

**AGENDA**  
**COLLETON COUNTY COUNCIL**  
**VIRTUAL REGULAR MEETING**  
**TUESDAY, AUGUST 10, 2021**  
**6:00 P.M.**

**COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Roll Call
3. Invocation & Pledge of Allegiance
4. Approval of Minutes
  - a) Regular Meeting June 1, 2021
5. Awards and Recognitions
  - a) Recognition of Ruth Mayer, Clerk to Council
  - b) Birthday Proclamation for Margaret “Maggie” Magwood
  - c) Proclamation for Colleton County Council’s Recognition and Appreciation of Mrs. Jurelin SL Memminger and her Service to the Ruffin Community and to Colleton County
  - d) Proclamation naming the Week of July 31 – August 7, 2021 as Gullah-Geechee Nation Appreciation Week
6. Appearances & Public Presentations
7. Administrator’s Briefing
8. Public Hearing
  - a) Community Development Block Grant Public Hearing Concerning Program Performance and Accomplishments
  - b) Ordinance 21-O-07, Granting an Easement to Weyerhaeuser Company on a Portion of Real Property Owned by Colleton County, South Carolina identified by TMS 120-00-00-135.000 and located at 3142 Pierce Road, in Cottageville, Colleton County, SC; Such Easement is to be Used for Access to Property Owned by Weyerhaeuser Company; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto
  - a) Ordinance 21-O-08, Granting an Easement to Palmetto Rural Telephone Cooperative on a Portion of Property Owned by Colleton County Located along at 801 N. Lemacks Street in the City of Walterboro, County Colleton, SC, and Identified by TMS No. 163-08-00-027.000; Such Easement is to be Used for the Installation, Operation and Maintenance of a Fiber Distribution Hub within Colleton County, SC;

to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto

9. Old Business

- a) 3<sup>rd</sup> Reading Ordinance 21-O-07, Granting an Easement to Weyerhaeuser Company on a Portion of Real Property Owned by Colleton County, South Carolina identified by TMS 120-00-00-135.000 and located at 3142 Pierce Road, in Cottageville, Colleton County, SC; Such Easement is to be Used for Access to Property Owned by Weyerhaeuser Company; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto
- b) 3<sup>rd</sup> Reading Ordinance 21-O-08, Granting an Easement to Palmetto Rural Telephone Cooperative on a Portion of Property Owned by Colleton County Located along at 801 N. Lemacks Street in the City of Walterboro, County Colleton, SC, and Identified by TMS No. 163-08-00-027.000; Such Easement is to be Used for the Installation, Operation and Maintenance of a Fiber Distribution Hub within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto

10. New Business

- a) 1<sup>st</sup> Reading Ordinance 21-O-10, By Title Only, To Amend the Colleton County Code of Ordinances, Chapter 3.08 – Purchasing to Establish Protest Procedures Related to Purchasing for State and Federal Grants in Order to Meet Federal Grant Requirements
- b) Resolution 21-R-31, To Provide for the Issuance and Sale of a Not to Exceed \$585,000 General Obligation Bond of Colleton County, South Carolina; To Provide for the Sale and Terms Thereof in Regard to the Agreement with Palmetto Railways Regarding the H&B Railroad; and Other Matters Relating Thereto
- c) Resolution 21-R-32, To Authorize the Waiver of Various Fees for the Summer 2021 Mission Serve Home Repair Program
- d) Resolution 21-R-33, To Approve the Renewal of Various Service Contracts for Colleton County
- e) Resolution 21-R-34, To Award the Contract for the Gadsden Loop Neighborhood Revitalization Sidewalk Project
- f) Resolution 21-R-35, To Adopt Updated Grievance Procedure, County-Wide Self-Evaluation Plan and Questionnaire, and Transition Plan in Accordance with the Requirements of Section 504 Rehabilitation Act and the Americans With Disabilities Act (ADA)
- g) Resolution 21-R-36, To Appoint Members to the County's ADA Committee
- h) Resolution 21-R-37, To Approve and Adopt a Reasonable Accommodation Policy as Required by the ADA – American's with Disabilities Act, Public Law

- i) Resolution 21-R-38, To Authorize the Council Clerk to Advertise for Board Vacancies
- j) Resolution 21-R-39, To Appoint Members to Board Vacancies
- 11. Items for Information and Public Record
- 12. Public Comments (3 minutes per person/max time 20 min.)
- 13. Council Time
  - a) Taxpayer Service Center Naming
- 14. Executive Session
  - a) Legal Advice – Road and Bridges
  - b) Contractual – Planning and Development
  - c) Real Estate – Voter Registration
  - d) Personnel – Recreation
- 15. Adjournment
- 16. Informal Meeting of the Whole

## **COUNTY COUNCIL MEETING ON AUGUST 10<sup>TH</sup>**

Colleton County Council will hold a regular meeting on Tuesday, August 10<sup>th</sup>, 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](http://www.colletoncounty.org/live)**. Individuals who would like to participate in public comment can do so at **[www.colletoncounty.org/comment](http://www.colletoncounty.org/comment)**.

Sponsor(s) : County Council  
First Reading : April 6, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : June 1, 2021  
Public Hearing : July 27, 2021  
Third Reading : July 27, 2021  
Effective Date : Immediately

I, \_\_\_\_\_  
certify that this Ordinance  
was advertised for Public  
Hearing on \_\_\_\_\_.

## **ORDINANCE NO. 21-O-07**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance Granting an Easement to Weyerhaeuser Company on a Portion of Real Property Owned by Colleton County, South Carolina identified by TMS 120-00-00-135.000 and located at 3142 Pierce Road, in Cottageville, Colleton County, SC; Such Easement is to be Used for Access to Property Owned by Weyerhaeuser Company; 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 Weyerhaeuser Company on a portion of property owned by Colleton County, South Carolina identified by TMS 120-00-00-135.000 and located at 3142 Pierce Road, in Cottageville, Colleton County, SC; such easement is to be used for access to property owned by Weyerhaeuser Company.

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

1. The documents attached and included herein by reference grant an Easement to Weyerhaeuser Company on a portion of property owned by Colleton County, South Carolina identified by TMS 120-00-00-135.000 and located at 3142 Pierce Road, in Cottageville, Colleton County, SC; such easement is to be used for access to property owned by Weyerhaeuser Company.
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:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s): County Council  
First Reading: May 4, 2021  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: June 1, 2021  
Public Hearing: July 27, 2021  
Third Reading: July 27, 2021  
Effective Date: Immediately

I, \_\_\_\_\_,  
certify that this Ordinance  
was advertised for public  
hearing on \_\_\_\_\_.

## **ORDINANCE NO. 21-O-08**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance Granting an Easement to Palmetto Rural Telephone Cooperative on a Portion of Property Owned by Colleton County Located along at 801 N. Lemacks Street in the City of Walterboro, County Colleton, SC, and Identified by TMS No. 163-08-00-027.000; Such Easement is to be Used for the Installation, Operation and Maintenance of a Fiber Distribution Hub 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 Palmetto Rural Telephone Cooperative on a portion of property owned by Colleton County located at 801 N. Lemacks Street in the City of Walterboro, Colleton County, SC; such easement is to be used for the installation, operation and maintenance of a fiber distribution hub 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 an Easement to Palmetto Rural Telephone Cooperative on a portion of property owned by Colleton County located 801 N. Lemacks Street in the City of Walterboro, Colleton County, SC to be used for the installation, operation and maintenance of a fiber distribution hub 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:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

\_\_\_\_\_  
Approved as to Form  
Sean Thornton, County Attorney

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
First Reading : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : September 7, 2021  
Third Reading : October 5, 2021  
Effective Date : October 5, 2021

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

**ORDINANCE 21-O-10**

**COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[AN ORDINANCE TO AMEND THE COLLETON COUNTY CODE OF ORDINANCES,  
CHAPTER 3.08 – PURCHASING TO ESTABLISH PROTEST PROCEDURES  
RELATED TO PURCHASING FOR STATE AND FEDERAL GRANTS IN ORDER TO  
MEET FEDERAL GRANT REQUIREMENTS.]**

Sponsor(s) : County Council  
First Reading : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## RESOLUTION NO. 21-R-31

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[A RESOLUTION TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT TO EXCEED \$585,000 GENERAL OBLIGATION BOND OF COLLETON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR THE SALE AND TERMS THEREOF IN REGARD TO THE AGREEMENT WITH PALMETTO RAILWAYS REGARDING THE H&B RAILROAD; AND OTHER MATTERS RELATING THERETO.]**

As an incident to the adoption of this resolution and the issuance of the bond provided for herein, the County Council of Colleton County, South Carolina (the “County Council”), the governing body of Colleton County, South Carolina (the “County”), find that the facts set forth herein exist and the statements made with respect thereto are true and correct.

**WHEREAS**, Colleton County Intermodal Corporation (the “Corporation”), a South Carolina a non-profit corporation, was formed for the purpose of promoting the economic development of Colleton County, primarily by financing the costs of acquisition of the Hampton and Branchville Railroad (the “Project”) so that it can be maintained in service; and to that purpose, the Corporation issued its Revenue Bonds (the “Corporation Bonds”) pursuant to the terms of a Trust Indenture (the “Trust Indenture”) between the Corporation and Regions Bank, as trustee (the “Trustee”) for the purpose of financing the purchase of the Project; and

**WHEREAS**, the Corporation entered into a Loan and Security Agreement (the “Loan Agreement”) with South Carolina Division of Public Railways d/b/a Palmetto Railways (“Palmetto Railways”) pursuant to which the Corporation lent the proceeds derived from the sale of the Corporation Bonds (the “Loan”) to Palmetto Railways and Palmetto Railways has applied the proceeds of the Loan to pay the costs of acquisition of the Project by Palmetto Railways; and

**WHEREAS**, Palmetto Railways agreed to repay the Loan solely from revenues derived from the operation of the Project (the “Gross Revenues”) and to operate the Project pursuant to the terms of the Loan Agreement; and

**WHEREAS**, to assist the Corporation in financing the costs of the Project, the County entered into a Deposit and Reimbursement Agreement (the “Deposit and Reimbursement Agreement”) with the Corporation whereby the County has agreed to reimburse any shortfalls in Gross Revenues to pay the Corporation Bonds, subject to non-appropriation in any fiscal year by the County Council; and

**WHEREAS**, the Corporation’s rights under the Loan Agreement and Deposit and Reimbursement Agreement were assigned to the Trustee as security for the payment of the Corporation Bonds; and

**WHEREAS**, the County Council have been advised by the Corporation that Gross Revenues are anticipated to be insufficient during the upcoming fiscal year to pay in full debt service due on the Corporation Bonds in such fiscal year, and consequently the Corporation has requested that the County Council appropriate sufficient funds during such fiscal year to cover the shortfall in Gross Revenues; and

**WHEREAS**, by virtue of the County Bond Act (Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended) as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the “Bond Act”), County Council enacted a bond ordinance on November 3, 2015 (the “Bond Ordinance”), to authorize the issuance of general obligation bonds of the County from time to time, as necessary, to defray the obligations of the County under the Deposit and Reimbursement Agreement; and

**WHEREAS**, the County Council have now determined that it is in the best interest of the County, and necessary and proper for the general welfare of the County and its citizens, that this Supplemental Resolution be adopted in compliance with the terms of the Bond Ordinance to provide for the issuance of general obligation bonds for payment or reimbursement of the obligations of the County under the Deposit and Reimbursement Agreement during the current fiscal year; and

**WHEREAS**, by virtue of the Bond Act, County Council is authorized to issue general obligation bonds of the County to defray the cost of any purpose for which the County might, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County; and

**WHEREAS**, pursuant to the authorisation of Article X, Section 14, paragraph 7(a) of the South Carolina Constitution, and subject to an eight percent (8%) constitutional debt limit, the County is authorized to incur general obligation indebtedness; the assessed value of all taxable property in the County is \$180,910,266 for the fiscal year ended June 30, 2020; the County currently has \$6,991,353 of outstanding general obligation indebtedness which counts against its constitutional debt limit; consequently, the County may incur without an election \$7,481,468 of general obligation indebtedness; and

**WHEREAS**, the County Council intend to delegate to the County Administrator complete authority on behalf of the County to take all action necessary or convenient to sell the bond authorized hereby at private sale to South State Bank, N.A. or such other financial institution that he determines to be most advantageous to the County; and

**WHEREAS**, this resolution is intended to be a “Supplemental Resolution” within the meaning of that term under the Bond Ordinance;

**NOW, THEREFORE**, on the basis of the foregoing authorizations and for the purpose of raising the sum of not to exceed \$585,000 to be expended for the purposes set forth above, the County Council adopt this Supplemental Resolution to affect the issuance and sale of general obligation bonds of the County authorized by the Bond Act and the Bond Ordinance.

## ARTICLE I

### DEFINITIONS AND INTERPRETATIONS

#### Section 1      Defined Terms.

The terms defined in this Article, in the Bond Ordinance, or elsewhere in this Supplemental Resolution (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Supplemental Resolution shall have the respective meanings specified in this Article.

“Bond” shall mean the General Obligation Bond (Rail Line Project), Series 2021 of the County authorized to be issued hereunder in the aggregate principal amount of not to exceed \$585,000.

“Bond Act” shall mean Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Bond Ordinance” shall mean the Ordinance enacted on November 3, 2015, by the County Council, as from time to time amended and supplemented by one or more supplemental resolutions or ordinances enacted in accordance with the provisions thereof.

“Chairman” shall mean the chairman of the County Council or, in his absence, the vice chairman of the County Council.

“Chief Financial Officer” shall mean the Finance Director of the County or, in his absence, any other officer or employee of the County designated in writing by the County Administrator to perform the duties of the Chief Financial Officer under this Supplemental Resolution.

“Clerk” shall mean the clerk of the County Council or, in her absence, the acting clerk.

“Closing Date” shall mean the date that the Bonds are initially delivered to the Lender by the County.

“County” shall mean Colleton County, South Carolina.

“County Administrator” shall mean the County Administrator of the County.

“County Council” shall mean the County Council of Colleton County, South Carolina, the governing body of the County or any successor governing body of the County.

“Interest Payment Date” shall mean such dates as are designated by the County Administrator as interest payment dates for the Bond.

“Lender” shall mean South State Bank, N.A. or such other financial institution that is designated to purchase the Bond pursuant to Article II, Section 5 hereof.

“Principal Payment Date” shall mean such dates as are designated by the County Administrator as principal payment dates for the Bond.

“Supplemental Resolution” shall mean this Supplemental Resolution as from time to time amended and supplemented by one or more supplemental resolutions adopted in accordance with the provisions hereof.

## Section 2      General Rules of Interpretation.

For purposes of this Supplemental Resolution, except as otherwise expressly provided or the context otherwise requires:

(a) Articles, Sections, and Paragraphs, mentioned by number are the respective Articles, Sections, and Paragraphs, of this Supplemental Resolution so numbered.

(b) Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations, and the masculine includes the feminine and the neuter.

(c) Words importing the prepayment of the Bond do not include or connote the payment of the Bond at its stated maturity.

(d) Words importing the singular number include the plural number and *vice versa*.

(e) The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Supplemental Resolution.

## ARTICLE II

### ISSUANCE OF BOND

Section 1      Authorisation of Bond; Approval of Maturity Date, Principal Amount, and Interest Rates.

(a) Pursuant to the provisions of the Bond Act and the Bond Ordinance and for the purposes of defraying the obligations of the County under the Deposit and Reimbursement Agreement during the current fiscal year, there shall be issued a not to exceed \$585,000 general obligation bond of the County (the “Bond”). The Bond shall be designated “General Obligation Bond (Rail Line Project),” with such series designation as is approved by the County Administrator. The Bond shall be dated as agreed upon between the County and the Lender, and shall be in fully-registered form.

(b) The Bond will be in such principal amount, bear interest at such rates, and will mature on the dates and in the amounts as are approved by the Chairman, upon the advice of Bond Counsel, provided that:

- (i) the Bond shall bear interest at a maximum interest rate not greater than 1.20%;
- (ii) The Bond shall mature not later than one (1) year after the Closing Date; and
- (iii) The principal amount of the Bond shall not exceed \$585,000.

(c) The Authenticating Agent, the Bond Registrar, and the Paying Agent for the Bond shall be the Colleton County Treasurer.

Section 2      Prepayment of Bond.

(a) General. The Bond may not be called for redemption or prepayment by the County except as provided in this Section 2.

(b) Prepayment. The Bond may be subject to prepayment or redemption prior to its maturity, in whole or in part, upon the terms and on the dates and at the prepayment or redemption prices as approved by the County Administrator prior to the issuance of the Bond.

Section 3      Place of Payments and Payment Dates.

Principal and interest of the Bond, when due, shall be payable by Colleton County Treasurer as the Paying Agent at the office designated by the Lender on the Interest Payment Dates and Principal Payment Dates designated by the County Administrator.

Section 4      Levy and Collection of Property Taxes.

The Auditor and Treasurer of Colleton County, South Carolina, shall be notified of this Bond issue and directed to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bond, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

Section 5      Sale of Bonds.

The Bond shall be sold at private sale in accordance with Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are determined by the Chairman and the County Administrator, upon the advice of Bond Counsel, are most advantageous to the County. The Chairman and the County Administrator are fully authorized and empowered to take all further action as may be necessary and proper in order to select South State Bank, N.A. or such other financial institution as they determine is most advantageous to the County to which to sell the Bond. Notice of the sale of the Bond in a private placement shall be published in accordance with Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended. The form of said Notice is substantially that set forth in Exhibit A attached hereto and made a part and parcel hereof.

Section 6      Disposition of Proceeds of Sale of Bonds.

The proceeds derived from the sale of the Bond shall be applied as directed by the County Administrator (a) to fund Reimbursement Payments in accordance with the terms of the Deposit and Reimbursement Agreement or (b) to reimburse the County for making Reimbursement Payments in accordance with the terms of the Deposit and Reimbursement Agreement.

Section 7      Federal Tax Provisions.

The County Council hereby authorize the Chief Financial Officer to execute and deliver a tax regulatory agreement or certificate for the purpose of establishing and maintaining the excludability of interest on the Bond from the gross income of the recipients thereof for federal income tax purposes.

Section 8      Bank Qualified Designation.

Section 265(b)(3)(c)(i) of the Internal Revenue Code imposes a limit of \$10,000,000 of obligations that may be issued by the County during the current calendar year in order for the County to qualify as a “qualified small issuer” under that Section. The amount of not to exceed \$585,000.00 of original principal amount of the Bond is hereby designated by the County as a “qualified tax exempt obligation” under the \$10,000,000 limit for calendar year 2020.

## ARTICLE III

### MISCELLANEOUS

#### Section 1      Execution of Agreement and Closing Documents and Certificates.

The Chairman, the Clerk, the County Administrator, the Chief Financial Officer of the County, and all other officers and employees of the County, are fully authorized and empowered to take all further action and to execute and deliver such agreement or agreements with the Lender and all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bond and the action of such officers or any one or more of them in executing and delivering any documents, in the form as he or they shall approve, is hereby fully authorized.

#### Section 2      Vice Chairman May Act in Chairman's Absence; Acting Clerk May Act in Clerk's Absence.

In the absence of the Chairman, the vice chairman of the County Council is fully authorized to exercise all powers vested in the Chairman under this Supplemental Resolution. In the absence of the Clerk, the acting clerk of the County Council is fully authorized to exercise all powers and take all actions vested in the Clerk under this Supplemental Resolution.

#### Section 3      Bond Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in the Bond Ordinance and this Supplemental Resolution shall be binding upon the successors and assigns of the County and shall inure to the benefit of the Lender as the registered owner of the Bond.

#### Section 4      No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in the Bond Ordinance, this Supplemental Resolution, or the Bond, against any member of the County Council, or any officer or employee of the County, as such, in his or her individual capacity, past, present, or future, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that the Bond Ordinance, this Supplemental Resolution, and the Bond are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the County and the Lender as the registered owner of the Bond or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every such member, officer, and employee is, by the adoption of this Supplemental Resolution and the execution of the Bond, and as a condition of, and as a part of the consideration for, the adoption of this Supplemental Resolution and the execution of the Bond, expressly waived and released. The immunity of the members, officers, and employees, of the

County under the provisions contained in this Section shall survive the termination of this Supplemental Resolution.

Section 5      Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Supplemental Resolution requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Supplemental Resolution the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 6      Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Supplemental Resolution on the part of the County to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in this Supplemental Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this Supplemental Resolution or of the Bond, but the registered owners of the Bond shall retain all the rights and benefits accorded to it hereunder and under any applicable provisions of law.

(b) If any provisions of this Supplemental Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 7      Continuing Disclosure Undertaking.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended (“Section 11-1-85”), the County Council covenant to file with a central repository for availability in the secondary bond market when requested:

(i) An annual independent audit, within thirty days of the County Council’s receipt of the audit; and

(ii) Event specific information within 30 days of an event adversely affecting more than five percent of the aggregate of revenues of the County.

The only remedy for failure by the County Council to comply with the covenant in this Section shall

be an action for specific performance of this covenant. The County Council specifically reserve the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of the registered owner of the Bond.

Section 8      Law and Place of Enforcement of this Supplemental Resolution.

This Supplemental Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Supplemental Resolution shall be instituted in a court of competent jurisdiction in said State.

Section 9      Repeal of Inconsistent Resolutions.

All resolutions of the County Council, and any part of any resolution, inconsistent with this Supplemental Resolution are hereby repealed to the extent of the inconsistency.

Section 10     Effective Date of this Supplemental Resolution.

This Supplemental Resolution shall become effective immediately upon its adoption without further notice.

Section 11     Amendments to Supplemental Resolution.

This Supplemental Resolution may be amended only with the prior written consent of the Lender.

ADOPTED THIS 10<sup>th</sup> DAY OF AUGUST, 2021.

(SEAL)

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Chairman,  
County Council of Colleton County, South  
Carolina

ATTEST:

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Clerk,  
County Council of  
Colleton County, South Carolina

**EXHIBIT A**

**NOTICE OF PRIVATE SALE OF NOT EXCEEDING \$585,000 GENERAL OBLIGATION BONDS OF COLLETON COUNTY, SOUTH CAROLINA**

Notice is hereby given that the County Council of Colleton County, South Carolina intends to sell not to exceed \$585,000 General Obligation Bonds (Rail Line Project) of Colleton County, South Carolina (the "County"), secured by a pledge of the full faith, credit, and taxing power of the County, to South State Bank, N.A. at a price of not to exceed \$585,000, plus accrued interest. The Bonds will mature, and bear interest as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
<u>      1</u>		

By order of the County Council of Colleton County, South Carolina

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-32**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Authorize the Waiver of Various Fees for the Summer 2021 Mission Serve Home Repair Program.]**

**WHEREAS:**

1. For several years now Mission Serve, formerly World Changers, has sponsored a volunteer-staffed home repair project in Colleton County working on homes in the unincorporated and incorporated areas of the County; and
2. The 2021 Program will have participants working to complete needed home repairs for low income, senior adults, and people with special needs; and
3. The organization is requesting that the Council authorize the waiving of building department and Solid Waste disposal fees for this project as has been done in the past.

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

1. All fees for required building permits obtained by Mission Serve for the project period in the summer 2021 are hereby waived.
2. All inspections required by the International Building Code will be provided free of charge.
3. All Solid Waste disposal fees for waste generated by the summer 2021 Mission Serve project, in an amount not to exceed 20 tons, are hereby waived.

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-33**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Approve the Renewal of Various Service Contracts for Colleton County.]**

**WHEREAS:**

1. The contract with Wilson and Associates Turf and Ornamental Services, Inc. for turf maintenance and insect control for the Colleton County Recreation Department, previously approved by Colleton County Council Resolution 16-R-79 is due for renewal; and
2. The contract with Commercial and Residential Heating and Air, LLC, Inc. for HVAC Maintenance and Repair services, previously approved by Colleton County Council Resolutions 15-R-78 and 17-R-74, for all specified county facilities, is due for renewal; and
3. The Contract with U.S. Tire Recycling for the removal and recycling of scrap tires, previously approved by Colleton County Council Resolution 16-R-63, is due for renewal; and
4. It is deemed to be in the best interest of the citizens of the County to authorize execution of renewals of said service contracts.

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

1. All contracts are to be renewed for the continued health, maintenance, and welfare of the County and its citizens.
2. The turf maintenance and HVAC contracts are renewed due the contract provisions at original bid rates and do not include any price index increases.
3. The tire removal and disposal contract is renewed with increased rates related to the consumer price index. This contract is grant funded.
4. The County Administrator is hereby authorized to negotiate, renew, and execute these contracts on behalf of the County.
5. Funding for the cost of the contracts is included in the FY 2021 Budget.

ATTEST:

SIGNED:

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Kaela Brinson, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-34**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Award the Contract for the Gadsden Loop Neighborhood Revitalization Sidewalk Project.]**

**WHEREAS:**

1. The County advertised a Request for Bids, CTC-17 Gadsden Loop Neighborhood Revitalization Sidewalk Project; and
2. Five companies responded to the Request for Bids, CTC-17; and
3. The County evaluated the bids and certifies that procurement was handled correctly according to the Colleton County Purchasing Policy, and recommends the contract be awarded to KTC Enterprises, Inc. on behalf of the CTC; and
4. Funding for this project is provided by the Colleton Transportation Committee, a Transportation Alternate Program (TAP) Grant and CDBG funds.

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

1. County Council hereby awards the contract in accordance with Bid CTC-17 to KTC Enterprises, Inc. in the amount of \$469,130.00 for the Gadsden Loop Neighborhood Revitalization Sidewalk Project.
2. The County Administrator is hereby authorized to execute the contract on behalf of the County pending approval of same by the County Attorney.
3. Funding for this project is provide by the Colleton Transportation Committee, a Transportation Alternate Program (TAP) Grant and CDBG funds.

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-35**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Adopt Updated Grievance Procedure, County-Wide Self-Evaluation Plan and Questionnaire, and Transition Plan in Accordance with the Requirements of Section 504 Rehabilitation Act and the Americans With Disabilities Act (ADA).]**

**WHEREAS:**

1. Section 504 Rehabilitation Act and the Americans With Disabilities Act (ADA) requires that Colleton County Council adopt a Transition Plan to bring all County facilities into compliance; a Grievance Procedure for Section 504/ADA complaints; and a County-Wide Self-Evaluation Plan and Questionnaire; and
2. Work performed on County facilities, new requirements, and changes in personnel necessitate updates to remain compliant; and
3. Staff recommends Council adoption of the updates as attached.

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

1. The Transition Plan for County Facilities; the Grievance Procedure; and the County-Wide Self-Evaluation Plan and Questionnaire, all attached hereto and included by reference, in accordance with the requirements of Section 504 Rehabilitation Act and The Americans With Disabilities Act (ADA), are hereby adopted.
2. If any provisions of this Transition Plan, Grievance Procedure, or County-Wide Self-Evaluation or the application thereof to any person or circumstances are held invalid, the invalidity does not affect the other provisions or applications, which can be given effect without the invalid provision or application, and to this end, the provisions of all three are severable.
3. This Resolution becomes effective immediately upon approval.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-36**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[A Resolution to Appoint Members to the County's ADA Committee.]**

**WHEREAS:**

1. In 2001 Colleton County established an ADA Committee to perform surveys of County facilities to ensure accessibility of same as provided in the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973; and
2. Acceptance of Federal grants, particularly Community Development Block Grants, requires continued efforts by the County to survey and maintain compliance in all new and existing County facilities; and
3. Staff recommends that Council appoint new members to the ADA Committee tasking them with the performance of periodic inspection of County facilities to ensure compliance with accessibility requirements and further to serve as the County's 504 Grievance Committee to investigate and determine the validity of any complaints filed pursuant to Section 504.

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

1. The following are hereby appointed to the County's ADA Committee:

George Welch	Colleton County Risk Manager
Mary Sue Warner	Office Manager, Facilities Management
Adrienne Stokes	Colleton County Fire-Rescue EMD, Recovery Coordinator
Deadgrea Sadler	ADA Coordinator

2. The ADA Committee is hereby tasked with completing periodic inspections/surveys of County facilities to ensure compliance with accessibility requirements and further to serve as the County's 504 Grievance Committee to investigate and determine the validity of any complaints filed pursuant to Section 504.
3. This Resolution becomes effective immediately upon approval.

ATTEST:

SIGNED:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

\_\_\_\_\_  
Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-37**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Approve and Adopt a Reasonable Accommodation Policy as Required by the ADA – Americans With Disabilities Act, Public Law 101-336.]**

**WHEREAS:**

1. Colleton County is required by the statutes of the ADA – Americans With Disabilities Act to approve and adopt a Reasonable Accommodations Policy for employees and participants with disabilities; and
2. The adoption of such a policy is also required as a condition of receipt and close out of CDBG grant funding.

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

1. The attached Accessibility Policy (Reasonable Accommodation Policy), included herein by reference, is approved and adopted; and
2. Said policy shall become effective immediately upon passage.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-38**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Authorize the Council Clerk to Advertise for Board Vacancies]**

**WHEREAS:**

1. Colleton County Planning Commission has one vacancy; and
2. Colleton County Commission of Alcohol & Drug Abuse has five vacancies; and
3. Lowcountry Regional Transportation Authority has one vacancy; and
4. Board of Adjustments & Appeals (Building Dept.) has three vacancies (Plumbing, Heating/Air Conditioning, Carpentry); and
5. Edisto River Canoe and Kayak Trail Committee has three vacancies; and
6. Board of Assessment Appeals has one vacancy; and
7. Land Use Zoning Board of Appeals has one vacancy; and
8. Keep Colleton Beautiful has four vacancies; and
9. Colleton County Accommodations Tax Advisory Board has six vacancies (four members from lodging and hospitality, one from cultural arts, and one at large); and
10. 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:

\_\_\_\_\_  
Kaela Brinson, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : August 10, 2021  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 21-R-39**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[To Appoint Members to Board Vacancies.]**

**WHEREAS:**

1. Colleton County Board of Disabilities and Special Needs has one vacancy; and  
Applicant: Kellye R. Whitaker
2. Colleton County Resource and Development Board has one vacancy; and  
Applicant: Jimmy Syfrett
3. Local Accommodations Tax Commission has seven vacancies; and  
Applicant: Kisha Kinard
4. 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:

Board of Disabilities and Special Needs: Kellye R. Whitaker  
Colleton County Resource and Development Board: Jimmy Syfrett  
Local Accommodations Tax Commission: Kisha Kinard

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairmen

COUNCIL VOTE:  
OPPOSED: