	: County Council	
First Reading	: September 6, 2022	
Committee Referral	: N/A	1, Kaela Brinson, Council Clerk,
Committee Consideration Date	: N/A	certify that this Ordinance was
Committee Recommendation	: N/A	advertised for Public hearing on
Second Reading	: October 4, 2022	October 13, 2022.
Public Hearing	: November 1, 2022	
Third Reading	: November 1, 2022	
Effective Date	: Immediately	

ORDINANCE NO. 22-O-14

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Ratify FY22 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.]

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 FY22 Budget Resolutions and authorizes and directs the County Administrator to amend the FY22 budgetary appropriations as so resolved;
 - b. Ratifies all previously approved FY22 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 6/30/22 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 6/30/22, within Fund 156 to meet the needs of the County.
 - e. Approves acceptance of FEMA and SC Emergency Management Division disaster assistance funds in the amount of \$131,774 and \$49,087 respectively to cover debris management costs associated with April 2020 Tornadoes.

- f. Approves acceptance of South Carolina Election Commission reimbursement funds of \$49,655 to cover costs incurred for the June 14th primary and June 28th runoff.
 - g. Approves acceptance of South Carolina Rural Stabilization funds in the amount of \$322,581 to cover revenues lost under the South Carolina Local Government fund.
 - h. Approves acceptance of South Carolina State Accommodations Tax funds in the amount of \$51,553 restricted to local tourism expenditures approved by local Accommodations Tax Committee.
 - i. 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 6/30/22 audit as identified by CCRFC and approved by the Colleton County Administrator.
 - j. 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 6/30/22 audit as identified and approved by the Colleton County Administrator.
 - k. 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 FY22 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.
4. This ordinance includes the ratification of all Resolutions, voice motions and other actions as previously approved by Colleton County Council for the fiscal year ending 06/30/2022.

ATTEST:

Kaela Brinson, Clerk to Council

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s) : County Council
 First Reading : October 4, 2022
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : November 1, 2022
 Public Hearing : December 6, 2022
 Third Reading : December 6, 2022
 Effective Date : Immediately

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

AMENDED AND RESTATED ORDINANCE NO. 22-O-15

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN AMENDED AND RESTATED ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG COLLETON COUNTY, SOUTH CAROLINA, GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C., WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C.; PROVIDING FOR PAYMENT BY GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C. OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR THE ASSIGNMENT OF CERTAIN EXISTING ECONOMIC DEVELOPMENT INCENTIVES TO GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C.; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY GEHL FOODS SOUTHEAST, LLC AND NM GL, L.L.C. UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT AND ASSUMPTION OF INCENTIVE AGREEMENTS AND RELEASE FROM INCENTIVE AGREEMENTS AMONG COLLETON COUNTY, SOUTH CAROLINA, CRESCENT DAIRY & BEVERAGES, LLC, AND GEHL FOODS SOUTHEAST, LLC AND A PARTIAL ASSIGNMENT AND ASSUMPTION OF FEE IN LIEU OF TAX AGREEMENT BY AND AMONG GEHL FOODS SOUTHEAST, LLC, NM GL, L.L.C., AND COLLETON COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO.]

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

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

investors and to use all or a portion of the PILOT Payments resulting from such designation to pay, or reimburse such investors for paying, the cost of infrastructure used in the operation of a manufacturing or commercial enterprise (“Infrastructure Improvements”), which serves the economic development of the County pursuant to the MCIP Act and Section 12-44-70 of the FILOT Act; and

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

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

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

WHEREAS, the New Project when completed will represent an anticipated new “investment” (as defined in the FILOT Act) (the “Investment”) by the Company and the Project Landlord in the aggregate amount of not less than \$44,825,000, of which \$15,885,000 has been made by the Project Landlord in real property (land and building) (the “Real Property Investment”), \$[] will be made by the Company in build-out and improvements to the Project, and \$28,940,000 will be made by the Company in tangible business personal property (new machinery and equipment) to be located at the Project Site (the “Economic Development Property”); and

WHEREAS, the Investment contemplated under this Ordinance will be in addition to the \$30,000,000 investment made previously by the Existing Industry in the Acquired Project which

investment was made subject to that certain Fee Agreement, dated as of January 1, 2013, between the County and the Existing Industry (the “2013 Fee Agreement”); and

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

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

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

WHEREAS, the Project Site has been previously designated by the County as a portion of the Park; and

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

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

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

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

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council's investigation of the Project, including the criteria described in Section 1 above, and any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary, County Council hereby find that:

- (a) the New Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the New Project will serve the purposes of the FILOT Act, the SSRC Act;
- (c) the Investment by the Company and the Project Landlord in the New Project will be approximately \$44,825,000, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ 106 new full-time employees at the Project within 5 years of the completion of the New Project;
- (d) the Project will be located entirely within Colleton County and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCs (as defined in Section 5 hereof) consist of infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Colleton County; and
- (f) the 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 New 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 New Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company and the Project Landlord which will provide Negotiated FILOT Payments to be made with respect to the New Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within the county in which the New Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement (as defined below) is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within the county in which the New Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 25-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee-in-lieu of Tax Agreement among the County, the Company, and the Project Landlord (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Multi-County Park Incentive.

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

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

- (i) To the 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”) all as more fully set forth in the FILOT Agreement.

(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, the County will have access to certain information of the Company; and (iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

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 and the Project Landlord. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement presented to said meeting.

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

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

(b) Pursuant to the authority of the FILOT Act and the terms of the Land Assignment, the County ratifies and/or agrees to (i) the partial assignment of the 2013 Fee Agreement from the Company to the Project Landlord pursuant to the Land Assignment, (ii) that as of the effective date of Land Assignment, the Company was in full compliance with the 2013 Fee Agreement, and

(iii) the release of the Company from unaccrued liability under the 2013 Fee Agreement with respect to the assets transferred subject to the Land Assignment, all as more fully set forth therein.

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

Section 8. Miscellaneous.

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

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

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

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

(e) All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed. Other than as amended and restated by this Ordinance, the authorizations provided by the Original Gehl Foods FILOT Ordinance, Ordinance No. 22-O-01 enacted by County Council on June 7, 2022, shall remain in effect.

COLLETON COUNTY, SOUTH CAROLINA

By: _____
Chairman, County Council of
Colleton County, South Carolina

ATTEST:

Clerk to County Council
Colleton County, South Carolina

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

Sponsor(s) : County Council
Adopted : November 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-53

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A RESOLUTION TO RATIFY AMENDMENTS TO AGREEMENT CREATING A REGIONAL COUNCIL OF GOVERNMENTS, ARTICLE II, SECTION 2 – MEMBERSHIP AND REPRESENTATION.]

WHEREAS:

1. In 1971, and by agreement of Beaufort County, Jasper County, Colleton County and Hampton County (“Parties”), the Lowcountry Council of Governments was created as a successor to the Lowcountry Regional Planning Commission which was established in 1969; and
2. Incident to the creation of the Lowcountry Council of Governments (“LCOG”), the then governing bodies of the Parties drafted and, by Resolution of each, adopted the Agreement Creating a Regional Council of Governments (“Agreement”). Article II, Section 2 of the Agreement sets forth the initial composition of the Board (Beaufort County 8 members; Colleton 6 members, Hampton 6 members, Jasper County 4 members). It also explains the way in which the composition of the Board may change over time based on population increases and decrease; and
3. Pursuant to Section 2, the current representation on the LCOG Board is Beaufort County 11 members, Colleton County 6 members, and Hampton County 6 members and Jasper County 5 members. Under the existing Agreement, and based on the 2020 Census, Board composition would be changed significantly. Beaufort County would have 14 members, Colleton County would have 6 members, Hampton County would have 5 members, and Jasper County would have 6 members. In order to maintain fair representation among the member counties and to maintain a manageable size Board, the Lowcountry Council of Governments Board has recommended amending Article II as appears in Exhibit “A” which is attached hereto.

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

County Council does hereby ratify the amendments proposed by the Lowcountry Council of Governments Board as set forth in Exhibit “A” to the original 1971 Agreement Creating a Regional Council of Governments.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : November 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-54

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Designate Rudco Products, Inc. as a Sole Source Vendor for the Solid Waste Department.]

WHEREAS:

1. The County currently uses Rudco equipment at all Solid Waste Sites, and in 2012 and 2017, Rudco was named the sole source provider of Solid Waste compactors and roll-off containers for a period of five years; and
2. In the interest of continued standardization, Fleet Management and the Solid Waste Department recommend that Council consider again naming Rudco the sole source provider for Solid Waste compactors and containers.

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

Rudco Products, Inc. is hereby approved as the sole source vendor for Solid Waste compactors and roll-off containers and replacement parts for a term of five years.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : November 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-55

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

1. Colleton County Board of Disabilities and Special Needs has one vacancy; and
2. Colleton County Board of Adjustments & Appeals (Building Dept.) has one vacancy; and
3. The County Council is the appointing authority for Boards.

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

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

ATTEST:

Kaela Brinson, Council Clerk

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : November 1, 2022
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 22-R-56

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint Members to Board Vacancies.]

WHEREAS:

1. Colleton County Board of Adjustments & Appeals has five vacancies; and
Applicant(s): Robert Hooker and Ryan Crosby
2. Colleton County Edisto River Canoe and Kayak Trail Committee has two vacancies; and
Applicant(s): James McCune and Blaine Drennen
3. Colleton County Recreation Commission has two vacancies; and
Applicant(s): Matthew Hooker
4. 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 Board of Adjustments & Appeals: Robert Hooker and Ryan Crosby

Colleton County Edisto River Canoe and Kayak Trail Committee: James McCune and Blaine Drennen

Colleton County Recreation Commission: Matthew Hooker

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: