

AGENDA
COLLETON COUNTY COUNCIL
VIRTUAL REGULAR MEETING
TUESDAY, DECEMBER 8, 2020
6:00 P.M.

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
 - a) Regular Meeting November 10, 2020
5. Awards and Recognitions
6. Appearances & Public Presentations
 - a) Maryann Blake, Vice Chairman of Voter Registration and Elections Commission
7. Administrator's Briefing
8. Public Hearing
 - a) Ordinance 20-O-02, Authorising The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Among Colleton County And Bar Marine Group, LLC, And James W. Williams, Whereby Colleton County Will Enter Into A Fee-In-Lieu Of Taxes Arrangement With Bar Marine Group, LLC, And James W. Williams; Providing For Payment By Bar Marine Group, LLC, And James W. Williams Of Certain Fees In Lieu Of *Ad Valorem* Taxes; Providing For Certain Special Source Revenue Or Infrastructure Credits; To Further Amend The Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina And Charleston County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park, So As To Include Additional Property In Colleton County As Part Of The Park; Providing For The Allocation Of Fee-In-Lieu Of Taxes Paid By Bar Marine Group, LLC, And James W. Williams, Under The Agreement For Establishment Of Multi-County Industrial/Business Park; And Other Matters Relating Thereto.
 - b) Ordinance 20-O-09, To Ratify FY20 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.

- c) Ordinance 20-O-10, 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

9. Old Business

- a) 2nd Reading Ordinance 20-O-02, Authorizing The Execution And Delivery Of A Fee-In-Lieu Of Tax Agreement By And Among Colleton County And Bar Marine Group, LLC, And James W. Williams, Whereby Colleton County Will Enter Into A Fee-In-Lieu Of Taxes Arrangement With Bar Marine Group, LLC, And James W. Williams; Providing For Payment By Bar Marine Group, LLC, And James W. Williams Of Certain Fees In Lieu Of *Ad Valorem* Taxes; Providing For Certain Special Source Revenue Or Infrastructure Credits; To Further Amend The Multi-County Industrial/Business Park Agreement Between Colleton County, South Carolina And Charleston County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park, So As To Include Additional Property In Colleton County As Part Of The Park; Providing For The Allocation Of Fee-In-Lieu Of Taxes Paid By Bar Marine Group, LLC, And James W. Williams, Under The Agreement For Establishment Of Multi-County Industrial/Business Park; And Other Matters Relating Thereto.
- b) 3rd Reading Ordinance 20-O-09, To Ratify FY20 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.
- c) 2nd Reading Ordinance 20-O-10, 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

10. New Business

- a) Resolution 20-R-54, To Authorize Execution of a Lease Agreement By and Between Colleton County and Palmetto Rural Telephone Cooperative, Inc., for Storage Space located at 266 Robertson Boulevard for the Voter Registration and Elections Office.

- b) Resolution 20-R-55, To Authorize Acceptance and Budgeting of Various Grants for FY 2020-2021
 - c) Resolution 20-R-56, To Approve the Enterprise Service Agreement between Colleton County and Palmetto Rural Telephone Cooperative
 - d) Resolution 20-R-57, To Award the Contract in Accordance with Bid CC-32 for the Demolition and Disposal of the Floyd Buckner Building
- 11. Council Time
 - 12. Executive Session
 - a) Personnel
 - 1) Coroner
 - 2) Voter Registration
 - 13. Adjournment
 - 14. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON DECEMBER 8, 2020

Colleton County Council will hold a regular meeting on Tuesday, December 8, 2020, at 6:00 pm. Due to the COVID-19 pandemic, County Council will be holding the meeting virtually and 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**.

Sponsor(s) : County Council
 First Reading : March 3, 2020
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : December 8, 2020
 Public Hearing : December 8, 2020
 Third Reading : December 16, 2020
 Effective Date : Immediately

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

ORDINANCE NO. 20-O-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG COLLETON COUNTY AND BAR MARINE GROUP, LLC, AND JAMES W. WILLIAMS, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH BAR MARINE GROUP, LLC, AND JAMES W. WILLIAMS; PROVIDING FOR PAYMENT BY BAR MARINE GROUP, LLC, AND JAMES W. WILLIAMS OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; TO FURTHER AMEND THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK AGREEMENT BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND CHARLESTON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN COLLETON COUNTY AS PART OF THE PARK; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY BAR MARINE GROUP, LLC, AND JAMES W. WILLIAMS, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.]

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

WHEREAS, the County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code (the “MCIP Act”), to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property situated or having a situs in a multi-county business or industrial park created under the MCIP Act, and pursuant to Section 4-1-175 and 4-29-68 of the Code (the “SSRC Act”), to permit investors to claim infrastructure or special source credits against their PILOT Payments (including any Negotiated FILOT Payments) to reimburse such investors for expenditures for 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 (“Infrastructure Improvements”), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; and

WHEREAS, in order to promote the economic welfare of the citizens of Colleton County and Charleston County (collectively, the “the Counties”) by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for Joint County Industrial Park effective as of September 1, 1995 (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 was substantively amended by (i) the First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the “First Modification”), which First Modification was approved by Charleston County Council Ordinance 1475, enacted December 5, 2006; and by Colleton County Council Ordinance 06-O-20 enacted January 2, 2007; (ii) the Second Modification to Agreement for Development of Joint Industrial Park, dated as of December 31, 2014 (the “Second Modification”), which Second Modification was approved by Charleston County Council Ordinance 1828, enacted on September 9, 2014, and by Colleton County Ordinance 14-O-13, enacted on December 11, 2014; and (iii) the Third Modification to Agreement for Development of Joint Industrial Park, effective as of November 29, 2017 (the “Third Modification”), which Third Modification was approved by Charleston County Council Ordinance 1982, enacted on October 24, 2017, and by Colleton County Ordinance 17-O-08, enacted on November 7, 2017; and

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

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

WHEREAS, BAR Marine Group, LLC, a South Carolina limited liability company (the “Company”), has made an initial investment of approximately \$1,303,000 in real property and equipment, and intends to expand its existing manufacturing operations (the “Existing Facility;” the Existing Facility and the Expansion Project are collectively referred to herein as the “Project”) in order to provide precision tooling and molding manufacturing and services for the marine, aerospace, and automotive industries (such expansion is referred to herein as the “Expansion Project”); the Project is to be located at 1113 Hope Plantation Lane, Jacksonboro, South Carolina (the “Project Site”); and

WHEREAS, the Expansion Project when completed will represent an anticipated “investment” (as defined in the FILOT Act) (the “Investment”) by the Company in the aggregate not less than \$4,000,000 in real property expansion and improvements of approximately 10,000 square feet and new machinery and equipment to be located at the Project Site; and

WHEREAS, the County has been advised that upon the completion of the Expansion Project, the Project is anticipated to employ within 5 years of completion a total of 27 full-time employees at the Project, in addition to the current 2 employees, at the Project; and

WHEREAS, the Project Site is owned by James W. Williams (the "Landlord") and leased to the Company pursuant to a long-term lease agreement; and

WHEREAS, the County is authorized to include the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to the SSRC Act; and

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

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

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

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

Section 1. Evaluation of the Project. County Council 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 Expansion Project constitutes a "project" as that term is defined in, and will serve the purposes of, the FILOT Act;

- (b) the Project will serve the purposes of the SSRC Act and the MCIP Act;
- (c) the Investment by the Company in the Expansion Project will be approximately \$4,000,000, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will employ within 5 years of completion of the Project a total of 27 full-time employees at the Project, in addition to the current 2 employees, at the Existing Facility;
- (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 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 Expansion 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 Expansion 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 Expansion Project are proper governmental and public purposes;
- (i) the inducement of the location of the Expansion Project is of paramount importance; and
- (j) the benefits of the Expansion Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Expansion Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Expansion 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 which the Expansion Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 20-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee-in-lieu of Tax Agreement among the County and the Company and the 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) The Park Agreement is hereby amended so as to expand the Park premises located within Colleton County, in cooperation with Charleston County (the "Partner County"), to include 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 Establishment of a Multi-County Industrial/Business Park (the "MCIP Agreement"). Attached hereto as Exhibit A is the property description of the parcels to be added to the Park premises within Colleton County.

(B) The County will provide for 20 years that the annual allocation of the PILOT Payments generated by the Project within the boundaries of the Multi-County Park 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") as follows: SSRCs against the PILOT Payments made with respect to all non-qualifying real property of the Company (i.e., the Existing Facility at the Project Site) as provided for under Section 4-1-175 (the "MCIP Provision") and Section 4-29-68 of the Code, in the amounts as follows: the SSRC on the Existing Facility will be in an amount that annually reduces the PILOT Payment to an equivalent payment calculated at a 6% assessment ratio. This SSRC shall be applied during each of the first 20 years of the term of the FILOT Agreement. The resulting PILOT Payment is referred to herein as the "Net PILOT Payment."

(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. 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. 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.

ATTEST:

Ruth Mayer, Clerk to Council

Approved as to Form
Sean P. Thornton, County Attorney

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Exhibit A

PROPERTY DESCRIPTION
COLLETON COUNTY ADDITIONAL PARCELS

PROPERTY DESCRIPTION FOR EACH PARCEL ADDED TO THE PARK BY THIS AMENDMENT AND INITIAL TAX YEAR (FOR TAXES WHICH WILL BE LEVIED ON PROPERTY OWNED ON DECEMBER 31 OF THE PRIOR CALENDAR YEAR).

<u>Parcels to be Added</u>	<u>Property Description</u>	<u>Initial Tax Year</u>
Parcel 1	Parcel containing 15.3 acres located at at 1113 Hope Plantation Lane, Jacksonboro, South Carolina, the parcel more fully described on the attached <u>Schedule 1</u> . TMS # 265-00-00-005	2021
Parcel 2	Parcel containing 18.9 acres located at at 1113 Hope Plantation Lane, Jacksonboro, South Carolina, the parcel more fully described on the attached <u>Schedule 1</u> . TMS # 265-00-00-006	2021

SCHEDULE 1

PROPERTY DESCRIPTION

Parcel 1

All that certain piece, parcel or tract of land, situate, lying and being approximately one (1) mile south of Jacksonboro, in the County of Colleton, State of South Carolina, containing 1.72 acres, more or less, and being bounded as follows: on the west by state road S-15-30 for a distance of 346 feet; on the north by lands now or formerly of William R. Gatch for a distance of 135 feet; on the east by other lands of Williams Farms Partnership for a distance of 372.40 feet; and on the south by lands now or formerly of Amy Monroe for a distance of 300 feet. Said property being more fully described as Tract "A" on a plat entitled "Plat of a Parcel of Land Situate About One Mile South of Jacksonboro, Surveyed for James W. Williams", by W. G. Whetsell, R.L.S., 3131, dated January 9, 1982 and revised October 20, 1993. Said plat to be recorded in the Office of the Clerk of Court for Colleton County.

TMS# 265-00-00-005

Subject to all easements, restrictions and rights of way of record. This being the same property conveyed to Williams Farms Partnership, A South Carolina General Partnership by Deed of First National Bank of South Carolina dated November 4, 1993 and recorded in the Office of the Clerk of Court for Colleton County in Deed Book 609 at Page 71.

Parcel 2

All that piece, parcel or lot of land situate South of Jacksonboro in Colleton County and State of South Carolina measuring and containing Sixteen and one-half (16-1/2) acres of land by the same more or less. Bounded on the North by lands of Clara Wright, East by Edisto River, South by lands formerly of James Johnson now of Ashley and West on Pon Pon Neck Road to Jacksonboro. All of which will more fully appear by reference to a plat of the same made by A.J. Lemacks of date December 9, 1902 (the "Property").

This is all of the property described in the Orders of Special Referee Deborah B. Kane on file in the office of the Clerk of Court for Colleton County in Case Number 08-CP-15-1135.

TMS # 265-00-00-006

Sponsor(s) : County Council
First Reading : October 6, 2020
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : November 10, 2020
Public Hearing : December 8, 2020
Third Reading : December 8, 2020
Effective Date : Immediately

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

ORDINANCE NO. 20-O-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[To Ratify FY20 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 FY20 Budget Resolutions and authorizes and directs the County Administrator to amend the FY20 budgetary appropriations as so resolved;
 - b. Ratifies all previously approved FY20 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 6/30/20 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 6/30/20, 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 \$461,096.01 to cover costs associated with Hurricane Florence and April Tornadoes.

- f. Approves acceptance of Health and Human Services CARES assistance funds in the amount of \$42,426.82 to cover costs incurred in Fire Rescue operations associated with COVID-19.
 - g. Approves the write-off of all Colleton County Fire and Rescue Medical Services billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/20 audit as identified by CCRFC and approved by the Colleton County Administrator.
 - h. Approves the write-off of all Colleton County Solid Waste Billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/20 audit as identified and approved by the Colleton County Administrator.
 - i. Approves end-of-year adjustments as necessary to the Operational Transfers of various funds in order to decrease particular fund appropriation and correspondingly increase other fund appropriation in accordance with the operational needs and expenditures of the various Funds in FY20 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 06/30/2020.

ATTEST:

Ruth Mayer, 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 : November 10, 2020
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : December 8, 2020
 Public Hearing : December 16, 2020
 Third Reading : December 16, 2020
 Effective Date : Immediately

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

ORDINANCE NO. 20-O-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE 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.]

WHEREAS, Colleton County, South Carolina (“Colleton County”) and Charleston County, South Carolina (“Charleston County”) (collectively, the “Counties” and together with any additional counties that become parties to the MCP Agreement described below, the “Member Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended (the “Act”), propose to establish jointly a multi-county industrial/business park within the geographical boundaries of one or more of the Member Counties (the “Park”); and

WHEREAS, Article VIII, Section 13(B) of the South Carolina Constitution provides that nothing in the State Constitution may be construed to prohibit any of the counties in South Carolina from agreeing to share the lawful cost, responsibility, and administration of functions with one or more governments, whether within or without the State of South Carolina; and

WHEREAS, in order to promote the economic development of Colleton County and Charleston County, the Counties have initially agreed to include in the Park properties located in Charleston County and described in Exhibit A hereto (the “Initial Property”) and as more particularly described in Exhibit A to that certain Agreement for the Establishment of Multi-County Industrial/Business Park to be entered into by the Counties as of such date as may be agreed to by the Counties (the “MCP Agreement”); and

WHEREAS, the Counties have agreed to the specific terms and conditions of the arrangement set forth in the MCP Agreement; and

WHEREAS, the Counties now desire to establish the Park to include the Initial Property;

NOW, THEREFORE, BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL AS FOLLOWS:

Section 1. Establishment of Multi-County Park; Approval of MCP Agreement; Location of Park; Change of Park Boundaries.

(a) There is hereby authorized to be established, initially in conjunction with Charleston County, a multi-county industrial/business park to include therein the Initial Property. The form, provisions, terms, and conditions of the MCP Agreement in substantially the form before Colleton County Council (the "County Council") at the meeting at which this Ordinance receives third reading, and filed with the Clerk to County Council, be and they are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.

(b) The MCP Agreement is to be in substantially the form before the meeting at which this Ordinance receives third reading, and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Colleton County thereunder and as shall be approved by the officials of Colleton County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the MCP Agreement before the meeting at which this Ordinance receives third reading. The Chairman of County Council, for and on behalf of Colleton County, is hereby authorized, empowered, and directed to do any and all things necessary or proper to effect the establishment of the Park and the execution and delivery of the MCP Agreement and the performance of all obligations of Colleton County under and pursuant to the MCP Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

(c) As of the date of enactment of this Ordinance, the Park shall consist of the Initial Property located in Charleston County. It is recognized that the Park may from time to time consist of non-contiguous properties within each Member County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by (a) an ordinance of the Member County in which the property to be added or removed from the Park is actually located, and (b) a resolution (or comparable action) of the governing bodies of all other Member Counties.

Section 2. Payment of Fee-in-lieu of Taxes. (a) In accordance with Article VIII, Section 13(D) of the South Carolina Constitution, the area comprising the Park and all property having a situs therein is exempt from all *ad valorem* taxation. All owners and lessees of property situated in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the county treasurer of the county in which such property is located. That portion of the fee from the Park property located in a Member County and allocated pursuant to the MCP Agreement to the other Member Counties shall be paid to the respective county treasurer (or other designated official) of the other

Member Counties in accordance with the terms of the MCP Agreement. Payments of fees in lieu of *ad valorem* taxes for each year will be due on the due date for property taxes for such year. Penalties for late payment will be at the same rate as late tax payments. Any late payment beyond the due date will accrue interest at the same rate of as late tax payments. The Member Counties, acting by and through the appropriate official, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

(b) Nothing herein shall be construed to prohibit any Member County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

Section 3. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Park by the Member Counties shall be as set forth in the MCP Agreement.

Section 4. Distribution of Revenues to Taxing Entities. Revenues from the Park shall be distributed to and within the Member Counties as set forth in the MCP Agreement.

Section 5. Governing Laws and Regulations. In order to avoid any conflict of laws or ordinances among the Member Counties, the ordinances or other local laws of each Member County will be the reference for such regulations or laws in connection with Park premises located within such Member County. Nothing herein shall be taken to supersede any applicable municipal, state, or federal law or regulation. The Member County in which a parcel of Park premises is located is specifically authorized to adopt restrictive covenants and land use requirements in accordance with law for each such parcel at that Member County's sole discretion. The ordinances of a Member County shall in no way apply to Park property not located in such Member County.

Section 6. Admission of Additional Parties. The MCP Agreement may be amended from time to time to add additional counties or other political subdivisions located within South Carolina or outside South Carolina, subject to any limitation contained in Article VIII, Section 13 of the Constitution of South Carolina or Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, by ordinances or comparable action of the governing body of each Member County. Upon approval of all Member Counties, the MCP Agreement shall be amended to admit such political subdivision as a party thereto, with such rights and obligations as shall be provided in the MCP Agreement as so amended and applicable law.

Section 7. Savings Clause. If any portion of this Ordinance shall be held void or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 8. General Repealer. Any prior ordinance or resolution, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 9. Effectiveness. This Ordinance shall be effective upon approval following third and final reading.

ATTEST:

Ruth Mayer, Clerk to Council

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

EXHIBIT A

Initial Property

Sponsor(s) : County Council
Adopted : December 8, 2020
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 20-R-54

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Execution of a Lease Agreement By and Between Colleton County and Palmetto Rural Telephone Cooperative, Inc., for Storage Space located at 266 Robertson Boulevard for the Voter Registration and Elections Office.]

WHEREAS:

1. The Voter Registration and Elections Office is in need of storage for elections equipment; and
2. Colleton County wishes to enter into a lease agreement with Palmetto Rural Telephone Cooperative, Inc., for the rental of storage space for the Voter Registration and Elections office; and
3. Staff recommends Council approve execution of the lease.

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

1. Colleton County Council hereby approves execution of the Lease Agreement by and between Colleton County and Palmetto Rural Telephone Cooperative, Inc., for storage space located at 266 Robertson Boulevard.
2. The County Administrator is hereby authorized to negotiate and execute a two-year lease agreement on behalf of the County pending approval of the documents by the County Attorney. Funding for said lease is provided by grant funding for FY 2021.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : December 8, 2020
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 20-R-55

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Acceptance and Budgeting of Various Grants for FY 2020-2021.]

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 Capital Projects Department is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY21 received from the United States Department of the Interior Formula Grant, as described below; and
3. The 14th Circuit Solicitor’s Office is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY21 received from the United States Department of Justice, Justice Assistance Grant, as described below.

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 FY21 as listed:
 - a. Fund 120 – Special Revenue Fund; United States Department of the Interior; \$157,500; Sport Fish Restoration Formula Grant; Old Chehaw Landing Improvements; Grant #F19AF01230-0; \$52,500 match provided by a Water Resource Fund Grant from SCDNR accepted by Resolution 17-R-69.
 - b. Fund 120 – Special Revenue Fund; United States Department of Justice; Justice Assistance Grant Program, Adult Multidisciplinary Court Improvements; Grant number 2020-DC-BX-0063; \$483,599; 25% match is included in Fund 125 – Solicitor’s Office Fund.
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 FY21 as requested for this grant/non-budgeted revenue received.

ATTEST:

Ruth Mayer, Council Clerk

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : December 8, 2020
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 20-R-56

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve the Enterprise Service Agreement between Colleton County and Palmetto Rural Telephone Cooperative.]

WHEREAS:

1. Colleton County and Palmetto Rural Telephone Cooperative entered into an Enterprise Service Agreement on February 5, 2019 by approval of Resolution 19-R-18 to provide network connectivity throughout all County facilities; and
2. Due to delays that were exacerbated by COVID-19, PRTC has offered the County the option to restart the clock on the original five year agreement, allowing the County to benefit from the decreased rates for the full duration of the agreement; and
3. Staff believes that it is in the best interest of the County to enter into this Enterprise Service Agreement with Palmetto Rural Telephone for a term of five years.

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

1. County Council hereby approves the Enterprise Service Agreement between Colleton County and Palmetto Rural Telephone Cooperative for a term of five years.
2. The County Administrator is hereby authorized to execute a said agreement on behalf of the County pending approval of same by the County Attorney.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : December 8, 2020
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 20-R-57

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract in Accordance with Bid CC-32 for the Demolition and Disposal of the Floyd Buckner Building.]

WHEREAS:

1. The County advertised a Request for Bids, CC-32 for the Demolition and Disposal of the Floyd Buckner Building; and
2. Five bids were received; and
3. Moats Construction, Inc. meets all of the requirements of the bid and is the lowest bidder; and
4. Staff has reviewed the bids, and recommends the contract be awarded to Moats Construction, Inc.; and
5. Funding for this project is provided through Community Development Block Grant funds located in Fund 120-Special Revenue Fund.

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

1. County Council hereby awards the contract in accordance with Bid CC-32 to Moats Construction, Inc. in the amount of \$169,000 for the demolition and disposal of the Floyd Buckner Building funded by Community Development Block Grant funds located in Fund 120-Special Revenue Fund.
2. The County Administrator is hereby authorized to execute a contract on behalf of the County pending approval of same by the County Attorney, and pending approval by the South Carolina Department of Commerce.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: