

MINUTES  
TUESDAY, NOVEMBER 1, 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: Sean Thornton, Meagan Utsey, Jon Carpenter, Kaela Brinson, Barry McRoy, Scott Biering, Crawford Moore, Robert Renner, Patricia Grant, Queenie Crawford, Leila Williams, Felicia Johnson, Charles Davis, Dawn Davis, Bubba Tripp, Roy Williams, and Kellye Whitaker.

Phillip Taylor asked for a moment of silence for the family of Delaine Ford, a 12<sup>th</sup> grade Band of Blue Member who passed away following a state band competition. Phillip Taylor gave the invocation and led the Pledge of Allegiance after the moment of silence.

**Approval of Minutes**

- A. Joint Council Meeting October 3, 2022— Dr. Flowers moved to approve the minutes of the Joint Council Meeting held on October 3, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.
- B. Regular Meeting October 4, 2022— Dr. Flowers moved to approve the minutes of the Regular Meeting held on October 4, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.

**Appearances & Public Presentations**

- A. Sabrena Graham — Amendment to the Lowcountry Council of Government Board's Policy on Membership and Representation

\*\*\*Please see the attached Memorandum from Lowcountry Council of Government.

Councilman Williams: Stated, When one county has eleven votes automatically and they choose to seek after something and you have the others with only six votes, you don't think it makes it difficult to keep a level playing field? They could solicit any other county and they would have the majority vote to get what they need to have done. I know it is about political boarding and such, but I see it as a scary situation like it is done in the House and in the Senate where large counties have all the votes and the small counties do not have enough to stand up against those giant sized counties. How can we be reasonably assured that we do not get taken advantage of because they do not have the voting strength?

Ms. Graham: Stated, very good questions and thank you for asking it. I can share with you that the Lowcountry Council of Governments board is very far removed from our House and Senate. We do not stand as individual counties. It is a place where the board members walk into the room and they are the Lowcountry Council of Government, they are not Joe Flowers from Colleton or Gerald Dawson from Beaufort. They work within the region and that is understood and that is how decisions are made. They do not make decisions based on Beaufort, Colleton, or Jasper. They make decisions on what is in the best interest of this region. It is my responsibility to make sure that they understand that. They serve the region and not their local government. Two of them sit in front of me, and I will ask them to comment because it has not been an issue.

Councilman Williams: Stated, the other question I have is that I would like to see our friends from Edisto have a voting seat as well as our friends from Cottageville.

Ms. Graham: Stated, the voting seats go to local governments that have a population of at least 1501 or more, and they do not meet that criteria. That is why their seats are none voting. I will share that the at large seat that this council appointed was Mr. Tommy Mann who used to be on the Edisto Town Council and you all appointed him. So, Edisto did actually have a voting seat based on your actions. This council does still have that opportunity if you all would like to appoint your at large seat to the Town of Edisto or the Town of Cottageville. It is limited because otherwise we've got 25 local governments and if all of them had a seat we would not get anything done.

Councilman Williams: Stated, Thank you.

Chairman Murdaugh: Asked, Do we have any other questions for Ms. Graham?

Councilman Flowers: Stated, we have discussed this at length and we felt this was the fairest way. Beaufort has always had more seats than the other counties, but as you say we work for the region not for the individual counties when it comes to this. You have to put on another hat when you go down there so to speak.

Councilman Taylor: Stated, I would like to thank Ms. Graham. Her and her staff are doing a tremendous job with every county within our region. They are really doing a great job for our citizens and we would like to say thank you publicly, Ms. Graham, for what you and your staff are doing.

Councilman Flowers: Stated, I certainly echo that.

Chairman Murdaugh: Stated, before we move, on there was one thing that I failed to do. We do need to amend the agenda to add an executive session item as item "C" Sheriff's Office personnel matter.

Dr. Flowers moves to amend the agenda to add an executive session item "C" Sheriff's Office personnel matter. Councilmen Williams seconded the motion and the motion carried unanimously and the agenda was amended accordingly.

### **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-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**

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

### **Old Business**

- A. **3<sup>rd</sup> 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**

Dr. Flowers moved to table the 3<sup>rd</sup> 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. The motion was seconded by Chairman Murdaugh. The motion carried unanimously.

Councilman Taylor: Stated, I received several calls about the section where it talks about people and exemptions. Under section 5.02.20- Definitions “*Business*”, I would like to read that section as it is for clarity for those who are listening. “*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.*” Those are the exemptions as they are currently written here tonight. I wanted to make the public aware of that.

Councilman Williams: Stated, also for point of clarification 5.02.040- *Business Registration* at the bottom of page 2, the last sentence, it references section 5.01.030 and that is not part of what is here. So, if we could get that added or corrected before the next reading.

Councilman Taylor: Stated, I am not here to make the correction, but I did call about that and it was actually a reference to the above section, 5.02.030. So, *Classification of Business*, it was just a typographical error.

Chairman Murdaugh asked for any further comments, hearing none, the motion carried unanimously and will be tabled until the December meeting.

**B. 3<sup>rd</sup> Reading Ordinance 22-O-13, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws**

Dr. Flowers moved to approve the 3<sup>rd</sup> Reading Ordinance 22-O-13, 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.

**C. 3<sup>rd</sup> 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 3<sup>rd</sup> 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. The motion was seconded by Councilman Williams. The motion carried unanimously.

**D. 2<sup>nd</sup> 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**

Councilman Taylor moved to approve 2<sup>nd</sup> 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. The motion was seconded by Councilman Williams. The motion carried unanimously.

**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**

Councilman Taylor moved to approve Resolution 22-R-53, To Ratify Amendments to Agreement Creating a Regional Council of Governments, Article II, Section 2 – Membership and Representation. The motion was seconded by Dr. Flowers. The motion carried unanimously.

**B. Resolution 22-R-54, - To Designate Rudco Products, Inc. as a Sole Source Vendor for the Solid Waste Department**

Dr. Flowers moved to approve Resolution 22-R-54, To Designate Rudco Products, Inc. as a Sole Source Vendor for the Solid Waste Department. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**C. Resolution 22-R-55, To Authorize the Council Clerk to Advertise for Board Vacancies**

Councilman Williams moved to approve Resolution 22-R-55, To Authorize the Council Clerk to Advertise for Board Vacancies. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**D. Resolution 22-R-56, To Appoint Members to Board Vacancies**

Dr. Flowers moved to approve Resolution 22-R-56, To Appoint Members to Board Vacancies by acclamation. The motion was seconded by Councilman Taylor. The motion carried unanimously.

The following appointments were made: Robert Hooker and Ryan Crosby – Colleton County Board of Adjustments and Appeals, James McCune – Colleton County Edisto River Canoe and Kayak Trail Committee, Matthew Hooker – Colleton County Recreation Commission.

**Public Comment**

Felicia Johnson: Stated, I am back again. I truly don't know what is going on. I have been trying since last Thursday, and I went to DHEC and the SLED Department. None of them can do anything. SLED stated the only thing they can do anything about is the license, which they do not have to sell alcohol. DHEC sent me to the Beaufort DHEC, and I have not contacted this lady since last year. She came out, and she told me yesterday when she called she comes to Walterboro once a month. Like I told her, she is not going to catch that club open in the daytime, but what she is going to do for me is send Hazel Sanders a letter letting her know if she cooks anymore it is going to be \$1000 fine. So, happened today I was in Wal-Mart and saw Ms. Sanders. Got to Dollar Tree, she is steady picking at me saying, "You got your wish...you got your wish". I said, "What are you talking about?" I did notice the past two weeks the club has not been open. Well, like I have said my sister is the cook in this club and she told me there is no longer any running water in this club. She said somebody contacted her. I don't know who Ms. Sanders is talking about, it must have been one of you all because I don't have the slightest idea. "You got your wish...you got your wish." "No I got my pray." The only person who can truly help us with this club...it is going to have to be somebody on this county council board. I have tried and I have tried every body. Buddy Hill has come out to my home, Chief Johnson called me last week as well. I don't know what it is with the law around here. Why can't they close this hole in the wall club down? Two people got killed on Father's Day and two more injured. I don't know how many more it is going to take. Like I told Ms. Sanders today, in the past thank goodness I went to a gospel meeting because when I came home my house was shot up. If I was home there is no way I would've been standing here today. It is sad. Now my grandson, I did let him stay but he must've heard his daddy talking and he asked me, "Grandma, you going to call the police tonight?" "If the noise get to drastic yes I am." My grandkids always wanting to come stay with me, but I am scared for my grandkids. It is not safe over here, and like Ms. Sanders told me today...Money. Do not put money on our lives, there are children next door. The only thing separating them is the fence. The only thing separating me is their house and I am right there. It is sad, but you all have to do something. Keep on doing whatever you all are doing because somebody called her. I know she is going to get a letter from DHEC if she don't stop, and my sister will tell me if she is going back over there

to cook. I will make a phone call to Ms. Kathleen, that is her name and she is the only one who is truly helping me. Please help us.

### **Council Time**

Councilman Taylor: Stated, I would like to present County Council with a copy of the annual report from Lowcountry Council of Governments. I did give one to the staff and the Clerk already.

\*\*\*Councilman Taylor provided all of Council with the copy of the annual report.

Chairman Murdaugh: Stated, does anyone else have anything?

Councilman Taylor: Stated, I do have one more item. We did recognize Mr. Gene Whetsell at our Lowcountry Council of Governments meeting for his service and appreciation for his many years of service. I did speak with him and let him know that we do have a plaque that has been presented to him. He is coming off the board at the end of this year. Again, we wanted to say thank you for your many years of service.

Chairman Murdaugh: Stated, I would like to remind everyone that we do have flyer and an invitation to participate in the Veterans Day parade. This will be held this weekend at 3:00 PM on Sunday, and lineup will start at 2:00 PM. I am trying to see if they will get us a metal car for the magnets.

### **Executive Session**

Dr. Flowers moved to go into executive session to discuss the following: Personnel – Voter’s Registration, Legal – Opioid Litigation, and Personnel – Sheriff’s Office. Councilman Taylor seconded the motion. The motion carried unanimously.

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

Councilman Williams made a motion to approve the request of the Election Commission’s Chairperson to re-class the title from Register Election Office Manager to Assist Office Director, and move from a Grade 8 to a Grade 10. Councilman Taylor seconded the motion. The motion carried unanimously.

### **Adjournment**

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

This 6<sup>th</sup> day of December, 2022.

  
Steven D. Murdaugh, Chairman

ATTEST:

  
Kaela Brinson, Clerk to Council



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Serving **Beaufort Colleton Hampton Jasper** Counties

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## 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**

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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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