AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 9, 2018
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
   a) Regular Meeting September 11, 2018
5. Awards and Recognitions
6. Appearances & Public Presentations
   a) Center for Heirs Property Preservation – April Richardson – Overview of Programs
   b) Department of Juvenile Justice – Torsha Anderson
   c) Colleton County Memorial Library New Service – Carl Coffin
7. Administrator’s Briefing
8. Public Hearing
   a) Ordinance 18-O-15, Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, 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
   b) Ordinance 18-O-16, To Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247
9. Old Business
   a) 2nd Reading Ordinance 18-O-17, To Ratify FY18 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto
   b) 3rd Reading Ordinance 18-O-15, Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton
County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, 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

c) 3rd Reading Ordinance 18-O-16, To Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247

10. New Business
   a) Resolution 18-R-64, To Approve Appointment to Southern Carolina Alliance Board of Directors

   b) Resolution 18-R-65, To Authorize Acceptance and Budgeting of Funds for a Grant for FY 2018-2019.

   c) Resolution 18-R-66, To Approve Execution and Renewal of a Service Agreement for Fire-Rescue’s LifePak Cardiac Monitors/Defibrillators

   d) Resolution 18-R-67, To Declare Surplus Various Equipment and to Authorize its Sale in Accordance with County Policy

   e) Resolution 18-R-68, To Award the Contract for Colleton County C&D Landfill Improvements

   f) Resolution 18-R-69, County Council’s Commendation for Reverend Bertha Lee Givens

   g) Resolution 18-R-70, To Appoint Members to Board Vacancies

   h) Resolution 18-R-71, To Reschedule November County Council Meeting

11. Items for Information and Public Record

12. Public Comments (3 minutes per person/max time 20 min.)

13. Council Time

14. Executive Session
   a) Contractual – Department of Juvenile Justice
   b) Economic Development – Project CYD

15. Adjournment

16. Informal Meeting of the Whole
ORDINANCE NO. 18-O-15

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance Granting Easement No. 897128 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, 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.]

WHEREAS:

Colleton County Council deems it to be in the best interest of the County to grant an Easement to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC; such easements are to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.

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

1. The documents attached and included herein by reference grant Easement No. 897128 to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard and Aviation Way in or near the City of Walterboro, Colleton County, SC to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.

2. The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.

3. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.

4. Severability:

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

5. Conflict:

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

ATTEST:               SIGNED:

Ruth Mayer, Council Clerk

________________________  __________________________
Joseph F. Flowers, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:

OPPOSED:
ORDINANCE 18-O-16

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Relinquish Any Right of First Refusal and other Restrictive Covenants of Colleton County to the Property Located at 360 Anderson Road, TMS #132-00-00-247.]

WHERAS:

1. On February 23, 2009, by Indenture Deed recorded in Deed Book 1728 page 231, office of the Register of Deeds for Colleton County, SC, the Walterboro-Colleton Airport Commission, the City of Walterboro and Colleton County (Grantors) conveyed to Marketing Services International, LLC certain real property identified by TMS #132-00-00-247; and

2. On November 20, 2013, by Indenture Deed recorded in Deed Book 2173 page 251, office of the Register of Deeds for Colleton County, SC, the Marketing Services International, LLC conveyed to Universal Distributors, LLC certain real property identified by TMS #132-00-00-247; and

3. On the Indenture Deed for the real property located at 360 Anderson Rd., Walterboro, SC (Tax Map # 132-00-00-247) contains a deed restriction from the original Grantors for a sixty (60) year period from February 23, 2009 that the Grantors have a first right of refusal; and

4. Universal Distributors, LLC desires to sell the business located at 360 Anderson Rd to Coastal Land Holdings, LLC; and

5. Universal Distributors, LLC and Coastal Land Holdings, LLC desire that the Grantors approve the sale of the real property as provided for in the Indenture Deed dated November 20, 2013 on record in the office of the Register of Deeds for Colleton County in Deed Book 2173 at Page 251, by waiving the right of first refusal on the property as well as by waiving the restriction against the subdivision of the premises.

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

1. Colleton County hereby waives the right to first refusal as well as the restriction against the subdivision of the premises on the property identified by TMS #132-00-00-247
originally set forth in the indenture deed from the Walterboro-Colleton Airport Commission, City of Walterboro and Colleton County, SC to Marketing Services International, LLC recorded March 9, 2009 in Deed Book 1728 page 231, and again set forth in the indenture deed from Marketing Services International, LLC to Universal Distributors, LLC recorded December 18, 2013 in the office of the Register of Deeds for Colleton County, SC, and the right of first refusal shall apply to this transaction only.

2. The County Administrator is hereby authorized to execute the Limited Waiver of Right of First Refusal (as to one transaction only) included herein and by reference for the property identified by TMS #132-00-00-247 and all other necessary documents upon approval by the county attorney.

3. Severability:

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

4. Conflict:

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

By: ______________________________
    Joseph F. Flowers, Chairman of County Council

ATTEST:                                COUNCIL VOTE:

By: ______________________________
    Ruth Mayer, Clerk to County Council

OPPOSED:

APPROVED AS TO FORM:

By: ______________________________
    Sean Thornton, County Attorney
ORDINANCE NO. 18-O-17

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Ratify FY18 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 FY18 Budget Resolutions and authorizes and directs the County Administrator to amend the FY18 budgetary appropriations as so resolved;

   b. Ratifies all previously approved FY18 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 6/30/18 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 6/30/18, within Fund 156 to meet the needs of the County.

   e. Approves acceptance of US Department of Transportation FAA Airport Development Grant funds in the amount of $572,000 to cover continued airport runway improvements.

   f. Approves acceptance of reimbursements received from Med-Trans for fire/rescue personnel costs associated with the paramedics assigned to work as part of the C.A.R.E. flight services team.

   g. Approves acceptance of FEMA and SC Emergency Management Division disaster assistance funds in the amount of $1,056,209 to cover costs associated with Hurricane Matthew, Hurricane
Irma and 2014 Ice Storm.

h. 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 6/30/18 audit as identified by CCRFC and approved by the Colleton County Administrator.

i. 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 6/30/18 audit as identified and approved by the Colleton County Administrator.

j. 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 FY18 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 06/30/2018.

ATTEST:  
Ruth Mayer, Clerk to Council

SIGNED:  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED:

Approved as to Form  
Sean P. Thornton, County Attorney
RESOLUTION NO. 18-R-64

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Approve Appointment to Southern Carolina Alliance Board of Directors.)

WHEREAS:

1. One vacancy exist on the Southern Carolina Alliance Board of Directors due to resignation of Bill Workman; and

2. It has been recommended that the Chairman of the Colleton Economic Alliance, Lee Petrolawicz fill this un-expired term.

3. The County Council is the appointing authority for Board.

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

Colleton County Council hereby approves Lee Petrolawicz to be appointed to the Southern Carolina Alliance Board of Directors.

ATTEST:  SIGNED:

Ruth Mayer, Council Clerk
Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED:
RESOLUTION NO. 18-R-65

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Acceptance and Budgeting of Funds for a Grant for FY 2018-2019.]

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 Office is the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY19 received from the South Carolina Department of Public Safety for the purchase of body-worn cameras and from the U.S. Department of Justice for the Fiscal Year 2018 Bulletproof 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 FY19 received from the South Carolina Department of Commerce for a Rural Infrastructure Fund Grant in the amount of $1,500,000 for Evanesce, Inc.; and

4. The Colleton County Planning and Development Department, is the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY19 received from the South Carolina Department of Parks, Recreation and Tourism for a Parks and Recreation Development Fund Grant for ACE Basin Greenway Trail Phase 2.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures in the following fund for the grant and unbudgeted revenues for FY 2019 as listed:

   a. Fund 120 – South Carolina Department of Public Safety; Office of Highway Safety and Justice Programs Body-Worn Cameras Fund; $26,900.
   b. Fund 120 – Special Revenue Fund; U.S. Department of Justice; $46,783; Bulletproof Vest Partnership (BVP) Solicitation; 50% Match Funding provided in the FY 2018-2019 Budget.
   c. Fund 120 – Special Revenue Fund; South Carolina Department of Commerce, Rural Infrastructure Fund Grant number C-17-2874; $1,500,000 for Evanesce, Inc.
   d. Fund 120 – Special Revenue Fund; South Carolina Department of Parks, Recreation and Tourism, Park and Recreation Development Fund; $100,000 for ACE Basin Greenway Trail – Phase 2; match is included in the Capital Fund – Fund 115 Budget for FY 2019.
2. The above listed OPR (Office of Primary Responsibility) is 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 party for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY 2019 as requested for this grant/non-budgeted revenue received.

ATTEST:  
Ruth Mayer, Council Clerk

SIGNED:  
Joseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED:
RESOLUTION NO. 18-R-66

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve Execution and Renewal of a Service Agreement for Fire-Rescue’s LifePak Cardiac Monitors/Defibrillators.]

WHEREAS:

1. Fire-Rescue recently purchased LifePak 15 cardiac monitors/defibrillators to replace outdated equipment; and

2. The outdated equipment was covered by a Service Agreement with Physio Control; and

3. This Service Agreement replaces the previous service agreement and it includes a credit for eight months of service from the previous agreement; and

4. It is deemed to be in the best interest of the citizens of the County to authorize execution of said Service Agreement.

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

1. The renewal of the Physio Control Service Support Agreement effective November 1, 2018 for a period of three years is hereby approved.

2. The County Administrator is hereby authorized to execute said agreement on behalf of the County.

3. Funding for the cost of the agreement was included in the FY 2019 Budget.

ATTEST: 

Ruth Mayer, Council Clerk

SIGNED: 

Joseph F. Flowers, Chairman

COUNCIL VOTE:

OPPOSED:
RESOLUTION NO. 18-R-67

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Declare Surplus Various Equipment and to Authorize its Sale in Accordance with County Policy.]

WHEREAS:

1. The Technology department has evaluated various computer equipment, and deemed it to be no longer suitable for County operations; and

2. The Library has evaluated various computer equipment, and deemed it to be no longer suitable for County operations; and

3. It is recommended that Council declare said equipment surplus and authorize its sale through GovDeals or for trade in on upgraded equipment.

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

1. The following computer equipment is hereby declared surplus to the needs of the County.

   5 Dell Laptops
   8 HP Laptops
   1 CD Duplicator
   3 Dell Desktop Computers
   25 Monitors
   11 Printers
   1 Projectors
   1 Dell Server
   2 Televisions

2. Said equipment shall be placed for sale on GovDeals or for trade in on upgraded equipment.

ATTEST: SIGNED:

Ruth Mayer, Council Clerk Joseph F. Flowers, Chairman

COUNCIL VOTE: OPPOSED
RESOLUTION NO. 18-R-68

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract for Colleton County C&D Landfill Improvements.]

WHEREAS:

1. The County advertised a Request for Bids, SW-25, for the C&D Landfill improvements to include grading, ditching and roadway improvements; and

2. Six bids were received; and

3. Allen Butler Enterprises, LLC meets all of the requirements of the bid and is the lowest responsible bidder; and

4. Staff recommends that Council award the contract to Allen Butler Enterprises, LLC.

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

1. County Council hereby authorizes the County Administrator to execute a contract in accordance with Bid SW-25 to Allen Butler Enterprises, LLC in the amount of $151,792.50 for C&D Landfill improvements, pending approval of said contract by the County Attorney.

2. Funding for this project is budgeted in the Solid Waste Fund – Fund 211 budget for FY 2019.

ATTEST:                  SIGNED:

Ruth Mayer, Council ClerkJoseph F. Flowers, Chairman

COUNCIL VOTE:  
OPPOSED:
RESOLUTION NO. 18-R-69

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution of County Council’s Commendation for Reverend Bertha Lee Givens.]

WHEREAS:

1. Colleton County Council offers this letter of commendation for Reverend Bertha L. Givens and her long and distinguished record of public service to the County. The life and legacy of the late Reverend Bertha Lee Givens was one that provides an example of what it means to be a person of character, a true Christian and a very giving, deeply caring person, of unwavering courage; and

2. For 48 years, Reverend Bertha Givens was a supportive and devoted wife to her late husband, Sam Givens. Together they raised their children to be God-fearing and God-loving, upstanding citizens, all of whom grew to be very successful in their chosen career paths. In addition to her biological children, Reverend Bertha Givens also opened her heart and her home to 35 foster children, as well as numerous children within the community and across her extended family. She had an abundance of love and touched many lives. The core matriarch of her entire extended family, Reverend Bertha Givens was a major pillar in the greater Colleton County community; and

3. For most of her adult life, numerous people in the local Green Pond community, as well as across Colleton County and other parts of the country, sought the counsel and comfort of Reverend Bertha Givens, when they faced severe life challenges. Young and old people alike benefited from her wealth of wisdom and calm demeanor, and came to her in their times of need for advice; and

4. For many years, she served as a Class Leader and an Associate Pastor of her church, Mt. Olive A.M.E. Church, in Green Pond. She served in prison outreach ministry for several years. Her life of impeccable integrity in ministry is a standard for all in the clergy and in other positions of church leadership, to which they could aspire. For decades, she touched the lives of many, through her selfless caring and giving; and

5. Reverend Givens founded a major outreach program called Harvest Day. For forty-four years, she hosted the annual Harvest Day program at her church, at which people were taught God’s word, and she gave away produce and homemade preserves. To ensure that elderly residents in nursing homes were remembered and felt valued, Reverend Bertha Givens participated in conducting Bible studies at nursing homes,
after which she would give the residents hand-sewn quilts, which she made throughout the year, for the sole purpose of presenting the quilts as gifts to elderly and sick persons in nursing homes, in hospitals and in their homes; and

6. Over the years of her life ministry, Reverend Bertha Givens blessed thousands of people and gave gifts valuing hundreds of thousands of dollars. The life and legacy of Reverend Bertha Givens provide an example and an inspiration to us all. Hers was a life well-lived.

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

Colleton County Council offers this letter of commendation for Reverend Bertha L. Givens and her long and distinguished record of public service to the County.

ATTEST:  SIGNED:

Ruth Mayer, Council Clerk  Joseph F. Flowers, Chairman

COUNCIL VOTE:
OPPOSED
RESOLUTION NO. 18-R-70

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Appoint Members to Board Vacancies.)

WHEREAS:

1. Board of Adjustments & Appeals (Building Dept.) has six vacancies (One Heating/Air Condition, one Plumbing, one Electrical & three general citizenry); and Applicants: None

2. Board of Assessment Appeals has one vacancy; and Applicants: None

3. Keep Colleton Beautiful has one vacancy; and Applicants: None

4. Colleton County Memorial Library has three vacancies; and Applicants: Sylvia N. Rowland, Janis K. Blocker, Jane McTeer Brown

5. Lowcountry Regional Transportation Authority (Breeze)Board has one vacancy; and Applicants: None

6. Colleton County Commission of Alcohol & Drug Abuse Has one vacancy; and Applicants: None

7. 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 Memorial Library: Sylvia N. Rowland, Janis K. Blocker, Jane McTeer Brown

ATTEST: 

Ruth Mayer, Council Clerk

SIGNED: 

Joseph F. Flowers, Chairman
RESOLUTION NO. 18-R-71

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Reschedule November County Council Meeting.]

WHEREAS:

1. The first Tuesday of November falls on election day; and

2. The Council deems it in the best interest for its citizens to change the meeting date to allow citizens time to vote.

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

County Council hereby reschedules the November 6, 2018 meeting to November 13, 2018

ATTEST:  
Joseph F. Flowers, Chairman

SIGNED:

Ruth Mayer, Council Clerk

COUNCIL VOTE:
OPPOSED: