

AGENDA AMENDED
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 1, 2016
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Awards & Recognitions - NONE
5. Approval of Minutes
 - a) Regular Meeting October 11, 2016
6. Appearances & Public Presentations - NONE
7. Administrator's Briefing
8. Public Hearing- NONE
9. Old Business
 - a) 1st Reading **by Title Only** Ordinance 16-O-12, Authorizing The Acquisition Of Certain Property By Colleton County, South Carolina By Lease-Purchase Financing In The Amount Of Not Exceeding \$2,000,000; The Execution And Delivery Of Certain Instruments, Including A Lease-Purchase Agreement By Colleton County; And Other Matters Relating Thereto.
 - b) 1st Reading **by Title Only** Ordinance 16-O-13, To Authorize Colleton County to join with the City of Walterboro and The Walterboro-Colleton County Airport Commission to Convey by Quit Claim Deed unto Sealcraft Corporation, as the Grantee, all of its rights, titles and interests, including but not limited to any and all reversionary interest, in an to the 5.00 acre, more or less, tract of land, situate in Colleton County, South Carolina, and being located in the Industrial Area at 418 Wellston Circle, Walterboro, SC 29488, and being designated as Colleton County TMS No. 132-00-00-019, and now owned by Sealcraft Corporation.
 - c) 2nd Reading Ordinance 16-O-05, *Authorizing The Execution And Delivery Of A Fee Agreement By And Between Colleton County, South Carolina And JGBR Walterboro Corp. (Formerly Identified As Project Strickland) Providing For A Payment Of A Fee In Lieu Of Taxes And Other Matters Related Thereto*

- d) 2nd Reading Ordinance 16-O-08, to Establish, Pursuant to Section 4-1-170 of the Code of Laws of South Carolina 1976, as Amended, a Multi-County Industrial/Business Park, in Conjunction with Charleston County, South Carolina; to Provide for a Written Agreement with Charleston County as to the Sharing of the Revenues and Expenses of the Park; to Provide for the Distribution of Revenues from the Park Among Taxing Entities Having Jurisdiction Over the Park; to Provide for a Fee in Lieu of Ad Valorem Taxation; and Other Matters Related Thereto.
 - e) 2nd Reading Ordinance 16-O-09, Granting Easement No. 895166 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located on Ground Circle near Jonesville Avenue in County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.
 - f) 2nd Reading Ordinance 16-O-10, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law.
 - g) 2nd Reading Ordinance 16-O-11, To Provide for the Sale of Real Property Owned by Colleton County, South Carolina to Colleton Habitat for Humanity; and Other Matters Relating Thereto.
 - h) 3rd Reading Ordinance 16-O-06, To Ratify FY16 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.
10. New Business
- a) Resolution 16-R-85, To Authorize Appropriations, Interfund Transfers, Emergency Procurements, Acceptance and Budgeting of Funds for Various Activities for FY 2016-2017
 - b) Resolution 16-R-86, To Approve the Budgeting of Funds into Fund 121 – State Aid to the Library for the purchase of a Bookmobile for the Library and to Authorize the Purchase of said Bookmobile.
 - c) Resolution 16-R-87, To Approve Appointment to the Lowcountry Workforce Investment Board.
 - d) Resolution 16-R-88, *To Authorize Acceptance and Budgeting of Various Grants for FY 2016-2017.*
11. Items for Information and Public Record - NONE
12. Public Comments (3 minutes per person/max time 20 min.)

13. Council Time

14. Executive Session - NONE

15. Adjournment

16. Informal Meeting of the Whole

Sponsor(s): County Council
First Reading: June 7, 2016
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: November 1, 2016
Public Hearing: December 6, 2016
Third Reading: December 6, 2016
Effective Date: Immediately

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

ORDINANCE NO. 16-O-05

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND JGBR WALTERBORO CORP. (FORMERLY IDENTIFIED AS PROJECT STRICKLAND) PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO.]

WHEREAS, Colleton County, South Carolina (the "County") acting by and through its County Council (the "County Council") is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to enter into fee agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the "State") and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the manpower, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally; and

WHEREAS, JGBR Walterboro Corp., a corporation existing under the laws of the State of South Carolina (formerly identified as Project Strickland) and authorized to do business in the State and its affiliates (referred to hereinafter as the "Company") intend to invest in the establishment of a manufacturing facility through the acquisition of land, a building, and improvements thereon (the "Land and Building"); the construction of improvements thereon and/or therein; and/or the acquisition of personal property, including, but not limited to, machinery, equipment, and furniture to be installed on and/or in the Land and Building, which would constitute a project within the meaning of the Act and which are eligible for inclusion as economic development property, the cost of which is estimated to be seven million dollars and No/100 (\$7,000,000.00) over five years (the "Project"), all as more fully set forth in the Fee Agreement attached hereto; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ approximately 62 full-time employees; and

WHEREAS, pursuant to an Inducement Resolution dated as of _____, the County authorized the execution of an agreement providing for fee in lieu of tax payments; and

WHEREAS, the Company has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company (the "Fee Agreement"), which provides for fee in lieu of tax payments utilizing a 6% assessment ratio for a period of 20 years for the Project or each component thereof placed in service during the initial investment period and any investment period extension to which the County and the Company agree and a millage rate to be fixed for the full term of the Fee Agreement and which shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the Fee Agreement is executed, or (2) the June 30 of the year in which the Fee Agreement is executed; and

WHEREAS, it appears that the Fee Agreement, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council in a meeting duly assembled as follows:

Section 1. In order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State of South Carolina by assisting the Company to expand or locate an industrial facility in the State of South Carolina, the Fee Agreement is hereby authorized, ratified, and approved.

Section 2. Based upon information provided by and representations of the Company, it is hereby found, determined, and declared by the County Council, as follows:

- (a) The Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.
- (b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County.
- (c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

- (e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes.
- (f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.
- (g) The benefits of the Project to the public will be greater than the costs.

Section 3. The form, terms, and provisions of the Fee Agreement presented to this meeting are hereby approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and/or the County Administrator are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of Counsel to the County, such official's execution thereof to constitute conclusive evidence of such official's approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 4. The Chairman of the County Council and/or the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 6. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. The Ordinance shall become effective immediately upon approval following third reading by the County Council.

(SIGNATURE PAGE TO FOLLOW)

Passed and approved this ____ day of _____, 2016.

**COLLETON COUNTY,
SOUTH CAROLINA**

Signature: _____
Name: _____
Title: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

I, the undersigned, Clerk to County Council of Colleton County, South Carolina (“County Council”), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on _____, _____, and _____. At least one day passed between first and second reading, and at least seven days passed between second and third readings. A public hearing was held on _____, and notice of the public hearing was published in the _____ on _____. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meetings of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Colleton County Council, South Carolina, as of this ____ day of _____, 2016.

Signature: _____
Name: _____
Title: Clerk to County Council

Sponsor(s) : County Council
Adopted : November 1, 2016
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 16-R-88 AMENDED

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Acceptance and Budgeting of Various Grants for FY 2016-2017.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The Colleton County Sheriff's Department is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY 17 received from the U.S. Department of Justice for the Fiscal Year 2016 Bullet proof Vest Partnership (BVP) Solicitation as described below; and
3. *The Colleton County Economic Development Department is the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY 17 received from the South Carolina Coordinating Council for Economic Development for the Rural Infrastructure Fund Grant #C-16-2579.*

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenues and expenditures in the following funds for the grants and unbudgeted revenues for FY17 as listed:
 - a. Fund 120 – Special Revenue Fund; U.S. Department of Justice; \$18,627.50; Bulletproof Vest Partnership (BVP) Solicitation; 50% Match Funding provided in the FY2016/2017 Budget and as approved in Resolution #16-R-49.
 - b. *Fund 120 – Special Revenue Fund; South Carolina Coordinating Council for Economic Development; \$75,000; Rural Infrastructure Fund Grant #C-16-2579 related to J&L Wire Cloth, LLC; Match provided by Southern Carolina Alliance.*
2. The above listed OPRs (Offices of Primary Responsibility) are responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY17 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: