

**AGENDA
COLLETON COUNTY COUNCIL
VIRTUAL REGULAR MEETING
TUESDAY, MARCH 2, 2021
6:00 P.M.**

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
 - a) Regular Meeting January 5, 2021
5. Awards and Recognitions
6. Appearances & Public Presentations
 - a) Southern Carolina Alliance Quarterly Report – Sandy Steele
 - b) In his Name Lowcountry Shelter
7. Administrator's Briefing
8. Public Hearing
9. New Business
 - a) Emergency Ordinance 21-O-03, Temporarily Suspending the Existing Procedures for Conducting Meetings of the Colleton County Council and Its Boards and Commissions to the Extent Necessary to Protect the Citizens of Colleton County, Colleton County Staff, Board and Commission Members, and County Council Members from the COVID-19 Pandemic and Establishing Temporary Procedures for Such Meetings
 - b) Emergency Ordinance 21-O-04, An Emergency Ordinance Requiring That Face Coverings Or Masks Be Worn In Public In The City Of Walterboro And The Unincorporated Areas Of Colleton County During The Covid-19 Public Health Emergency And Recovery
 - c) Resolution 21-R-04, To Declare February as Black History Month in Colleton County
 - d) Resolution 21-R-05, To Establish Priorities for the 2021 Annual CDBG County Needs Assessment
 - e) Resolution 21-R-06, To Authorize the Sole Source Purchase of Generac Generators for a Period Not to Exceed Five Years

- f) Resolution 21-R-07, To Award the Contract in Accordance with Bid FM-33 for the Chehaw Pier Replacement
 - g) Resolution 21-R-08, To Authorize the Council Clerk to Advertise for Board Vacancies
 - h) Resolution 21-R-09, To approve a Change Order for the Islandton Fire Station Expansion Project
10. Items for Information and Public Record
 11. Public Comments (3 minutes per person/max time 20 min.)
 12. Council Time
 13. Executive Session
 - a) Personnel – Coroner
 - b) Real Estate – Fire-Rescue
 14. Adjournment
 15. Informal Meeting of the Whole

COUNTY COUNCIL MEETING ON MARCH 2, 2021

Colleton County Council will hold a regular meeting on Tuesday, March 2, 2021, 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
Reading and Adoption: March 2, 2021
Effective Date: March 2, 2021

EMERGENCY ORDINANCE NO. 21-O-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Emergency Ordinance Temporarily Suspending the Existing Procedures for Conducting Meetings of the Colleton County Council and Its Boards and Commissions to the Extent Necessary to Protect the Citizens of Colleton County, Colleton County Staff, Board and Commission Members, and County Council Members from the COVID-19 Pandemic and Establishing Temporary Procedures for Such Meetings.]

WHEREAS:

1. In response to the COVID-19 pandemic in South Carolina and threat to public health, the Governor of the State of South Carolina has issued a number of Executive Orders declaring a public health emergency in the state and directing, among other things, citizens to engage in certain social distance practices and local governments to use "any available technology or other reasonable procedures to conduct meetings and accommodate public participation via virtual or other remote or alternate means"; and
2. The South Carolina Freedom of Information Act recognizes that a public meeting may be conducted by means of electronic equipment, and two or more opinions of the South Carolina Attorney General conclude that public entities may conduct public meetings through telephonic meetings; and
3. South Carolina Code Sections 4-9-25 and 4-9-130 authorize county councils to adopt emergency ordinances to protect life, health and safety; and
4. County Council has determined that due to the public health risks caused by COVID-19 to citizens, County staff, County board and commission members, and Council members and due to the directives of the Governor, County Council, board and commission meetings should be conducted temporarily in a manner that reduces the exposure of persons to each other by various means including, but not limited to, limiting attendance at the meetings and allowing the public to listen to and/or view those meetings and participate in those meetings as allowed under County ordinances and Council, board and commission rules and procedures by electronic, telephonic or other alternative means.

NOW, THEREFORE, BE IT ENACTED BY THE COLLETON COUNTY COUNCIL AS AN EMERGENCY ORDINANCE THAT:

1. For the reasons set forth above, the Colleton County Council hereby declares that a public health emergency exists in Colleton County and hereby temporarily suspends

the existing procedures for conducting meetings of County Council and County boards and commissions that are provided by ordinances of Colleton County or the Council's, board's or commission's rules or usual procedures subject to compliance with the South Carolina Freedom of Information Act.

2. Only the Chairman, members of County Council, the County Administrator, Department Heads, Council Clerk, County Attorney, security personnel, other essential County staff, some media representatives, and persons who have a direct interest in an ordinance or resolution listed on the agenda may attend meetings of County Council in person.
3. Members of County Council may participate in the Council meetings, discussions, and voting by telephonic and other electronic means that are feasible for the County to implement. The participation of a Council member by telephonic or electronic means shall constitute being present for determining a quorum, making motions, seconding motions and all other purposes related to participating in the meeting as a member of Council.
4. Members of the public who have a direct interest in an ordinance or resolution listed on the agenda may be allowed to make comments or ask questions as appropriate under the existing ordinances, rules and procedures applicable to Council meetings in person at the meeting or by electronic means that are feasible for the County to implement. Those with direct interest must submit their intentions to be present for comment to the Clerk of Council at least 24 hours prior to the meeting.
5. Members of the public who have a general interest in a matter listed on the agenda for a public hearing may not attend the meeting in person, but shall be allowed to make comments or ask questions on that matter as appropriate under the existing ordinances, rules and procedures applicable to public hearings before Council by electronic means that are feasible for the County to implement.
6. The County shall make means available for the general public to make public comments about the meetings using email or similar means. Such comments will be posted on the web at the location that the telephonic or electronic means of the meeting are delivered to the public. Comment shall be no more than 400 words as is the standard for 3 minutes of public comment as appropriate under the existing ordinances, rules and procedures applicable to public comment.
7. During public meetings of the Colleton County Planning Commission, Board of Appeals, Board of Assessment Appeals and other boards and commissions that are subject to the ordinances of the County Council, only members of the boards and commissions, essential staff, the County Attorney, some media representatives and persons with a direct interest on a matter listed on the agenda for a meeting will be allowed to attend the meetings. Members of the public who have a direct interest in a matter listed on the agenda may be allowed to make comments or ask questions as appropriate under the existing ordinances, rules and procedures applicable to the board

or commission in person at the meeting or by telephonic or electronic means that are feasible for the County to implement. Persons with a general interest on a matter listed in the agenda for the meeting that includes a public hearing may not attend the meeting but shall be allowed to make comments or ask questions on that matter as appropriate under the existing ordinances, rules and procedures applicable to the meeting by telephonic or electronic means that are feasible for the County to implement. Members of the boards or commissions may participate in the meeting, discussions, and voting by telephonic and other electronic means that are feasible for the County to implement. The participation of a board or commission member by telephonic or electronic means shall constitute being present for determining a quorum, making motions, seconding motions and all other purposes related to participating in the meeting as a board or commission member.

8. Any requirement that this Emergency Ordinance be referred to a committee of Council is hereby waived.
9. This Emergency Ordinance shall automatically expire as of the sixty-first day following the date of its adoption or at such earlier date as approved by action of County Council.
11. 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.

This Emergency Ordinance shall become effective as of March 2, 2021, upon adoption by Council and does not require second or third readings.

Adopted at the regular meeting of Colleton County Council on March 2, 2021.

ATTEST:

SIGNED:

Ruth Mayer, Clerk to Council

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s) : County Council
Reading and Adoption : March 2, 2021
Effective Date : March 2, 2021

EMERGENCY ORDINANCE NO. 21-O-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN EMERGENCY ORDINANCE REQUIRING THAT FACE COVERINGS OR MASKS BE WORN IN PUBLIC IN THE CITY OF WALTERBORO AND THE UNINCORPORATED AREAS OF COLLETON COUNTY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.]

WHEREAS:

1. It is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and
2. On March 11, 2020, the World Health Organization declared a world-wide pandemic; and
3. On March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and
4. On March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a state of emergency for the State of South Carolina; and
5. S.C. Code Ann. §4-9-130 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and
6. COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and,
7. As of February 22, 2021, there were 437,018 confirmed cases throughout the State of South Carolina, 2,445 cases in Colleton County, 7,414 deaths statewide, and 94 deaths in Colleton County; and
8. Colleton County is located on the I-95 corridor and as such is exposed to visitors from across our country and is particularly vulnerable to infection; and
9. The number of cases is growing rapidly and if COVID-19 continues to spread in the County, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and
10. It is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

11. The Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and
12. SCDHEC data shows that the use of face coverings and masks have proven successful in slowing the spread of Covid-19; and
13. On August, 12, 2020, SCDHEC released data showing that jurisdictions that have mask requirements in place have shown a 46.3% greater decrease in the total number of cases during the four (4) weeks after the mask requirements were implemented compared to jurisdictions that do not have mask requirements; and
14. On September 18, 2020 SCDHEC published an analysis that continues to show the effectiveness of mask use indicating that jurisdictions with mask ordinances experience as much as a 66.5% greater decrease in cases one month after their ordinance initiation; and
15. Taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the County’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and
16. In order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the County, the County is taking steps to try to protect the citizens and employees of the County from increased risk of exposure; and
17. In light of the foregoing, County Council deems it proper and necessary to adopt this emergency Ordinance; and

NOW, THEREFORE, BE IT ENACTED BY THE COLLETON COUNTY COUNCIL AS AN EMERGENCY ORDINANCE THAT:

This 2nd day of March 2021 that facial coverings or masks shall be required in public places and public buildings within the County to slow the spread of the novel coronavirus disease, known as COVID-19 as follows:

1. All persons entering a commercial establishment in the County must wear a face covering while inside the establishment. This paragraph does not apply to religious establishments. However, the use of face coverings is recommended during religious activities as well.
2. All restaurants, retail stores, salons, grocery stores, and pharmacies in the County must require their employees to wear a face covering at all times while having face to face interaction with the public.
3. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.
4. Face coverings are not required in the following circumstances:
 - a) Children under age 2.

- b) Anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.
 - c) In personal vehicles.
 - d) When a person is alone in enclosed spaces.
 - e) During outdoor physical activity, provided the active person maintains a minimum distance of six (6) feet from other people at all times.
 - f) When a person is alone or only with other household members.
 - g) While actively drinking, eating, or smoking.
 - h) When wearing a face covering causes or aggravates a health condition.
 - i) When wearing a face covering would prevent the receipt of personal services.
5. A person who fails to comply with Paragraph 1 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.
 6. A person who fails to comply with Paragraph 2 of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the County by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Paragraph 2 of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the social distancing requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.
 7. Should any provision, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.
 8. This Ordinance is effective as of 6:00 a.m., Wednesday, March 3, 2021.
 9. This Emergency Ordinance may be terminated by the enactment of another ordinance terminating same; and if not terminated sooner shall expire automatically as of the sixty-first day following the date of enactment.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s) : County Council
Adopted : March 2, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Declare February as Black History Month in Colleton County.]

WHEREAS:

1. Black History Month is an annual celebration of achievements by African Americans and a time for recognizing their central role in United States history; and
2. Since 1976, every U.S. president has officially designated the month of February as Black History Month; and
3. February is recognized nationally as Black History Month.

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

The month of February is hereby designated as Black History Month in Colleton County.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 2, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-05

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Establish Priorities for the 2021 Annual CDBG County Needs Assessment.]

WHEREAS:

1. County Council is required to set priorities for the County in the annual CBDG needs assessment; and
2. A Public Hearing was held at the Regular Meeting on January 5, 2021; and
3. Eight areas have been identified as County priorities.

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

1. Colleton County Council hereby identifies the following areas as priorities for the 2021 CDBG Needs Assessment:
 - a) **Public Facilities and Infrastructure** - landfill recycling, boat landing upgrades, Walterboro and rural water and sewer implementation/upgrades and infrastructure, demolition in blighted areas, technology research and/or infrastructure, library technology upgrades, technology center expansion/upgrades, and educational classroom technology
 - b) **Economic Development** – development of speculative buildings, infrastructure, rail access, yards and spurs, roads, water, sewer and airport improvements
 - c) **Public Safety** – fire substations, fire training facilities, sheriff substations, and coronavirus preparedness, response and recovery
 - d) **Roads/Bridges/Drainage** – road drainage improvements, dirt road improvements, culvert repairs
 - e) **Recreation** – pedestrian/bike trails, and boat ramp improvements, parks
 - f) **Transportation** – I-95 corridor, intersection improvements, exit 62/McLeod Road, street improvements sidewalks
 - g) **Tourism and Marketing** – beautification and litter control, billboard and other signage, video advertising.
 - h) **Housing** – USC Salk student housing, affordable housing.
2. Colleton County Council has chosen to focus on the following planned actions. It is anticipated that CDBG funds will be sought for the following activities:

- a) Public Infrastructure
- b) Economic Development
- c) Community Facilities/Enrichment.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : March 2, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-06

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Sole Source Purchase of Generac Generators for a Period Not to Exceed Five Years.]

WHEREAS:

1. Colleton County Capital Projects & Purchasing, Fire-Rescue and Facilities Management Departments request the sole source purchase of Generac Generators for mobile applications and stationary use on buildings; and
2. The Generac Generators currently used within the County have outperformed the competitors. The units have less maintenance and repair requirements. The Generac units are also supported locally, which minimizes the time and labor when repairs and or maintenance are needed; and
3. Staff is seeking Council authorization for the sole source purchase of Generac Generators for a period not to exceed five years.

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

1. County Council hereby authorizes the designation of Generac Generators as the official sole source for the County's generators.
2. Said designation shall extend for a period not to exceed five years.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : March 2, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-07

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract in Accordance with Bid FM-33 for the Chehaw Pier Replacement.]

WHEREAS:

1. The County advertised a Request for Bids, FM-33 for the Chehaw Pier Replacement; and
2. Six qualified bids were received; and
3. Alpha Construction Company 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 Alpha Construction Company and
5. Funding for this project is provided through U.S. Department of the Interior Sport Fish Restoration Formula Grant and SCDNR Water Resource 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 FM-33 to Alpha Construction Company in the amount of \$131,737 for the Chehaw Pier replacement funded by U.S. Department of the Interior Sport Fish Restoration Formula Grant and SCDNR Water Resource 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:

Sponsor(s) : County Council
Adopted : March 2, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Authorize the Council Clerk to Advertise for Board Vacancies)

WHEREAS:

1. Board of Adjustments & Appeals (Building Dept.) has two vacancies (One Heating/Air Condition, one Plumbing; and
2. Lowcountry Regional Transportation Authority (Breeze) has two vacancies; and
3. Colleton County Recreation Commission has three vacancies; and
4. Keep Colleton Beautiful has three vacancies; and
5. Land Use Zoning Board of Appeals has two vacancies; and
6. Colleton County Commission of Alcohol & Drug abuse has three vacancies; and
7. Colleton County Resource & Development Board has one vacancy;
8. The County Council is the appointing authority for Boards.

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

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

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

Sponsor(s) : County Council
Adopted : March 2, 2021
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 21-R-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve a Change Order for the Islandton Fire Station Expansion Project.]

WHEREAS:

1. Certain additions or changes to the Islandton Fire Station Expansion Project (FR-24) are required for successful completion and future use of the facility; and
2. It is recommended that Council approve Change Order 3, Items E and F in the amount of \$87,432.71.

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

1. County Council hereby approves the Change Order 3, Items E and F (copy attached and included herein by reference) for the Islandton Fire-Station Expansion Project in the amount of \$87,432.71.
2. Funding shall come from the Fire-Rescue Bond Fund 161.
3. The County Administrator is authorized to execute all required documents for this Change Order.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED: