

**AMENDED AGENDA**  
**COLLETON COUNTY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, MARCH 14, 2023**  
**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 February 7, 2023
5. Awards and Recognitions
6. Appearances & Public Presentations
  - a) 2022 Audit Report – David Irwin, CPA - Mauldin & Jenkins, LLC
  - b) USC Salkehatchie - April Cone
  - c) In His Name Colleton - Amanda Herndon
7. Administrator’s Briefing
8. Public Hearing
  - a) Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances.
  - b) Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto
9. Old Business
  - a) 3<sup>rd</sup> Reading Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances.
  - b) 3<sup>rd</sup> Reading Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto
  - c) 2<sup>nd</sup> Reading Ordinance 23-O-03, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax Bonds of Colleton

County, South Carolina; to Prescribe the Purposes for which the Proceeds Shall be Expended; to Provide for the Payment Thereof; and Other Matters Relating Thereto

- d) 2<sup>nd</sup> Reading Ordinance 23-O-04, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC
- e) 2<sup>nd</sup> Reading Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 147-00-00-008, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).
- f) 2<sup>nd</sup> Reading Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law

#### 10. New Business

- a) 1<sup>st</sup> Reading Ordinance 23-O-07, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and between Colleton County and Pomega Energy Storage Technologies, Inc., Including Any Related or Affiliated Entities and Any Sponsor Affiliates, Whereby Colleton County will enter into a Fee-In-Lieu of Taxes Arrangement with Pomega Energy Storage Technologies, Inc.; Providing for Payment by Pomega Energy Storage Technologies, Inc. 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 Hampton 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 Pomega Energy Storage Technologies, Inc., Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Matters Relating Thereto
- b) Resolution 23-R-14, To Declare April as Fair Housing Month
- c) Resolution 23-R-15, To Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator
- d) Resolution 23-R-16, To Authorize the Abandonment of Maintenance on Zeke Road
- e) Resolution 23-R-17, To Declare Surplus Various Vehicles and Equipment and to Authorize Their Sale in Accordance with County Policy
- f) Resolution 23-R-18, To Authorize the Sole Source Electrical Installation and Repairs of Generac Generators
- g) Resolution 23-R-19, To Approve the Purchase and Installation of a Generac Generator for the Harrelson Building

- h) Resolution 23-R-20, To Authorize the Acceptance of the Proposal Related to the Design Build of the Green Pond Community Center
  - i) Resolution 23-R-21, To Authorize the Acceptance of the Proposal Related to the Design Build of the Colleton County Food Assistance Facility
  - j) Resolution 23-R-22, To Remove a Member from the Colleton County Accommodations Tax Advisory Board and to Authorize the Council Clerk to Advertise for Board Vacancies
  - k) Resolution 23-R-23, 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
  - 14. Executive Session
    - a) Economic Development
      - 1. Project Marathon
      - 2. Project Lion
  - 15. Adjournment
  - 16. Informal Meeting of the Whole

#### COUNTY COUNCIL MEETING ON MARCH 14, 2023

Colleton County Council will hold a regular meeting on Tuesday, March 14, 2023, at 6:00 pm. 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).

MINUTES  
TUESDAY, FEBRUARY 7, 2023  
REGULAR MEETING  
6:00 P.M.

Colleton County Council  
Council Chambers, Old Jail Building  
109 Benson Street  
Walterboro, SC 29488

Present: Chairman Steven Murdaugh called the meeting to order with Council Members Dr. Joseph Flowers, Phillip Taylor, Bubba Trippe, and Scott Biering in attendance.

Others Included: Kevin Griffin, Meagan Utsey, Sean Thornton, Kaela Brinson, Jon Carpenter, Barry McRoy, Joey Campbell, David Greene, KC Campbell, Janet Laney, Jeff Laney, Mikey Banks, Scott Feather, Roger Johnson, Marty Stallings, Susan Keith, Joshua Rowland, Kenny Delee, Lorenzo Nills, Denise Rhodes, Herbert Brown, Leslie Holmes, Regina Brown, Mark Pinckney, Audrey Henderson, Marilyn Fryar, Johnnie Fryar, Felicia Johnson, Charles Davis, Clarence Wiggins, Lisa Langdale, Sara Lightner, Juanita Harvey, Helen Rigley, and Carolyn Robinson.

Councilman Phillip Taylor gave the invocation and led the Pledge of Allegiance.

Chairman Murdaugh: Stated, he would like to make a motion to amend the agenda to add one item under “Post-Election Actions”, item “B” appointment to the Southern Carolina Alliance Board of Directors. Also, under “New Business”, item “C”, Ordinance 23-O-05, the tax map number needs to be corrected to 132-00-00-054.000. Councilman Taylor seconded the motion and the motion carried unanimously.

**Post-Election Actions:**

- A. Chairman’s appointment of Standing Committees—Administrative Committee: Scott Biering, Chairman, Phillip Taylor, and Steven Murdaugh. Capital Projects Committee: Dr. Joseph Flowers, Chairman, Bubba Trippe, and Scott Biering. Finance Committee: Steven Murdaugh, Chairman, Phillip Taylor, and Dr. Joseph Flowers. Planning & Development Committee: Bubba Trippe, Chairman, Scott Biering, and Steven Murdaugh. Public Health & Safety Committee: Phillip Taylor, Chairman, Bubba Trippe, and Dr. Joseph Flowers.
- B. Southern Carolina Regional Development Alliance Board of Directors Appointment:

Chairman Murdaugh: Stated, Dr. Flowers is up for reappointment and has expressed a desire to remain on the board. Councilman Taylor made a motion to reappoint Dr. Flowers to the Southern Carolina Regional Development Alliance Board of Directors. Councilman Trippe seconded the motion and the motion carried unanimously.

Councilman Taylor: Asked, do any further appointments need to be made to the Lowcountry Community Action Agency?

Chairman Murdaugh: Stated, at this time I plan to serve in my position without a designee, Councilman Trippe will serve in his position without designee, and Councilman Taylor has selected Romeo Edwards to serve as his designee.

### **Approval of Minutes**

- A. Regular Meeting January 10, 2023— Dr. Flowers moved to approve the minutes of the Regular Meeting held on January 10, 2023. The motion was seconded by Councilman Biering and the motion carried unanimously.

### **Awards and Recognitions**

- A. Proclaiming March 20, 2023, as “Barry McRoy Day” in Colleton County— Chairman Murdaugh read the Proclamation into the record. Dr. Flowers moved to adopt Proclaiming March 20, 2023, as “Barry McRoy Day” in Colleton County. The motion was seconded by Councilman Taylor and the motion carried unanimously.

Chairman Murdaugh: Stated, not only did we have the Proclamation, but we received some letters from Mr. Moultrie Plowden and Dr. Craig Ward. The letters give extreme commendations to Mr. McRoy. I will not read the letter, but I will point out some items listed. In August 2021, The SC Municipal Association awarded CCFR for its Whole Blood Administration Pilot Program, August 2022 David Greene was given the National Training Officer Recognition runner up award from the International Association of Fire Chiefs Volunteer and Combination Officer Section, June 2022 Colleton County was named a “Fire Safe Community” thru the State Fire Marshall’s Office for CCFRs community risk reduction plan for 2021, and March 2022 CCFR was award the 2022 South Carolina EMS Large System of the Year for 2021. This is quite an accomplishment. Also, we were entered into the 2022 J. Mitchell Graham award competition and Colleton County placed second. This is an award we received for the accomplishments of all of you Fire Rescue guys here tonight, and we were recognized at council’s annual conference. Out of all the things that Barry has accomplished, what struck me the most was a statement in Dr. Ward’s letter, “In spite of his stellar accomplishments as a leader and administrator... it’s very common for Barry to hop in the back of an ambulance and provide direct hands-on patient care.” When Councilman William’s was on council with us, he always talked about when he went to the hospital once and he caught Barry in there singing to a little kid. Ladies and gentlemen, we should really be proud of this guy, and if anyone deserves to have a day named after them, it is Barry McRoy.

Councilman Biering: Stated, I am obviously a newer council member, but I have been in this community a long time. The measure of an extremely good leader is how the people who work for him think of him. I haven’t found not one person who works for you that doesn’t have amazing things to say about you. We are lucky to have you in our community.

Dr. Flowers: Stated, I would like to echo that. As a physician in this community, nobody appreciates your hard work as much as I do. I have seen it go from having the funeral home

ambulances to where we are today, and that speak volumes to this community. I would like to thank you from the bottom of my heart for all you do for this community. I know your mother and father would like to be here tonight if they could. You deserve recognition and we would like to thank you for everything that you do.

Councilman Taylor: Stated, I wanted to say, Barry, thank you and congratulations. We've worked well together for many years, and I just want to say thank you.

Councilman Trippe: Stated, I would like to echo the same thing. I work with Barry on several different things in the county. He goes out of his way to do whatever he can to help you. He is a great asset to our county.

\*\*\*Council stepped down from the dais and presented the proclamation to Chief Barry McRoy.

Chief McRoy: Stated, I would like to thank all of you. I want everyone to understand that I put a lot of effort into it, and I really enjoy it. None of this would be possible without all of these people. I am not talking about just the commissioners and firefighters, our volunteers, and the career staff, but all the citizens as well because everybody supports the system. I realize that it serves them, but we couldn't do any of it without council. I came here tonight because I thought we were getting four or five more ambulances. I do greatly appreciate it, thank you very much. I am humbled by this.

### **Appearances & Public Presentations**

#### A. Neyles Community Center- Mark Pinckney, Community Center Board Chairman

\*\*\*Mark Pinckney thanked council for putting them on the agenda and for the support that they have given already. Attached is the presentation that was given by Leslie Holmes and Dr. Denise Rhodes.

Dr. Denise Rhodes: Stated, we are seeking funding for the following items to improve our grounds: pavilion with covering similar to the one located at the Cottageville park, aluminum benches, and fencing to create a safe space and sense of security. Finally, we would like to thank County Council.

Regina Brown: Stated, the executive board is asking for a generator for the community center. It would provide electrical service to our community in the event of a catastrophic event, as well as provide a back up to those who have medical devices that require power or medications that need to be refrigerated. In other words, this would provide a safe place for our senior citizens during these times.

Audrey Brown: Stated, on behalf of the Neyles Community Center we would like to thank you for the opportunity for you all to hear our concerns. We thank you for what you have done for us in the past and we look forward to working with you in the future. Emergencies are not planned, and we need to be prepared.

Mark Pinckney: Stated, I would like to reiterate what Ms. Brown said. A generator is a necessity for our community center. We would love to have it to be able to assist those in our community and other surrounding communities. We would hope that you all would consider it, and we thank you all for taking the time to listen to us and your continued help. We would also like to give a special thanks to Mr. Kevin Griffin, he has helped us a lot in the past.

### **Administrator's Briefing**

Mr. Griffin: Stated, I would like to remind council that on February 22<sup>nd</sup>, SCAC: Counties Connect will be hosting the Legislative Action Day. Please let Ms. Brinson know if you are available for that evening, and the following day to meet with our Legislative Caucus and especially our local delegation with the state. Also, under "Old Business" Item "A", this is primarily a clean up from our recent passing of the new zoning Ordinance. There were a couple of items that needed a clean up as far as buffers with some industrial properties. There are some classifications unique to zoning district that we made some adjustments to. There is also an addition there with solar farms, which has become of great interest lately. We have received probably three or four inquiries, and maybe one permit/application. We do not have an extensive regulation for solar farms to protect joining property owners from that use, and to ensure that they are screened properly. I have Mr. Rowland here, our planning director, when we get to that item on the agenda if you all have any extensive questions, we can certainly answer those at that time. The solar farm regulations were added to this second reading. They will also go to the planning commission on February 23<sup>rd</sup>, and they will be ready for third reading as we move forward. We do also have building code updates that we do have to do as it has been passed down from the state. If you have any questions, I would be glad to take those at this time.

Chairman Murdaugh: Asked, what is the date that you said again?

Mr. Griffin: Stated, February 22<sup>nd</sup>.

Chairman Murdaugh: Asked, Is this an all-day event?

Mr. Griffin: Stated, We would get up there mid-morning and then they have a recession in the evening at the Palmetto Club. Then follow up with them later that evening, maybe with a meal, to have the opportunity to connect with our local Legislative Delegation.

Councilman Biering: Stated, On the 23<sup>rd</sup> Councilman Trippe and I are scheduled to be in training that day. If we need to reschedule due to something more important, we will be happy to do so.

No further discussion.

### **Old Business**

- A. 2nd Reading Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances. *This ordinance will have a public hearing on March 14, 2023.***

Dr. Flowers moved to approve the 2nd Reading Ordinance 23-O-01, To Amend Title 14-Land Management, Section 14.08-2 Zoning District Regulations and Section 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances. *This ordinance will have a public hearing on March 14, 2023.* The motion was seconded by Councilman Taylor. The motion carried unanimously.

- B. 2nd Reading Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto**

Dr. Flowers moved to approve the 2nd Reading Ordinance 23-O-02, To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto. The motion was seconded by Councilman Trippe. The motion carried unanimously.

### **New Business**

- A. 1st Reading Ordinance 23-O-03, By Title Only, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax Bonds of Colleton County, South Carolina; to Prescribe the Purposes for which the Proceeds Shall be Expended; to Provide for the Payment Thereof; and Other Matters Relating Thereto**

Councilman Taylor moved to approve the 1st Reading Ordinance 23-O-03, By Title Only, To Provide for the Issuance and Sale of Not to Exceed \$40,355,000 General Obligation Capital Project Sales Tax Bonds of Colleton County, South Carolina; to Prescribe the Purposes for which the Proceeds Shall be Expended; to Provide for the Payment Thereof; and Other Matters Relating Thereto. The motion was seconded by Councilman Trippe. The motion carried unanimously.

- B. 1st Reading Ordinance 23-O-04, By Title Only, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC**

Councilman Taylor moved to approve the 1st Reading Ordinance 23-O-04, By Title Only, Authorizing Colleton County to Join with the Walterboro - Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC. The motion was seconded by Dr. Flowers. The motion carried unanimously.

Dr. Flowers: Asked, where is Fuller Industries?

Mr. Griffin: Stated, it was formerly the old brake plant behind Dayco. They purchased that and are expanding rapidly.

No further discussion.

C. **1<sup>st</sup> Reading Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054.000, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).**

. Flowers moved to approve the 1st Reading Ordinance 23-O-05, To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132-00-00-054.000, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2). The motion was seconded by Councilman Biering. The motion carried unanimously.

D. **1<sup>st</sup> Reading Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law**

Councilman Taylor moved to approve the 1st Reading Ordinance 23-O-06, To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law. The motion was seconded by Dr. Flowers. The motion carried unanimously.

E. **Resolution 23-R-06, To Officially Name the Colleton County Fire-Rescue Station 19, Located at 1118 Thunderbolt Drive the “W. Gene Whetsell Fire Station.”**

Dr. Flowers moved to approve Resolution 23-R-06, To Officially Name the Colleton County Fire-Rescue Station 19, Located at 1118 Thunderbolt Drive the “W. Gene Whetsell Fire Station”. The motion was seconded by Councilman Trippe. The motion carried unanimously.

F. **Resolution 23-R-07, To Declare the Results of a Referendum held on November 8, 2022, in Colleton County, South Carolina, for the Purpose of Determining Whether or Not, Pursuant to the Capital Project Sales Tax Act, a One Percent (1%) Sales and Use Tax (The "Tax") Should be Imposed Within Colleton County for Not More Than Seven (7) Years, the Proceeds of Which Would be Expended for the Purpose of the Costs of Certain Capital Projects Within Colleton County as Set Forth in the**

**Capital Project Sales Tax Referendum (The “Referendum Projects”) Pursuant to the Capital Project Sales Tax Act**

Councilman Taylor moved to approve Resolution 23-R-07, To Declare the Results of a Referendum held on November 8, 2022, in Colleton County, South Carolina, for the Purpose of Determining Whether or Not, Pursuant to the Capital Project Sales Tax Act, a One Percent (1%) Sales and Use Tax (The "Tax") Should be Imposed Within Colleton County for Not More Than Seven (7) Years, the Proceeds of Which Would be Expended for the Purpose of the Costs of Certain Capital Projects Within Colleton County as Set Forth in the Capital Project Sales Tax Referendum (The “Referendum Projects”) Pursuant to the Capital Project Sales Tax Act. The motion was seconded by Dr. Flowers. The motion carried unanimously.

**G. Resolution 23-R-08, To Declare Colleton County’s Support for Four Holes Indian Organization’s Application for the Social and Economic Development Strategies Grant from the Administration for Native Americans**

Councilman Biering moved to approve Resolution 23-R-08, To Declare Colleton County’s Support for Four Holes Indian Organization’s Application for the Social and Economic Development Strategies Grant from the Administration for Native Americans. The motion was seconded by Councilman Taylor. The motion carried unanimously.

Chairman Murdaugh: Asked, if any of the members were present tonight?

Councilman Biering: Stated, that they had a meeting tonight at the exact same time and were unable to attend.

**H. Resolution 23-R-09, To Establish Priorities for the 2023 Annual CDBG County Needs Assessment**

Dr. Flowers moved to approve Resolution 23-R-09, To Establish Priorities for the 2023 Annual CDBG County Needs Assessment. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**I. Resolution 23-R-10, To Award the Contract for the Harrelson Building New Entrance and Improvements Project**

Dr. Flowers moved to approve Resolution 23-R-10, To Award the Contract for the Harrelson Building New Entrance and Improvements Project. The motion was seconded by Councilman Trippe. The motion carried unanimously.

Chairman Murdaugh: Stated, for the record, IP Builders, Inc. was awarded the contract.

**J. Resolution 23-R-11, To Reschedule the March Council Meeting**

Councilman Taylor moved to approve Resolution 23-R-11, To Reschedule the March Council Meeting. The motion was seconded by Councilman Biering. The motion carried unanimously.

Chairman Murdaugh: Stated, this is being moved due to several council members being unable to attend due to a conference we will be attending on that day.

Dr. Flowers: Stated, this is the 2<sup>nd</sup> Tuesday, correct?

No further discussion.

**K. Resolution 23-R-12, To Advertise Board Vacancies**

Councilman Taylor moved to approve Resolution 23-R-12, To Advertise Board Vacancies. The motion was seconded by Councilman Biering. The motion carried unanimously.

Councilman Taylor: Stated, line item “4” should be “Lowcountry Council of Government”.

Chairman Murdaugh: Asked, if we have two vacancies available on the LCOG?

Councilman Taylor: Stated, yes, the at- large and the minority seat is open. Ms. Esther Black decided to step down and she recommended Rev. Robinson. Some of the things that we have been seeking to do is to look into the other communities outside of Walterboro.

No further discussion.

**L. Resolution 23-R-13, To Appoint Members to Board Vacancies**

Councilman Taylor moved to approve Resolution 23-R-13, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Biering. The motion carried unanimously.

The following appointments were made by acclimation: Walter Runck – Colleton County Edisto River canoe and Kayak Trail Committee and Anthony Black – Colleton County Keep Colleton Beautiful.

Councilman Trippe: Stated, he spoke with Mr. Black and everyday he cleans up litter in front of his house. He stated he was more than willing to serve.

No further discussion.

**Public Comment**

Ms. Lisa Langdale: Stated, I have some information that I want to give you. It is a rebuttal from their press release that they are still coming to Colleton County. I have not been able to get in touch with Mr. Murdaugh to ask a few questions. One question we as the community have is, "Where are we on this? What is our next step besides sitting and watching them come?" They are not doing anything on the building, but they are on the property 2-3 times a week.

Chairman Murdaugh: Stated, we still do not have anything from them do we?

Mr. Griffin: Stated, we do not have a formal application that I am aware of at this time.

Ms. Langdale: Stated, this is our rebuttal from their press release (information given to council). Last time they gave a rebuttal to everything we said, so I will let you all read it instead. Where should I go next?

Chairman Murdaugh: Stated, we have not received any formal application from anyone, so we do not have anything to take action on. Obviously, there are some zoning issues on the agenda. We are at second reading, so we have another reading on that. However, until they submit an application, there is nothing any of us can really do.

Ms. Langdale: Stated, if nothing has been resolved, we will see you next month.

Chairman Murdaugh: Stated, Ms. Felicia Johnson is next on the list.

Ms. Johnson: Stated, I am still coming about this club. Are you all making any kind of head way, because I can not get through to Hazel Sanders. All she cares about is making a dollar. It is getting more ridiculous because it is a drug zone now also. They are out in the parking lot selling drugs. Not to mention the traffic light. Like I said last time, that man was standing out there in broad daylight and got killed at that stop sign. When I left here last month, the following Sunday there was a wreck right there at that stop sign. People do not respect that stop sign. Where I live at is not considered a street, it is a highway. Officers need to come and sit right by my home and they will see what I am talking about on a daily basis. It is bad enough the club is on my left. Then I have the stop sign on my right. I have watched plenty of wrecks right there. We truly need a light there. If you go up Rivers Steet, it is pitch dark. I got hit back in the 90s walking on that street. I have grandchildren that are wanting me to ride bicycles. I tell them I am sorry they will have to wait until time change because I am not trusting it. I want my grandchildren on the weekend, but the club is still right there. Like I said before, my house still has the bullet holes in it. Why is this junk pit still open? It is a hole in the wall. It is not sanitized either. I called the DEHEC lady in Beaufort because she is the only one helping me. It is a hazard, and the people that work in there... Lord have mercy on them. I wouldn't take my dog out there to eat from that place. I am glad she closed her restaurant. Please consider closing this club and getting us some sort of lights.

Chairman Murdaugh: Stated, thank you. I do not have anyone else on the list. Is there anyone else who would like to make a comment.

Ms. Sarah Lightner: Stated, I am up here to ask a follow up question to Ms. Langdale's statements. I am concerned that this organization may have had work done without permits in the past. How would we know if it is something that we needed to report to the council? It is fine to say that no permits have been received, but what is permitted work and what is not?

Chairman Murdaugh: Stated, let me say this without getting into anybody's personal business. There is a process that they would have to go through with the county. If they failed to go through that process, the county has certain procedures we can go through. They would have to stop the project. Now, we have not received anything. The county is aware of the project, and they are probably watching to see what is going on at this point. At this point, we don't have anything really other than hearsay about what this project is even going to do. They need to go through a formal process, and that process should address the concerns of everybody. Would anyone else like to make any public comments at this time?

Mr. Ernest Wiggins: Stated, for the last six months Ms. Johnson has come in here and complained about this and that. What is the County Council going to do to help her?

Chairman Murdaugh: Stated, we hear you Mr. Wiggins.

No further comments.

### **Council Time**

Councilman Taylor: There is an educators appreciation going on with members in the community. They want to make sure that we recognize all of our teachers that are working in all of the schools. Ms. Wanita Harvey is here tonight. She is one of the spear headers of that. I have asked her to come and tell us a little bit about that.

Ms. Wanita Harvey: Stated, we have decided to say a collaborative thank you to all of our educators. Starting tomorrow we will be visiting every school. We have four schools this week, but by the 24<sup>th</sup> of February, we will have visited every school. We will provide pizza, drinks, and dessert for all of our educators and their support staff.

Ms. Helen Wrigley: It is a big endeavor. There are 875 staff that we will be providing for, so that takes a lot of money. Ms. Wanita is heading this up, but we are volunteering to help with this.

Ms. Harvey: Stated, the other individual we have up here is Ms. Caroline Robinson. We are all neighbors. We have started this because we do not feel the teachers are appreciated for all that they do. The students not listening, the angry parents, and the teachers never getting told good job. We want them to feel that we appreciate them.

Councilman Taylor: Stated, the last thing I would like to mention is Cougar Nation. It is another activity that is going on in all the schools. We have a couple of our council members that are apart of that, but Mr. Mark Wysong is one of the people heading up the volunteers for hall monitoring, and individuals being trained to go into the schools and helping with having more order. They are in need of more

volunteers, so if you would like to help with that, please contact Mark Wysong, Bubba Trippe, Scott Biering, or myself. We will point you in the right direction to get you engaged with that.

Councilman Biering: Stated, I would like to echo that. Cougar Nation is an innovative new program. We appreciate the teachers, and thank you for doing what you all are doing to show them appreciation. Mark called me and brought me in on it, and I was more than happy to be a part of it. It is very rewarding and very eye opening. This is a good program, so please encourage anybody that you know, you do not have to have children there, you only have to be vested in the community. I think that is something we can all agree on so, please if you have somebody with the time to volunteer, it is a worthwhile program.

Chairman Murdaugh: Stated, I would like to point out that we have a school board member here with us tonight, Ms. Lynn Stroble. We appreciate you making the time to come to our meeting as a member of the school board. I would like to go back and ask a question, which ties into Ms. Johnson's issues, and how the county would have a mechanism to assist Ms. Johnson. I say to Ms. Johnson, I wish I could tell you it is easy to do things when there is a nuisance in the community, and to shut it down. However, it is never as easy as it seems, and you have to make sure you follow the letter of the law. It appears that law enforcements', from what they are saying, hands are tied. What we started at one time and tabled, because we had some definitional concerns with our county wide business registration application. I would like to get that back on track so that we would have some way to have "claw back" with these business that are not following the rules. One way as a council, arguably, that we would have some authority. I know we have had some issues with that, and we tabled it. I think we need to get that back on the agenda and get it adopted, not only to address issues like these, but I believe it will help the county in several other ways. We need to put that back on the agenda next month, and if nothing else try to help Ms. Johnson with her issues.

### **Adjournment**

Dr. Flowers moved to adjourn the meeting, Councilman Taylor seconded the motion, which carried unanimously.

This 14<sup>th</sup> day of March, 2023.

---

Steven D. Murdaugh, Chairman

ATTEST:

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Kaela Brinson, Clerk to Council

Sponsor(s) : County Council  
First Reading : January 10, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : February 7, 2023  
Public Hearing : March 14, 2023  
Third Reading : March 14, 2023  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk  
certify that this Ordinance was  
advertised for Public Hearing on  
February 23, 2023.

## **ORDINANCE NO. 23-O-01**

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

**[An Ordinance to Amend Title 14-Land Management, Article 14.08-2 Zoning District Regulations and Article 14.08-4 Landscaping, Buffering and Environmental Protection, of the Colleton County Code of Ordinances.]**

#### **WHEREAS:**

1. Due to increased development activity throughout Colleton County, staff reviewed the use of Building Materials and supply as currently this use is only allowed in the RD-1 district, which is intended to be one of the most rural and protected residential districts. Staff believes this support use should be allowed in locations closer to development patterns, and has proposed that the Rural Development-2, Urban Development-1 and Light Industrial Zoning Districts be amended to allow for Building Material and Supply as a conditional use; and
2. County Council requested the review of Health Care Services, Boarding and Rooming Houses, and Residential Care Facilities under special exception. This request is designed to allow for additional oversight and public comment to these types of uses to allow for a more harmonious balance with existing neighborhoods and development patterns within this district; and
3. Due to increased large scale development opportunities, the current landscaping standards (Section 14.08-4.020(A)(1) and Section 14.08-4.020(A)(2)(h)) are not expressly defined to address these types of projects, and that special considerations should be addressed for these types of developments as the property size in question are typically significantly larger than the other zoning districts defined in the code; and
4. After review of the above issues, amendments to Title 14-Land Management of the Colleton County Code of Ordinances, Article 14.08-2 – Zoning District Regulations and Article 14.08-4 – Landscaping, Buffering and Environmental Protection were unanimously approved by the Planning Commission; and
5. There has been an increase in activity in regards to solar farm projects. The Planning Commission met on February 27, 2023 and recommended code changes to the Solar Farm Regulations.

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

**1. Title 14-Land Management of the Colleton County Code of Ordinances, Chapter 14.08-Zoning, Article 14.08-2 Zoning District Regulations is hereby amended as follows:**

**Amend 14.08-2.060 Rural Development-2.** Insert Building Materials and Supply as a conditional use under Section 14.08-2.060(B)(2).

**Amend 14.08-2.100 Urban Development-1.** Insert Building Materials and Supply as a conditional use under Section 14.08-2.100(B)(2).

**Amend 14.08-2.130. Light Industrial.** Insert Building Materials and Supply as a conditional use under Section 14.08-2.130(B)(2).

**Amend 14.04-6.040 Definitions to include:** *Building Materials and Supply:* A facility used for the storage, distribution, and sale of building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

**Amend 14.08-2.100. Urban Development-1.** Move Health Care Services from a permitted use under Section 14.08-2.100(B)(1) to special exception use under section 14.08-2.100(B)(3).

**Amend 14.08-2.100. Urban Development-1.** Move Boarding and Rooming Houses from a conditional use under Section 14.08-2.100(B)(2) to special exception use under section 14.08-2.100(B)(3).

**Amend 14.08-2.100. Urban Development-1.** Move Residential Care Facilities from a Conditional use under Section 14.08-2.100(B)(2) to special exception use under section 14.08-2.100(B)(3).

**2. Title 14-Land Management of the Colleton County Code of Ordinances, Chapter 14.08-Zoning, Article 14.08-2 Zoning District Regulations, Section 14.08-2.150(C) Solar Farm Floating Zone (ZFFZ) is hereby amended as follows:**

*C. Solar Farm Floating Zone (ZFFZ)*

1. *Purpose:* The intent of the Solar Farm Floating Zone (SFFZ) is to promote the use of solar energy as a source of electricity and facilitate the construction, installation, and operation of Solar Energy Systems (SES) in Colleton County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. The SFFZ adds an extra layer of land use regulation over the underlying zoning which adds safeguards to ensure

the proper development of facilities that generate electricity by means of solar power. This ordinance is not intended to supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to: International Building Code, International Fire Code, National Electric Code, South Carolina Department of Health and Environmental Control, and Colleton County Flood Damage Prevention Ordinance.

2. *Applicability:* A Solar Farm Floating Zone requires a zoning map amendment and requires a recommendation from the Planning Commission to County Council in accordance with 14.08-10 of the Colleton County Zoning Ordinance.

- a. The Solar Farm Floating Zone (SFFZ) may be utilized in any zoning district except for the Resource Conservation District, provided:
- b. The solar farm consists of a minimum of five (5) acres;
- c. Any portion of the solar farm property boundary is within two (2) miles of an existing electrical transmission line; and
- d. A conceptual plan which illustrates that the solar farm can meet the design and development standards set forth in Article 14.08-2.150(C)
- e. Colleton County Council may require, at its sole discretion, a development agreement between the County and developers for properties developed as a SFFZ as a prerequisite to Development Plan Approval.

Unless a deviation from such restrictions are provided elsewhere in this Article 14.08-2.150, property within the SFFZ shall be required to adhere to all provisions of the Colleton County Zoning Ordinance and Land Development Regulations otherwise applicable within the underlying zoning district, including all subdivision plats and development plan applications.

3. *Development Standards:*

- a. Unless otherwise addressed through private land covenants and agreements with adjacent property owners setting specific standards for setbacks, buffers, and fencing/landscaping requirements which are approved by Colleton County Council and recorded in the Colleton County Register of Deeds Office, the establishment and operation of a solar farm shall comply with the following design and development standards:

4. *Bufferyard:*

<b>Bufferyard Requirements</b>	
	<b>Existing Use of Adjacent Properties</b>

<b>Proposed Use</b>	<b>Agricultural</b>	<b>Single Family Dwelling</b>	<b>All Other Residential Uses</b>	<b>Office / Institutional</b>	<b>Commercial / Non Effluent Industry</b>	<b>Effluent Producing Industry</b>	<b>Street</b>
<b>Solar Farm</b>	<b>50'</b>	<b>*200'</b>	<b>*200'</b>	<b>50'</b>	<b>25'</b>	<b>25'</b>	<b>*100'</b>

\* Single Family Dwelling and All Other Residential Use buffers may, at the Council's discretion, be increased, or reduced with an approved berm and or landscaping and screening plan, which will screen the solar farm equipment from being seen from the exterior of the property.

\*Street buffer may, at the Council's discretion, be reduced to 50' with an approved berm and or landscaping and screening plan, which will screen the solar farm equipment from being seen from the exterior of the property; see also §14.08-2.150(c)(9)(i).

This buffer is separate and distinct from the buffering requirements of Colleton County Zoning Ordinance, Article 14.08-4 and shall be measured from the property line. Only the following activities shall be permitted within the landscaped buffer:

- a. Vehicular access drives which tie into approved access points as determined by SCDOT and/or Colleton County
- b. Landscaping and landscaping fixtures
- c. Lighting
- d. Fencing
- e. Signage
- f. Underground utility lines
- g. Overhead utility lines
- h. Drainage or stormwater detention or retention areas

5. *Landscaping and Screening Requirements:*

- a. In addition to buffering, screening shall be required by providing landscape within the buffer which achieves a minimum height of ten feet (10') within three (3) years. The intent is to provide sufficient screening, through a combination of buffers, fencing, landscaping, and/or landscaped berms to obscure the solar equipment from exterior view from adjoining property owners and public right of ways.

- b. A visually opaque screen shall be provided for any adjacent property that is zoned Residential, has an existing residential use, and/or is zoned Rural Development and has been subdivided to 5 acres or less (these are protected properties). An opaque screen is intended to exclude a visual contact with the solar equipment from any protected property, public street or public right of way. An opaque screen may be composed of a wall, fence, building, landscaping, landscaped berm, or combination thereof. Natural areas as detailed below may also be used to meet screening requirements.
- c. Natural areas: An existing vegetated area located on the same property as the solar farm; is within or includes the required buffer; and is of sufficient height, length, and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen where required. The Director may determine that further screening improvements shall not be required.

6. *Setbacks:*

- a. The setbacks for solar equipment associated with the solar energy system shall be 25' larger than the applicable bufferyard to allow for an access road around the perimeter of the property.

7. *Fencing:*

- a. A security fence shall be required at least six feet (6') in height to secure the solar equipment unless a taller fence is needed in order to obscure the solar equipment from exterior view (see also §14.08-2.150(5)); the fence can be on top of the berm in order to achieve this goal. A chain link fence shall not be allowed unless it is screened from exterior view from adjoining property owners and public right of ways; screening may include plantings to create a "living fence", or to obscure the view of the fence. Breaks in fencing may be allowed or required by Council to facilitate wildlife needs where natural features provide appropriate barriers to access by humans for security and safety purposes.

8. *Height:*

- a. The Solar Energy System shall not exceed ten feet (10') in height, as measured from the ground to the foremost/tip end of the solar collector, provided there is a demonstration that the screening prevents the system from being visible from the exterior of the property. Ancillary non solar collector structures, such as inverters, transformers, etc., may be taller than ten feet (10') in height, provided that such are not visible from the exterior of the property.

9. *General Requirements:*

- a. Solar collectors shall be designed with anti-reflective coating to minimize glare. Mirrors are prohibited.
- b. On-site electrical interconnections and powerlines shall be installed underground to the extent feasible. Existing above ground utility lines shall be allowed to remain in their current location.

- c. A warning sign concerning voltage must be placed at the main gate that states the address of the site, the name of the solar farm operator, and a local phone number for the solar farm operator in the case of an emergency.
- d. Access to the site must be controlled by a six foot (6') wooden fence or gate if the fencing is visible from the exterior of the property. If the fencing/gate is within the interior 25% of the buffer, or is not visible from the exterior of the property, chain link gate and fencing may be used.
- e. Entrance roadway should include a dog leg or meander to obscure vision from the roadway.
- f. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- g. Adequate provisions to reduce average/constant noise levels at the property boundary not to exceed 50dBA at the property line, except during construction.
- h. A solar collection device or combination of devices are to be designed and located to avoid directing glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- i. Planning Commission may include special conditions in their recommendation to County Council to implement the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare set forth in Article 1 of the Colleton County Zoning Ordinance. County Council may accept, modify, reject, or add additional conditions at its sole discretion.

*10. Site Restoration/Stabilization:*

- a. Unless otherwise agreed by County Council in its concept plan or development agreement approval process, the applicant shall submit a ten percent (10%) Site Restoration/Stabilization Guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County prior to issuance of the Development Permit. The Site Restoration/Stabilization Guarantee shall insure satisfactory grading, seeding, and stabilization of the site in case of default by the applicant and/or if the applicant does not install the required site improvements in a timely fashion as determined by the Director, including the costs of landscaping, screening, and or fencing for the site or such portion thereof being permitted. The Developer shall provide the County with an itemized engineer's estimate of the approved site improvements in conformity with Article 1.8 of the Colleton County Land Development Regulations for approval and calculation of the bond amount. The Site Restoration Guarantee may be refunded upon issuance of a Certificate of Project Close-Out for the site stabilization and improvements.

*11. Decommissioning:*

- a. Unless otherwise agreed by County Council in its concept plan or development agreement approval process, the applicant must provide a decommissioning

plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated timeline and manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm or such other conditions approved in the concept plan or required in a development agreement. If the property has been timbered within two (2) years of re-zoning to the SFFZ, original condition means replanted with timber. Decommissioning will be required following a continuous period of twelve (12) months in which no electricity is generated by the facility other than for mechanical, repair, replacement and/or maintenance purposes.

- i. The permit holder will have twelve (12) months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.
- ii. Prior to issuance of Development Permit, the applicant must provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of 125% of the estimated decommission cost minus the salvageable value, or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.
- iii. Every five (5) years a new engineer's estimate of probable cost of decommissioning shall be submitted for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary.
- iv. Proof that the decommissioning plan has been recorded with the Colleton County Register of Deeds.

**3. Title 14-Land Management of the Colleton County Code of Ordinances, Chapter 14.08-Zoning, Article 14.08-4 Landscaping, Buffering and Environmental Protection is hereby amended as follows:**

**Amend 14.08-4.020(A)(1) Landscape, Buffering, and Environmental Protection. Remove LID and ID reference. Insert Properties located in the LID and ID district shall only comply to type A landscaping requirements for any portion of the property that is adjacent to properties zoned RS, CC, VC, UD-1, UD-2**

**Amend 14.08-4.020(A)(2)(h) Landscape, Buffering, and Environmental Protection. Remove LID and ID reference. Insert Properties located in the LID and ID district**

**shall only comply to type A landscaping requirements for any portion of the property that is adjacent to properties zoned RS, CC, VC, UD-1, UD-2.**

4. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

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 : January 10, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : February 7, 2023  
Public Hearing : March 14, 2023  
Third Reading : March 14, 2023  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk  
certify that this Ordinance was  
advertised for Public Hearing on  
February 23, 2023.

## **ORDINANCE NO. 23-O-02**

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

**[To Provide for the Sale of a Portion of Real Property Owned by Colleton County, South Carolina to Mr. Jason McMillan for the property identified by TMS No. 195-00-00-181.000 on Cooks Hill Road; and Other Matters Relating Thereto.]**

#### **WHEREAS:**

1. The County owns a remnant of the old right-of-way along Cooks Hill Road that is a portion of the property identified by TMS No. 195-00-00-181.000; and
2. Mr. Jason McMillan is purchasing the adjoining property, but there is no legal access from the sale area parcel to Cooks Hill Road due to the fact that the County owns a remnant of the old right-of-way along Cooks Hill Road; and
3. The Council deems it to be in the best interest of the County to provide for the transfer of a portion of the real property located on Cooks Hill Road, identified by T.M.S. No. 195-00-00-181.000 and containing 0.59 acres +/- to Jason McMillan.

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

1. The County of Colleton hereby authorizes the conveyance to Jason McMillan the property more fully described in attached Exhibit A for a consideration of One Thousand and No/100 Dollars (\$1,000.00) and other good and valuable consideration, and upon the other terms and conditions as set forth herein.
2. The County Administrator is hereby authorized, empowered, and directed on behalf of the County of Colleton to execute and deliver a deed for the Property pursuant thereto, and to such other documents as may be necessary or desirable in connection with the conveyance of the Property.
3. Conflict:

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

4. Severability:

If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the 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.

Attest:

Signed:

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

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

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

Council Vote:  
Opposed:



Sponsor(s) : County Council  
 First Reading : February 7, 2023  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Second Reading : March 14, 2023  
 Public Hearing : April 4, 2023  
 Third Reading : April 4, 2023  
 Effective Date : Immediately

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

**ORDINANCE NO. 23-O-03**

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

**[TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$40,355,000  
 GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BONDS OF COLLETON  
 COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE  
 PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF;  
 AND OTHER MATTERS RELATING THERETO.]**

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(This Table of Contents for the Ordinance is for convenience of reference only and is not intended to define, limit, or describe the scope or intent of any provision of the Ordinance)

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Exhibit A - Form of Bond.

**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$40,355,000 GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BONDS OF COLLETON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.**

**BE IT ENACTED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:**

As an incident to the enactment of this Ordinance and the issuance of the bonds 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**, Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended (the “Capital Project Sales Tax Act”), authorises counties to impose a sales and use tax for the purpose of funding the costs of certain capital improvements as permitted in the Capital Project Sales Tax Act, subject to the results of a referendum, by the enactment of an ordinance pursuant to the Capital Project Sales Tax Act; and

**WHEREAS**, the Capital Project Sales Tax Act permits the revenues derived from the imposition of the sales and use tax to be pledged to the repayment of bonds issued by the county, the proceeds of which are to be used to fund the project or projects approved in the referendum; and

**WHEREAS**, pursuant to the requirements of the Capital Project Sales Tax Act, a referendum was previously approved on November 4, 2014 in Colleton County (the “Initial CPST Referendum”) by which a capital project sales tax to pay costs of certain projects was approved, levied, and collected, which tax expires April 30, 2023; and

**WHEREAS**, pursuant to the provisions of the Capital Project Sales Tax Act, the County Council enacted Ordinance No. 22-O-08 (the “Capital Project Sales Tax Ordinance”) to provide for the reimposition of a one percent sales and use tax (the “Capital Project Sales Tax”) in Colleton County for a period not to exceed 7 years from the date of imposition of the Capital Project Sales Tax, to fund, at a maximum cost not to exceed \$40,355,061, the cost of acquiring, including in certain instances the acquisition of real property, constructing, furnishing, and equipping the following capital projects approved in the Referendum: Colleton County Animal Services Facility, Veteran’s Park, Town of Smoaks – Johnsville/Smoaks Community Center, Colleton County Emergency Operations Center, Colleton County Recreation Center Additions (New Gym and Activity Rooms), Colleton County Recreation Center Additions (Pool Facility), Town of Cottageville Park Expansion, Town of Williams - Water Infrastructure Improvements, City of Walterboro – I95 Business Loop Project Phase 3, Edisto Municipal EOC and Town Hall Complex Phase 1, City of Walterboro – Ireland Creek Greenway Park and Stream Restoration (collectively, the “Referendum Projects”); and

**WHEREAS**, pursuant to the requirements of the Capital Project Sales Tax Act, a referendum was conducted on November 8, 2022 in Colleton County (the “Referendum”) for the purpose of approving the Capital Project Sales Tax to pay costs of the Referendum Projects; and

**WHEREAS**, the Referendum was approved by a majority vote of voters in the Referendum; and

**WHEREAS**, the County Council has 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 the County proceed with the Referendum Projects at this time by raising the necessary funds for the Referendum Projects by the issuance of general obligation bonds payable from the proceeds of the Capital Project Sales Tax; and

**WHEREAS**, there was also submitted to and approved by the voters at the Referendum the question of the issuance of not exceeding \$40,355,061 of general obligation bonds of the County, payable from the Capital Project Sales Tax to be collected over a period not to exceed 7 years, to fund the Referendum Projects; and

**WHEREAS**, County Council has determined that the estimated costs of the Referendum Projects, including the costs of issuance of the bonds authorised hereby, is approximately \$40,355,061; 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 “Enabling Act”), County Council is authorised to issue general obligation bonds of the County in such amounts as permitted under Article X, Section 14 of the South Carolina Constitution; and

**WHEREAS**, Article X, Section 14, paragraph 6 of the South Carolina Constitution authorises the County to incur general obligation indebtedness approved by a majority vote of the qualified electors of Colleton County voting in a referendum, subject to the restrictions and limitations set forth in the referendum;

**NOW, THEREFORE**, on the basis of the foregoing authorisations and for the purpose of raising the sum of not exceeding \$40,355,061 for the Referendum Projects, the County Council enact this Ordinance to effect the issuance and sale of General Obligation Capital Project Sales Tax Bonds of the County authorised by the Enabling Act.

## ARTICLE I

### DEFINITIONS AND INTERPRETATIONS

#### Section 1      Defined Terms.

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

“Authenticating Agent” shall mean the authenticating agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Beneficial Owner” shall mean the person in whose name a Bond is recorded as the beneficial owner of the Bond by a Participant on the records of the Participant or such person’s subrogee.

“Bonds” shall mean the General Obligation Capital Project Sales Tax Bonds, Series 2023 of the County authorised to be issued hereunder in the aggregate principal amount of not to exceed \$40,355,000.

“Bond Registrar” shall mean the bond registrar designated pursuant to the provisions of Section 1 of Article II hereof.

“Book-Entry Only System” shall have the meaning attributed to that term in Article II, Section 14 hereof.

“Books of Registry” shall mean the registration books maintained by the Bond Registrar in accordance with Section 8 of Article II hereof.

“Capital Project Sales Tax Act” shall mean Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended.

“Capital Project Sales Tax” shall mean the one percent sales and use tax in Colleton County authorised to be imposed pursuant to the Capital Project Sales Tax Ordinance and the Referendum.

“Capital Project Sales Tax Ordinance” shall mean Ordinance No. 22-O-08 enacted in accordance with the Capital Project Sale Tax Act by the County Council on July 26, 2022, providing for the Referendum.

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

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

“Closing Date” shall mean the date upon which there is an exchange of the Bonds for the

proceeds representing the purchase price of the Bonds by the Original Purchaser.

“Continuing Disclosure Undertaking” shall mean the Continuing Disclosure Undertaking hereby authorised to be executed by the Chairman or the Finance Director on behalf of the County Council, as it may be amended from time to time in accordance with the terms thereof.

“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.

“Dated Date” shall mean the date of delivery of the Bonds.

“Debt Service” shall mean the scheduled amount of interest and amortisation of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

“DTC” shall mean The Depository Trust Company, a limited purpose trust company organised under the laws of the State of New York, and its successors pursuant to Article II, Section 14 hereof.

“Enabling 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.

“Finance Director” 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 Finance Director under this Ordinance.

“Financial Advisor” shall mean Raymond James & Associates, Inc., the financial advisor to the County.

“Fiscal Agents” shall mean the Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent under Article VI hereof with respect to the Bonds.

“Interest Payment Date” shall mean any [January 1] or [July 1] commencing [January 1, 2024].

“Letter of Representations” shall mean the Blanket Letter of Representation of the County to DTC dated July 10, 1997.

“Net Proceeds,” when used with reference to the Bonds, shall mean the face amount of the Bonds, plus accrued interest and premium, if any.

“Ordinance” shall mean this Ordinance as from time to time amended and supplemented by one or more supplemental ordinances enacted in accordance with the provisions of Article VII hereof.

“Original Purchaser” shall mean the first purchaser of the Bonds from the County.

“Participants” shall mean those broker-dealers, banks, and other financial institutions for which the Securities Depository holds Bonds as securities depository.

“Paying Agent” shall mean the paying agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Referendum” shall mean the referendum conducted in Colleton County on November 8, 2022, pursuant to the provisions of the Capital Project Sales Tax Act.

“Referendum Projects” shall mean the cost of acquiring, including in certain instances the acquisition of real property, constructing, furnishing, and equipping the following capital projects approved in the Referendum: Colleton County Animal Services Facility, Veteran’s Park, Town of Smoaks – Johnsville/Smoaks Community Center, Colleton County Emergency Operations Center, Colleton County Recreation Center Additions (New Gym and Activity Rooms), Colleton County Recreation Center Additions (Pool Facility), Town of Cottageville Park Expansion, Town of Williams - Water Infrastructure Improvements, City of Walterboro – I95 Business Loop Project Phase 3, Edisto Municipal EOC and Town Hall Complex Phase 1, City of Walterboro – Ireland Creek Greenway Park and Stream Restoration.

“Securities Depository” shall mean the administrator of the book-entry only system for the Bonds, as further described in Article II, Section 14 hereof and any successor appointed as provided in Article II, Section 14 hereof. The initial Securities Depository shall be DTC.

“Sinking Fund Account” shall mean the sinking fund account established and held by the Treasurer of Colleton County designed to provide for the payment of the principal of, premium, if any, and interest on the Bonds, as the same respectively fall due.

## Section 2      General Rules of Interpretation.

For purposes of this Ordinance, 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 Ordinance 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 redemption or redeeming or calling for redemption of a Bond do not include or connote the payment of such Bond at its stated maturity or the purchase of such Bond.

(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 Ordinance.

## ARTICLE II

### ISSUANCE OF BONDS

Section 1      Authorization of Bonds; Approval of Maturity Dates, Principal Amounts, and Interest Rates.

(a) Pursuant to the provisions of the Enabling Act and for the purposes of funding the costs of the Referendum Projects and paying costs of issuance of the Bonds, there shall be issued not to exceed Forty Million Three Hundred Fifty-five Thousand and no/100 Dollars (\$40,355,000.00) of general obligation bonds of the County. The Bonds shall be designated “General Obligation Capital Project Sales Tax Bonds (with such series or subseries designations as approved by the County Administrator)”; and may be issued in one or more series as designated by the County Administrator. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in denominations of Five Thousand and no/100 Dollars (\$5,000.00) each or any integral multiple thereof, and may be numbered from R-1 upward.

(b) The Bonds will bear interest at such rates, payable on each Interest Payment Date, and will mature on the dates and in the amounts as are approved by the County Administrator provided that:

(i) The Bonds shall not bear interest at a true interest cost (TIC) greater than [\_\_\_\_\_] % per annum.

(ii) The Bonds shall mature not later than [July 1, 2030].

(c) The County Administrator is hereby expressly delegated the authority to approve the sale and issuance of the Bonds so long as they conform to all of the parameters set forth in this Ordinance, including, but not limited to, this Section 1 of Article II.

(d) The Paying Agent, Authenticating Agent, and Bond Registrar shall be the Colleton County Treasurer, or such institution as designated by the County Administrator, as in the best interest of the County.

Section 2      [Reserved].

Section 3      Cancellation of Bonds.

All Bonds which have been redeemed shall be cancelled and either maintained or destroyed by the Paying Agent and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Paying Agent to the County upon the request of the County Administrator.

Section 4      Purchase of Bonds.

The Paying Agent shall, if and to the extent practicable, endeavor to purchase Bonds or portions of Bonds at the written direction of the County at the time, in the manner, and at the price as may be specified by the County. The Paying Agent may so purchase the Bonds; provided that any limitations or restrictions on such redemption or purchases contained in this Ordinance shall be complied with. The expenses of such purchase shall be deemed an expense of the Paying Agent to be paid by the County. The Paying Agent shall incur no liability for any purchase made in accordance with this Section or for its inability to effect such purchase in excess of the redemption price thereof.

Section 5      Medium of Payment.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

Section 6      Place of Payments; Selection of Paying Agent.

Principal and premium, if any, of the Bonds, when due, shall be payable at the corporate trust office of the Paying Agent. Interest on any Bond shall be payable on each Interest Payment Date by cheque or draught mailed to the person in whose name such Bond is registered at the close of business on the fifteenth (15<sup>th</sup>) day (whether or not a business day) of the calendar month next preceding such Interest Payment Date (the Regular Record Date) by the Paying Agent. Principal of, redemption premium, if any, and interest payable to any person holding Bonds in aggregate principal amount of \$1,000,000 or more will be paid, upon the written request of any such registered owner in form and substance satisfactory to the Paying Agent, by wire transfer of immediately available funds to an account within any of the continental United States of America designated by such registered owner on or before the Record Date.

Section 7      Execution of Bonds; Designation of Authenticating Agent.

(a) The Bonds shall be executed in the name of the County by the manual or facsimile signature of the Chairman, and attested by the manual or facsimile signature of the Clerk, and the seal of the County shall be impressed or reproduced on each Bond. Any facsimile signature appearing on the Bonds may be that of the officer who is in the office on the date of the enactment of this Ordinance. The Bonds shall be executed in respect of any manual signature by the person or persons holding office when such Bonds are ready for delivery. The execution of the Bonds in

this fashion shall be valid and effective notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

(b) The Bonds shall bear a certificate of authentication, substantially in the form set forth in Exhibit A, duly executed by the Authenticating Agent. The Authenticating Agent shall authenticate each Bond with the manual signature of an authorized officer of the Authenticating Agent, but it shall not be necessary for the same authorized officer to authenticate all of the Bonds. Only such authenticated Bonds shall be entitled to any right or benefit under this Ordinance. Such certificate on any Bond issued hereunder shall be conclusive evidence that the Bond has been duly issued and is secured by the provisions hereof.

Section 8      Form of Bonds; Designation of Bond Registrar.

(a) The Bonds shall be issued in fully-registered form, and all principal, interest, or other amounts due thereunder shall be payable only to the registered owner thereof. The County Council hereby direct the Bond Registrar to maintain, at the County's expense, the Books of Registry for the registration or transfer of the Bonds.

(a) The form of the Bonds and assignment provisions to be endorsed thereon shall be substantially as set forth in Exhibit A attached hereto and made a part of this Ordinance with any appropriate variations, legends, omissions, and insertions as permitted or required by this Ordinance or law.

Section 9      Registration and Transfers of Bonds; Persons Treated as Owners.

(a) Each Bond shall be fully-registered and no Bond may be transferred except by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such registered Bond or Bonds, the County shall execute and the Authenticating Agent shall authenticate and deliver, subject to the provisions of Section 12 of this Article, in the name of the transferee, a new registered Bond or Bonds of the same aggregate principal amount as the unpaid principal amount of the surrendered Bond or Bonds.

(b) Any registered owner requesting any transfer shall pay all taxes or other governmental charges required to be paid with respect thereto. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on such Bonds shall be made only to or upon the order of the registered owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the County upon such Bond to the extent of the sum or sums so paid. No person other than the registered owner shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under any Bond against the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in any Bond as against a person

(including the registered owner) other than the County, as in the case where the registered owner is a trustee or nominee for two or more beneficial owners of an interest in any Bond.

(c) The Bond Registrar shall not be required to exchange or transfer any Bond or portion thereof for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date.

Section 10     Mutilated, Lost, or Stolen Bonds.

In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Authenticating Agent may authenticate a new Bond of like date, maturity, interest rate, and denomination, as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bonds, they shall first be surrendered to the Paying Agent, and in the case of any lost, stolen, or destroyed Bonds, there shall be first furnished to the County and the Paying Agent evidence of their loss, theft, or destruction satisfactory to the County and the Paying Agent, together with indemnity satisfactory to them; provided that in the case of a registered owner which is a bank or insurance company, the agreement of such bank or insurance company to indemnify the County and the Paying Agent shall be sufficient. In the event any such Bonds shall have matured, instead of issuing a duplicate Bond, the County may pay the same without surrender thereof. The County, the Paying Agent, and the Authenticating Agent, may charge the registered owner of such Bond with their reasonable fees and expenses to replace mutilated, lost, stolen, or destroyed Bonds.

Section 11     Exchange of Bonds.

Subject to the provisions of Section 9 of this Article, the Bonds, upon surrender thereof to the Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his duly authorized attorney, may, at the option of the registered owner thereof, and upon payment by such registered owner of any charges which the Paying Agent, the Authenticating Agent, or the Bond Registrar may make as provided in Section 12 of this Article, be exchanged for a principal amount of Bonds of any other authorized denominations equal to the unpaid principal amount of surrendered Bonds.

Section 12     Regulations with Respect to Exchanges and Transfers.

In all cases in which the privilege of exchanging or transferring the Bonds is exercised, the County shall execute and the Authenticating Agent shall authenticate and deliver the Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Paying Agent. There shall be no charge for such exchange or transfer of the Bonds except that the Paying Agent, the Bond Registrar, and the Authenticating Agent, may make a charge sufficient to reimburse them, or any of them, for any tax or other governmental charge required to be paid with respect to such exchange or transfer.

Section 13     Temporary Bonds.

The Bonds may be initially issued in temporary form, exchangeable for definitive Bonds

to be delivered as soon as practicable. The temporary Bonds may be printed, lithographed, or typewritten, shall be of such denominations as may be determined by the County Council, shall be without coupons, and may contain such reference to any of the provisions of this Ordinance as may be appropriate. Every temporary Bond shall be executed by the County upon the same conditions and in substantially the same manner as the definitive Bonds. If the County issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds shall be surrendered for cancellation at the office of the Paying Agent and the Paying Agent shall deliver and exchange for such temporary Bonds an equal, aggregate principal amount of definitive Bonds of like aggregate principal amount and in authorized denominations of the same maturity or maturities and interest rate or rates. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Ordinance as definitive Bonds under this Ordinance.

#### Section 14    Book-Entry Only System for the Bonds.

(a)    The provisions of this section shall apply with respect to any Bond registered to Cede & Co. or any other nominee of DTC while the book-entry only system (the "Book-Entry Only System") provided for herein is in effect and shall, during the period of their application, supersede any contrary provisions of this Ordinance.

(b)    At the direction of the County Administrator, the Bonds may be issued as a single Bond for each maturity. On the date of the initial authentication and delivery of all of the Bonds, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC as the registered owner of the Bonds. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the County shall have no responsibility or obligation to any Participant (which means securities brokers and dealers, banks, trust companies, clearing corporations, and various other entities, some of whom, or their representatives, own DTC) or to any Beneficial Owner (which means, when used with reference to the Book-Entry Only System, the person who is considered the beneficial owner thereof pursuant to the arrangements for book entry determination of ownership applicable to DTC) with respect to the following: (i) the accuracy of the records of DTC, Cede & Co., or any Participant with respect to any ownership interests in the Bonds, (ii) the delivery to any Participant, any Beneficial Owner, or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant, or any Beneficial Owner, or any other person, other than DTC, of any amount with respect to the principal of or premium, if any, or interest on the Bonds. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective fully to satisfy and discharge the County's obligations with respect to the principal of and premium, if any, and interest on such Bonds to the extent of the sum so paid. No person other than DTC shall receive a Bond. Upon delivery by DTC to the County of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." in this section shall refer to such new nominee of DTC.

(c)    Upon receipt by the County of written notice from DTC to the effect that DTC is unable or unwilling to discharge its responsibilities hereunder, the County shall issue, transfer, and exchange Bonds as requested by DTC in authorized denominations, and whenever DTC requests

the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to arrange for a substitute Securities Depository willing and able upon reasonable and customary terms to maintain custody of the Bonds registered in whatever name or names the registered owners transferring or exchanging such Bonds shall designate in accordance with this section.

(d) In the event the County determines that it is in the best interests of the Beneficial Owners that they be able to obtain Bonds registered in the name of a registered owner other than DTC, the County may so notify DTC, whereupon DTC will notify the Participants of the availability through DTC of such Bonds. In such event, upon the return by DTC of Bonds held by DTC in the name of Cede & Co., the County shall issue, transfer, and exchange Bonds in authorized denominations as requested by DTC, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging Bonds shall designate, in accordance with this section.

(e) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to DTC as provided in the Letter of Representations delivered by the County to DTC.

(f) In the event that the Book-Entry Only System pursuant to this section is discontinued, the Bonds shall be issued, transferred, and exchanged through DTC and its Participants to the Beneficial Owners.

### **ARTICLE III**

#### **SECURITY FOR BONDS**

##### **Section 1**      **Pledge of Full Faith, Credit, and Taxing Power.**

For the payment of the principal of and interest on the Bonds as the same respectively mature, and for the creation of such Sinking Fund Account as may be necessary therefor, the full faith, credit, and taxing power, of the County are irrevocably pledged, and, subject to the provisions of Section 3 of this Article III, there shall be levied annually by the Auditor of Colleton County, and collected by the Treasurer of Colleton County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal and interest of the Bonds as they respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

##### **Section 2**      **Levy and Collection of Property Taxes.**

The Auditor and Treasurer of Colleton County, South Carolina, shall be notified of this issue of Bonds and directed, subject to the provisions of Section 1 of this Article III, 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 Bonds, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefor.

Section 3. Pledge of Capital Project Sales Tax Revenues

(a) The Bonds shall be payable from, and additionally secured by a pledge of, the net revenues raised by the Capital Project Sales Tax. Upon receipt of the net revenue of the Capital Project Sales Tax from the State Treasurer, the Treasurer of Colleton County shall deposit that portion of the net revenues as directed by annual budget of the County Council into the Sinking Fund Account established for the Bonds and shall maintain proper books and records for an accounting thereof. To the extent the net revenues derived from the Capital Project Sales Tax are or will be available and on deposit with the Treasurer of Colleton County prior to the due dates of Debt Service for any fiscal year, the County Council shall reduce the amount of taxes required to be levied and collected pursuant to Section 2 of this Article. Such net revenues received by the Treasurer of Colleton County from the State Treasurer from the Capital Project Sales Tax shall be deposited in the Sinking Fund Account and on each payment date of the Bonds shall be applied to pay current Debt Service due on the Bonds. Pending such application, moneys held in such Account shall be invested by the Treasurer of Colleton County in accordance with law. All investment earnings shall be applied as directed by the County Council for the costs of Referendum Projects.

(b) The covenants and agreements herein set forth to be performed by the County shall be for the equal and proportionate benefit, security, and protection of all registered owners of the Bonds without preference, priority, or distinction as to payment or security or otherwise (except as to maturity) of any of the Bonds or any of the others for any reason or cause whatsoever, except as expressly provided herein or in the Bonds, and, except as aforesaid, all Bonds shall rank *pari passu* and shall be secured equally and ratably hereunder without discrimination or preference whatsoever.

(c) The County Council expressly reserves the right to pledge net revenues derived from the Capital Project Sales Tax to secure the payment of other obligations of the County, including other general obligation bonds, revenue bonds, notes, lease, or contract obligations, or similar contracts or evidences of indebtedness, and to apply such net revenues that are not required to pay current Debt Service on the Bonds to the costs of other Referendum Projects.

(d) Upon payment in full of all principal and interest due on the Bonds, whether at maturity or pursuant to defeasance in accordance with Article VI hereof, all funds derived from the Capital Project Sales Tax held by the Colleton County Treasurer in the Sinking Fund Account shall be released from the lien and pledge in favour of the Bonds created hereby and shall be disbursed at the direction of the County Council to pay costs of the Referendum Facilities.

**ARTICLE IV**

**SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE;  
TRANSFER OF FUNDS TO OPERATING AND MAINTENANCE FUND**

Section 1      Sale of Bonds.

(a)      The Bonds shall be sold at public sale, at the price of not less than 100% of par and accrued interest to the date of delivery, in accordance with Section 11-27-40(9)(b) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are approved by the Chairman or the County Administrator. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. The sale of the Bonds shall be advertised as directed by the Finance Director in accordance with the Enabling Act. The form of said Notice, and the conditions of sale, are shall be approved by the Finance Director, upon the advice of the Financial Advisor and Bond Counsel. Bids for the purchase of the Bonds may be received in such form as determined by the County Administrator to be in the best interest of the County.

(b)      Notwithstanding the provisions of paragraph (a) above, in the event any series of Bonds may be issued in compliance with the requirements of Section 11-27-40(4) of the Code of Laws of South Carolina 1976, as amended, the County Administrator is hereby expressly delegated the authority to solicit proposals from banks and other financial institutions for the purchase of the Bonds in accordance with said Section 11-27-40(4), and to select a proposal on the terms and conditions as are approved by the Chairman or the County Administrator, upon the advice of the Financial Advisor. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. Notice of the sale of the Bonds in substantially the form set forth in Exhibit B hereto shall be published in accordance with said Section 11-27-40(4).

Section 2      Disposition of Proceeds of Sale of Bonds.

(a)      The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be made use of by the County Council as follows:

(i)      Any accrued interest shall be deposited in the Sinking Fund Account and applied to the payment of the first instalment of interest to become due on the Bonds.

(ii)      Any premium shall be applied as directed by the County Administrator upon the advice of the Financial Advisor and Bond Counsel including the payment of capitalised interest, which shall be deposited in the Sinking Fund Account and applied to the payment of the instalments of interest designated by the County Administrator.

(iii)      The remaining proceeds derived from the sale of the Bonds shall be applied as follows:

(A)      Sufficient proceeds shall be applied to defray the costs of issuing the Bonds as directed by the County Administrator.

(B)      Proceeds as directed by the County Administrator shall be applied by the County to fund costs of the Referendum Projects.

(C) Any remaining proceeds of the Bonds, after their application to the purposes set forth above, together with investment earnings on the proceeds of the Bonds, shall be applied as directed by the County Council.

(b) No purchaser or registered owner of the Bonds shall be liable for the proper application of the proceeds thereof.

## ARTICLE V

### TAX EXEMPTION OF BONDS

#### Section 1      Exemption from State Taxes.

Both the principal of and interest on the Bonds shall be exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes.

#### Section 2      Federal Tax Provisions.

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

## ARTICLE VI

### DEFEASANCE

#### Section 1      Release of Ordinance.

(a) If all of the Bonds issued pursuant to this Ordinance shall have been paid and discharged, then the obligations of the County under this Ordinance, and all other rights granted thereby shall cease and determine. Bonds shall be deemed to have been paid and discharged within the meaning of this Article in each of the following circumstances:

(i) If the Paying Agent shall hold, at the stated maturities of such Bonds, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of such Bonds or the interest thereon shall have occurred, and thereafter tender of such payment shall have been made, and the Paying Agent shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(iii) If the County shall have deposited with the Paying Agent or other escrow agent meeting the requirements of a Fiscal Agent hereunder, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of maturity of the Bonds to be defeased, the principal of and interest on which, when due, and without reinvestment thereof, will provide moneys, which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due or to become due on and prior to the maturity date or dates; or

(iv) If there shall have been so deposited either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal and interest due or to become due on the Bonds on the maturity thereof.

(b) In addition to the above requirements of paragraphs (i), (ii), (iii), or (iv), in order for this Ordinance to be discharged, all other fees, expenses, and charges of the Fiscal Agents, shall have been paid in full at such time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance, the Fiscal Agents shall continue to be obligated to hold in trust any moneys or investments then held by the Paying Agent for the payment of the principal of, premium, if any, and interest on, the Bonds, to pay to the registered owners of Bonds the funds so held by the Fiscal Agents as and when such payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Fiscal Agents to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the administration of trusts by this Ordinance created and the performance of the powers and duties under this Ordinance of the Fiscal Agents.

## Section 2      Deposit of Moneys.

Any moneys which at any time shall be deposited with a Fiscal Agent by or on behalf of the County for the purpose of paying and discharging any Bonds shall be and are hereby assigned, transferred, and set over to the Fiscal Agent in trust for the respective registered owners of such Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the registered owners of such Bonds shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the Fiscal Agent to transfer such funds to the County.

## Section 3      Notice of Release of Ordinance.

(a) In the event any of said Bonds are not to be redeemed within the sixty (60) days next succeeding the date the deposit required by Section 1(a)(iii) or (iv) of this Article is made,

the County shall give the Fiscal Agent irrevocable instructions to mail, as soon as practicable by first class mail, a notice to the registered owners of such Bonds at the addresses shown on the Books of Registry that (i) the deposit required by subparagraph (a)(iii) or (a)(iv) of Section 1 of this Article has been made with the Fiscal Agent, and (ii) said Bonds are deemed to have been paid in accordance with this Article and stating such maturity or redemption dates upon which moneys are to be available for the payment of the principal of, and premium, if any, and interest on, said Bonds.

(b) The County covenants and agrees that any moneys which it shall deposit with the Fiscal Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Article.

## ARTICLE VII

### AMENDING AND SUPPLEMENTING OF ORDINANCE

#### Section 1      Amending and Supplementing of Ordinance Without Consent of Registered Owners of Bonds.

(a) The County Council, from time to time and at any time and without the consent or concurrence of any registered owner of any Bond, may enact an ordinance amendatory hereof or supplemental thereto, if the provisions of such supplemental ordinance shall not materially adversely affect the rights of the registered owners of the Bonds then outstanding, for any one or more of the following purposes:

(i) To make any changes or corrections in this Ordinance as to which the County Council shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing and correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Ordinance, or to insert in this Ordinance such provisions clarifying matters or questions arising under this Ordinance as are necessary or desirable;

of (ii) To add additional covenants and agreements of the County for the purpose further securing the payment of the Bonds;

the (iii) To surrender any right, power, or privilege reserved to or conferred upon the County by the terms of this Ordinance;

(iv) To grant or confer upon the registered owners of the Bonds any additional rights, remedies, powers, authority, or security that lawfully may be granted to or conferred upon them; or

(v) To make such additions, deletions, or modifications as may be necessary to assure compliance with section 148(f) of the Code relating to required rebate to the United States of America or otherwise as may be necessary to assure the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

(b) The County Council shall not enact any supplemental ordinance authorized by the foregoing provisions of this Section unless in the opinion of counsel (which opinion may be combined with the opinion required by Section 4 hereof) the enactment of such supplemental ordinance is permitted by the foregoing provisions of this Section and the provisions of such supplemental ordinance do not adversely affect the rights of the registered owners of the Bonds then outstanding.

Section 2      Amending and Supplementing of Ordinance With Consent of Registered Owners of Bonds.

(a) With the consent of the registered owners of not less than a majority in principal amount of the Bonds then outstanding the County Council from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights or obligations of the County under this Ordinance, or modifying or amending in any manner the rights of the registered owners of the Bonds then outstanding; provided, however, that without the specific consent of the registered owner of each such Bond which would be affected thereby, no supplemental ordinance amending or supplementing the provisions hereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the registered owners of which are required to consent to any supplemental ordinance amending or supplementing the provisions of this Ordinance; or (iii) give to any Bond or Bonds any preference over any other Bond or Bonds secured hereby. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

(b) It shall not be necessary that the consents of the registered owners of the Bonds approve the particular form of the wording of the proposed amendment or supplement or of the supplemental ordinance effecting such amending or supplementing hereof pursuant to this Section. The County shall mail a notice at least once, not more than thirty (30) days after the effective date of such amendment or supplement, of such amendment or supplement postage prepaid, to each registered owner of Bonds then outstanding at his address appearing upon the Books of Registry and to the Paying Agent, but failure to mail copies of such notice to any of the registered owners shall not affect the validity of the supplemental ordinance effecting such amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of this Ordinance authorized by Section 1 of this Article. No action or proceeding to set aside or invalidate such supplemental ordinance or any of the proceedings for its enactment shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

Section 3      Notation Upon Bonds; New Bonds Issued Upon Amendments.

Bonds delivered after the effective date of any action taken as provided in this Article may bear a notation as to such action, by endorsement or otherwise and in form approved by the County. In that case, upon demand of the registered owner of any Bond outstanding after such effective date and upon the presentation of the Bond for such purpose at the office of the Paying Agent, and at such additional offices, if any, as the County may select and designate for that purpose, a suitable notation shall be made on such Bond. If the County shall so determine, new Bonds, so modified as in the opinion of the County upon the advice of counsel to conform to the amendments or supplements made pursuant to this Article, shall be prepared, executed, and delivered, and upon demand of the registered owner of any Bond then outstanding shall be exchanged without cost to such registered owner for Bonds then outstanding, upon surrender of such outstanding Bonds.

Section 4      Effectiveness of Supplemental Ordinance.

Upon the enactment (pursuant to this Article and applicable law) by the County Council of any supplemental ordinance amending or supplementing the provisions of this Ordinance and the delivery to the Paying Agent and the County Council of an opinion of bond counsel that such supplemental ordinance is in due form and has been duly enacted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the County, or upon such later date as may be specified in such supplemental ordinance, (a) this Ordinance and the Bonds shall be modified and amended in accordance with such supplemental ordinance, (b) the respective rights, limitations of rights, obligations, duties, and immunities, under this Ordinance of the County, the Fiscal Agents, and the registered owners of the Bonds, shall thereafter be determined, exercised, and enforced under this Ordinance subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such supplemental ordinance shall be a part of the terms and conditions of the Bonds and of this Ordinance for any and all purposes.

Section 5      Supplemental Ordinance Affecting Fiscal Agents.

No supplemental ordinance changing, amending, or modifying any of the rights, duties, and obligations of any Fiscal Agent appointed by or pursuant to the provisions of this Ordinance may be enacted by the County Council or be consented to by the registered owners of the Bonds without written consent of such Fiscal Agent affected thereby.

**ARTICLE VIII**

**CONCERNING THE FISCAL AGENTS**

Section 1      Fiscal Agents; Appointment and Acceptance of Duties.

The Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent with respect to the Bonds shall accept the duties and trusts imposed upon it by this Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Paying Agent, Bond

Registrar, Authenticating Agent, or escrow agent shall signify its acceptance of the duties and trusts imposed by this Ordinance by a written acceptance.

## Section 2      Responsibilities of Fiscal Agents.

The recitals of fact contained herein and in the Bonds shall be taken as the statements of the County and no Fiscal Agent shall be deemed to assume any responsibility for the correctness of the same except in respect of the authentication certificate of the Authenticating Agent endorsed on the Bonds. No Fiscal Agent shall be deemed to make any representations as to the validity or sufficiency of this Ordinance or of any Bonds or as to the security afforded by this Ordinance, and no Fiscal Agent shall incur any liability in respect thereof. No Fiscal Agent shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiscal Agent. No Fiscal Agent shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiscal Agent shall be liable in the performance of its duties hereunder except for its own negligence or wilful misconduct.

## Section 3      Evidence on Which Fiscal Agents May Act.

(a) Each Fiscal Agent, upon receipt of any notice, ordinance, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Ordinance, shall examine such instrument to determine whether it conforms to the requirements of this Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiscal Agent may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorisation and protection in respect of any action taken or suffered by it under this Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiscal Agent shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of the Chairman, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Ordinance; but in its discretion the Fiscal Agent may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as it may deem reasonable.

(c) Except as otherwise expressly provided in this Ordinance, any request, order, notice, or other direction required or permitted to be furnished pursuant to any provision hereof by the County to any Fiscal Agent shall be sufficiently executed if executed in the name of the County by the Chairman.

## Section 4      Compensation.

The County shall pay to each Fiscal Agent from time to time reasonable compensation based on the then standard fee schedule of the Fiscal Agent for all services rendered under this Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements,

including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Ordinance; provided, however, that any specific agreement between the County and a Fiscal Agent with respect to the compensation of that Fiscal Agent shall control the compensation to be paid to it.

Section 5      Certain Permitted Acts.

Any Fiscal Agent may become the owner or underwriter of any bonds, notes, or other obligations of the County, or conduct any banking activities with respect to the County, with the same rights it would have if it were not a Fiscal Agent. To the extent permitted by law, any Fiscal Agent may act as a depository for and permit any of its officers or directors to effect or aid in any reorganisation growing out of the enforcement of the Bonds or this Ordinance.

Section 6      Resignation of Any Fiscal Agent.

Any Fiscal Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving not less than sixty (60) days' written notice to the County and not less than thirty (30) days' written notice to the registered owners of the Bonds (as established by the Books of Registry) prior to the next succeeding Interest Payment Date, and such resignation shall take effect upon the date specified in such notice unless a successor shall have been appointed previously by the County pursuant to Section 8 of this Article VIII, in which event such resignation shall take effect immediately upon the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 7      Removal of Fiscal Agent.

Any Fiscal Agent may be removed at any time by an instrument or concurrent instruments in writing, filed with the County and such Fiscal Agent, and signed by either the Chairman or the registered owners representing a majority in principal amount of the Bonds then outstanding or their attorneys in fact duly authorised.

Section 8      Appointment of Successor Fiscal Agents.

(a) In case any Fiscal Agent hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the County. Every such Fiscal Agent appointed pursuant to the provisions of this Section 8 shall be a trust company or bank organised under state or federal laws and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$25,000,000 if there be such institution willing, qualified, and able to accept the trust upon reasonable and customary terms.

(b) If in a proper case no appointment of a successor Fiscal Agent shall be made by the County pursuant to the foregoing provisions of this Section 8 within forty-five (45) days after any Fiscal Agent shall have given to the County written notice as provided in Section 6 of this Article VIII or after a vacancy in the office of such Fiscal Agent shall have occurred by reason of its

removal or inability to act, the former Fiscal Agent or any registered owner may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after notice, if any, as the court may deem proper, appoint a successor.

Section 9      Transfer of Rights and Property to Successor.

Any successor Fiscal Agent appointed under this Ordinance shall execute, acknowledge, and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon the successor, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties, and obligations of the predecessor Fiscal Agent, with like effect as if originally named in that capacity; but the Fiscal Agent ceasing to act shall nevertheless, at the request of the County or at the written request of the successor Fiscal Agent, execute, acknowledge, and deliver, all instruments of conveyance and further assurance and do all things as may reasonably be required for more fully and certainly vesting and confirming in the successor Fiscal Agent all the right, title, and interest, of the predecessor Fiscal Agent in and to any property held by it under this Ordinance, and shall pay over, assign, and deliver, to the successor Fiscal Agent any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance, or instrument in writing, from the County be required by such successor Fiscal Agent for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers, and duties, any and all such deeds, conveyances, and instruments in writing, shall, on request, and so far as may be authorised by law, be executed, acknowledged, and delivered, by the County. Each successor Fiscal Agent shall promptly notify the other Fiscal Agents, if any, of its appointment as Fiscal Agent.

Section 10      Merger or Consolidation.

Any corporation or other organisation into which any Fiscal Agent may be merged or converted or with which it may be consolidated or any corporation or other organisation resulting from any merger, conversion, or consolidation or other organisation to which it may be party or any corporation or other organisation to which any Fiscal Agent may sell or transfer all or substantially all of its corporate trust business, provided such corporation or other organisation shall be a bank or trust company organised under state or federal laws, and shall be authorised by law to perform all the duties imposed upon it by this Ordinance, shall be the successor to such Fiscal Agent without the execution or filing of any paper or the performance of any further act.

Section 11      Adoption of Authentication.

In case any of the Bonds contemplated to be issued under this Ordinance shall have been authenticated but not delivered, any successor Authenticating Agent may adopt the certificate of authentication of any predecessor Authenticating Agent so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Authenticating Agent may authenticate such Bonds in the name of the predecessor Authenticating Agent or in the name of the successor Authenticating Agent, and in all such cases such certificate shall be of full force and effect.

## ARTICLE IX

### MISCELLANEOUS

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

The Chairman, the Clerk, the County Administrator, the Finance Director 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 all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bonds 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 Ordinance. 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 Ordinance.

#### Section 3 Official Statement.

(a) The County Council hereby approve the form of the Preliminary Official Statement relating to the Bonds in substantially the form presented at third reading hereof and hereby direct the distribution thereof in connection with the sale of the Bonds.

(b) The County Council hereby authorize the Official Statement of the County relating to the Bonds substantially in the form of the Preliminary Official Statement presented at this meeting, with any modifications as the County Administrator, upon the advice of the Financial Advisor and bond counsel, approves; the County Administrator is hereby authorized and directed to execute copies of the Official Statement and deliver them to the Original Purchaser of the Bonds, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the County hereby authorize the use of the Official Statement and the information contained therein in connection with the public offering and sale of the Bonds.

#### Section 4 Benefits of Ordinance Limited to the County and Registered Owners of the Bonds.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County and the registered owners of the Bonds, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County and the registered owners from time to time of the Bonds as herein and therein provided.

Section 5      Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the registered owners of the Bonds.

Section 6      No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in this Ordinance or the Bonds, 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 this Ordinance and the Bonds 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 registered owners of the Bonds 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 enactment of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Bonds, 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 Ordinance.

Section 7      Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Ordinance 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 or in a state where the office of any Fiscal Agent is located, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 8      Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or any Fiscal Agent 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 Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the registered owners of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

(b) If any provisions of this Ordinance 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 9      Continuing Disclosure Undertaking.

(a) 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 9 shall be an action for specific performance of this covenant. The County Council specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any registered owner of any Bonds.

(b) In addition, the County Council hereby authorize the Chairman of County Council or the Finance Director of the County to execute the Continuing Disclosure Undertaking, in the form approved by the Finance Director of the County, upon the advice of the Financial Advisor or bond counsel. The County Council further hereby covenant and agree that they will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the County Council to comply with the Continuing Disclosure Undertaking shall not be considered an event of default with respect to the Bonds; however, any registered owner may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County Council to comply with their obligations under this paragraph.

Section 10      Law and Place of Enforcement of the Ordinance.

This Ordinance 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 Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 11      Repeal of Inconsistent Ordinances and Resolutions.

All ordinances and resolutions of the County Council, and any part of any resolution or ordinance, inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

Section 12      Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

(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

First Reading: February 7, 2023  
Second Reading: [March 14, 2023]  
Public Hearing: [April 4, 2023]  
Third Reading: [April 4, 2023]

## FORM OF BOND

**STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON  
GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BOND, SERIES [\_\_\_\_]**

NO. R-1

CUSIP NO. \_\_\_\_\_

Interest Rate: \_\_\_\_\_ and \_\_\_/100 percentum (\_\_\_\_%)

Maturity Date: July 1, \_\_\_\_\_

Original Date of Issue: May \_\_, 2023

Registered Owner: CEDE &amp; Co.

Principal Amount: \_\_\_\_\_ Million \_\_\_\_\_ and \_\_\_/100  
(\$ \_\_\_\_\_) Dollars

**KNOW ALL MEN BY THESE PRESENTS**, that **COLLETON COUNTY, SOUTH CAROLINA** (hereinafter called the County), a body politic and corporate and a political subdivision of the State of South Carolina, is justly indebted and, for value received, hereby promises to pay the Registered Owner, or registered assigns, hereof on the Maturity Date set forth above, the Principal Amount set forth above, and to pay interest (computed on the basis of a 360-day year consisting of twelve 30-day months) on the Principal Amount from the most recent [January 1] or [July 1] to which interest shall have been paid, or if no interest shall have been paid, from the Original Date of Issue, interest being payable to the Maturity Date hereof on the first days of January and July of each year (such dates being hereinafter referred to as the Interest Payment Dates), commencing [January 1, 2024], at the Interest Rate per annum specified above, until payment of the Principal Amount. The interest so payable and to be punctually paid or duly provided for on any Interest Payment Date will be paid to the person in whose name this bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month immediately preceding such Interest Payment Date (the Regular Record Date), by cheque or draught mailed to the registered owner by the Colleton County Treasurer (the Paying Agent) at his address as it appears on the registration books (the Books of Registry) of the County as maintained by the Paying Agent as bond registrar (the Bond Registrar). The principal and premium, if any, of this bond, when due, shall be payable upon presentation and surrender of this bond at the office of the Paying Agent in the City of Walterboro, State of South Carolina. Both the principal of and interest on this bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for payment of public and private debts. For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit, and taxing power, of the County are irrevocably pledged. This bond is payable from and additionally secured by a pledge of the net revenues collected from the Capital Project Sales Tax imposed in Colleton County, South Carolina, pursuant to Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended.

**THIS BOND** is one of an issue of bonds of like original date of issue, tenor, and effect except as to number, denomination, date of maturity, date of authentication, rate of interest, [redemption provisions,] and registered owner, aggregating \_\_\_\_\_ Million Dollars (\$ \_\_\_\_\_), issued pursuant to and for purposes authorized by 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; the Capital Project Sales Tax Act (Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended; the favourable results of a referendum conducted in Colleton County, South Carolina; and an ordinance (the "Ordinance") duly enacted by the County Council of Colleton County, South Carolina, in order to fund costs of capital projects in the County and costs of issuance of the Bonds.

**THE ORDINANCE** contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements, and other obligations of the County made therein may be discharged at or prior to the maturity of this bond with provisions for the payment thereof in the manner set forth in the Ordinance; and sets forth the terms and conditions under which the Ordinance may be amended or modified with or without the consent of the registered owner of this bond. Reference is hereby made to the Ordinance, to all provisions of which any registered owner of this bond by the acceptance hereof thereby assents.

**ALL PRINCIPAL**, interest, or other amounts due hereunder, shall be payable only to the Registered Owner hereof. This bond may not be transferred except by the Registered Owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner of this bond. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name this bond shall be registered shall be deemed and regarded as the absolute power hereof for all purposes, and payment of the principal of, premium, if any, and interest on, this bond shall be made only to or upon the order of the Registered Owner or his legal representative. All payments made in this manner shall be valid and effective to satisfy and discharge the liability of the County upon this bond to the extent of the sum or sums paid. No person other than the Registered Owner shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under this bond, against the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in this bond as against a person (including the Registered Owner) other than the County, as in the case where the Registered Owner is a trustee or nominee for two or more beneficial owners of an interest in this bond.

**THE BOND REGISTRAR** shall not be required to exchange or transfer any bond or portion thereof for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date

**THIS BOND** and the interest hereon are exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes.

**IT IS HEREBY CERTIFIED AND RECITED** that all acts, conditions, and things, required by the Constitution and Laws of the State of South Carolina to exist, to happen, and to be performed, precedent to or in the issuance of this bond exist, have happened, and have been done and performed in regular and due time, form, and manner; that the total indebtedness of the County, including this bond and the issue of which this bond is one, does not exceed any constitutional or statutory limitation thereon; and that provision has been made for the levy and collection of sufficient annual taxes, without limit, for the payment of the principal and interest hereof, as they should fall due.

**THIS BOND** shall not be entitled to any benefit under the Ordinance or become valid or obligatory for any purpose until it shall have been authenticated by the execution of the Certificate of Authentication which appears hereon by the manual signature of an authorized officer of the authenticating agent.

**IN WITNESS WHEREOF, COLLETON COUNTY, SOUTH CAROLINA**, has caused this bond to be signed in its name by the Chairman of the County Council of Colleton County, by his manual signature, attested by the Clerk of the County Council of Colleton County, by her manual signature, under the Seal of Colleton County impressed or reproduced hereon, and this bond to be originally dated the Original Date of Issue.

**COLLETON COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_  
Chairman  
County Council of Colleton County,  
South Carolina

ATTEST:

\_\_\_\_\_  
Clerk  
County Council of Colleton County,  
South Carolina

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds of the issue designated herein and issued under the provisions of the within-mentioned Ordinance.

**COLLETON COUNTY TREASURER,**  
as Authenticating Agent

By: \_\_\_\_\_  
Authorised Officer

Date of Authentication: \_\_\_\_\_

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT - \_\_\_\_\_

(Cust)

Custodian \_\_\_\_\_

(Minor)

under Uniform Gifts to Minors Act \_\_\_\_\_

(State)

Additional abbreviations may also be used, though not in the above list.

### ASSIGNMENT

**FOR VALUE RECEIVED** the undersigned hereby sells, assigns, and transfers unto \_\_\_\_\_ (Social Security No. or Other Identifying Number of Assignee \_\_\_\_\_) the within bond, and does hereby irrevocably constitute and appoint \_\_\_\_\_ to transfer the said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program ("STAMP") or similar programme.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

FORM OF NOTICE OF PRIVATE SALE

**NOTICE OF PRIVATE SALE OF \$ \_\_\_\_\_ COLLETON COUNTY GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BONDS, SERIES 20\_\_**

Notice is hereby given that the County Council of Colleton County, South Carolina intends to sell the \$ \_\_\_\_\_ General Obligation Capital Project Sales Tax Bonds, Series 20\_\_ (the “Bonds”) of Colleton County, South Carolina (the “County”), secured by a pledge of the full faith, credit, and taxing power of the County, to \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, at a price of \$ \_\_\_\_\_, plus accrued interest (if any). The Bonds are payable from and additionally secured by a pledge of the net revenues collected from the Capital Project Sales Tax imposed in Colleton County, South Carolina, pursuant to Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended. The Bonds will have a [\_\_\_\_-year] maturity schedule with payments of principal and interest. [The first scheduled payment will be due on the 6-month anniversary of the date of issuance of the Bonds and every 6 months thereafter until maturity.] The Bonds shall bear interest at the fixed rate of [\_\_\_\_]% per annum until the final maturity of the Bonds.

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

Sponsor(s) : County Council  
First Reading : February 7, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : March 14, 2023  
Public Hearing : April 4, 2023  
Third Reading : April 4, 2023  
Effective Date : Immediately

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

**ORDINANCE NO. 23-O-04**

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

**[An Ordinance Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC.]**

**WHEREAS:**

1. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow is surplus to the needs for the purposes of the Act establishing the Walterboro - Colleton County Airport Commission and that there are no restrictions on the use or disposal of such real property under the deed from the United States of America; and
2. The Walterboro - Colleton County Airport Commission has determined that a desirable industry to be operated by Fuller Properties, LLC wishes to locate a facility upon the real estate described hereinbelow and that the establishment of the industry will be economically beneficial to the citizenry of the county and has requested the real estate described herein below be conveyed to Fuller Properties, LLC for a consideration of Two Hundred Twelve Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$212,388), all by its resolution duly adopted; and
3. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow should be conveyed to Fuller Properties, LLC for said consideration, subject to certain conditions and restrictions and has requested that the City of Walterboro and the County of Colleton join in a conveyance of the real estate described hereinbelow to Fuller Properties, LLC for said consideration, subject to certain conditions and restrictions, all by its resolution duly adopted.

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

1. Colleton County joins with the City of Walterboro and the Walterboro-Colleton County Airport Commission in conveying to Fuller Properties, LLC, for a consideration of Two Hundred Twelve Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$212,388), all by its resolution duly adopted the following described property:

Being a portion of the 60.8+- acre parcel of land being designated as Colleton County TMS No. 132-00-00-018 in which the fee-simple title therein is now jointly owned and held and vested in the names of the City of Walterboro f/k/a the Town

of Walterboro (A South Carolina Municipal Corporation) and the County of Colleton (A body politic and a corporate and political subdivision of the State of South Carolina), and pursuant to and in accordance with Act #584 of the General Assembly of the State of South Carolina of 1946, as amended by Act #789 of the General Assembly of the State of South Carolina of 1948 and by Act #21 of the General Assembly of the State of South Carolina of 1965 and by Act # 1031 of the General Assembly of the State of South Carolina of 1966 and by Act # 1150 of the General Assembly of the State of South Carolina of 1968, the above-described real property is subject and entrusted to the ongoing and continuing care and custody and management and supervision and control of the "Walterboro - Colleton County Airport Commission"; and the above-described real estate is a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the Grantees, by a Quit Claim Deed from the United States of America acting by and through the Federal Works Agency, as the Grantor, dated January 29, 1947 and recorded on March 19, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 43-45, and is also a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the named Grantees, acting by and through the "Walterboro - Colleton County Airport Commission", by a Quit Claim Deed from the United States of America acting by and through the War Assets Administration, as the Grantor, dated April 18, 1947 and recorded on April 23, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 117-123; and the above-described real estate is subject to the covenants and conditions and restrictions and reservations as stated and set forth in the aforesaid Quit Claim Deed dated 1/29/1947 and recorded on 3/19/1947 in Colleton County Deed Book 97, at Page 43, and as stated and set forth in the aforesaid Quit Claim Deed dated 4/18/1947 and recorded on 4/23/1947 in Colleton County Deed Book 97, at Page 117, and also as provided in and by and under the subsequent Modification Deed that was executed on September 25, 1950 by the United States of America acting by and through the Federal Security Administrator, as the Grantor, unto and in favor of the Town of Walterboro and the County of Colleton, South Carolina, as the Grantees, and that was thereafter recorded on November 8, 1950 with the Colleton County Clerk of Court's Office in Deed Book 105, at Page 431, and that thereby modified certain conditions and covenants and restrictions and reservations as contained in the above-referenced prior Quit Claim Deed dated 1/29/1947 and recorded on 3/19/1947 in Colleton County Deed Book 97, at Page 43; and the United States of America acting by and through the Administrator of General Services, as the Grantor, thereafter transferred and conveyed unto and in favor of the Town of Walterboro, South Carolina and the County of Colleton, South Carolina, as the Grantees, all coal and iron and oil and gas and other minerals in and on and upon the land as previously described in and by and under Colleton County Deed Book 97, at Pages 43-45, by the execution of a Quit Claim Deed dated September 13, 1966 and recorded on September 23, 1966 with the Colleton County Clerk of Court's Office in Deed Book 141, at Page 488.

2. The Deed conveying said property to Fuller Properties, LLC is to be made subject to such conditions, reservations and restrictions as the Walterboro-Colleton County Airport Commission determines to be appropriate.
3. The County Administrator is hereby authorized, empowered and directed on behalf of Colleton County to execute and deliver said Deed, and to execute such other documents as may be necessary or desirable in connection with the Conveyance of the property.
4. The proceeds from the sale of the property shall be retained by the Walterboro - Colleton County Airport Commission.
5. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.
6. If any provisions 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.

ATTEST:

SIGNED:

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

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s)	: County Council	
First Reading	: February 7, 2023	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Second Reading	: March 14, 2023	
Public Hearing	: April 4, 2023	
Third Reading	: April 4, 2023	
Effective Date	: Immediately	

**ORDINANCE NO. 23-O-05**

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

**[To Authorize the Rezoning of a 20 Acre Parcel Located at 2824 Jefferies Highway, Identified as T.M.S. No. 132--00-00-054, from Urban Development – 1 (UD-1) to Urban Development – 2 (UD-2).]**

**WHEREAS:**

1. County Council pursuant to Title 6, Chapter 29, Code of Laws of South Carolina, 1976 as amended, has the legal authority to periodically amend the Official Colleton County Zoning Ordinance and Maps; and
2. The Colleton County Zoning Ordinance authorizes County Council to amend the official Zoning Maps for Colleton County; and
3. The owner of the property located at 2824 Jefferies Highway and identified as T.M.S. No. 132-00-00-054 has requested that the property be rezoned from Urban Development-1 (UD-1) to Urban Development-2 (UD-2) to allow for the potential of a Manufactured Home Dealer; and
4. The Planning Commission at their Monday, January 23, 2023 meeting, voted unanimously to recommend that Council approve the request for the rezoning of T.M.S. No. 132-00-00-054, located at 2824 Jefferies Highway from Rural Development – 1 (RD-1) to Rural Development (RD-2); however the use will still have to be approved by the Zoning Board of Appeals.

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

1. The 20 acre tract, located at 2824 Jefferies Highway, identified as T.M.S. No. 132-00-00-054, is hereby rezoned from Urban Development – 1 (UD-1) to Urban Development - 2 (UD-2) on the official Zoning Maps for Colleton County.
2. 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.

**3. 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 : February 7, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : March 14, 2023  
Public Hearing : April 4, 2023  
Third Reading : April 4, 2023  
Effective Date : Immediately

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

## ORDINANCE NO. 23-O-06

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

**[To Amend Chapter 13, Section 13.04.010 of the Colleton County Code of Laws to Provide for the Adoption of Certain Updated Codes as Mandated by State Law.]**

#### WHEREAS:

1. Chapter 13, Section 13.04.010 of the Colleton County Code of Laws provides for the adoption of certain codes by reference; and
2. Updated Editions of said Codes have been issued, and in order to keep current with requirements of said Codes, it is necessary to adopt these editions.

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

1. Chapter 13, Section 13.04.010, Part A (1), is hereby amended to read as follows:

#### **13.04.010 Adoption by reference.**

- A. 1. The following Codes are adopted by reference as though they were copied herein fully:

International Building Code – 2021 Edition (IBC 2021), including Chapter 1;  
International Fire Code – 2021 Edition (IFC 2021);  
International Fuel Gas Code – 2021 Edition (IFGC 2021);  
International Mechanical Code – 2021 Edition (IMC 2021);  
International Plumbing Code – 2021 Edition (IPC 2021);  
International Residential Code – 2021 Edition (IRC 2021);  
International Swimming Pool & Spa Code – 2021 Edition; and  
NFPA 70 – National Electric Code 2020  
2017 Accessible and Usable Buildings and Facilities ICC A117.1 – 2017 Edition  
*(These Codes include South Carolina amendments and Modifications enacted at the state level.)*

2. All provisions of other County Ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

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

SIGNED:

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

COUNCIL VOTE:

OPPOSED:

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

Sponsor(s) : County Council  
First Reading : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : April 4, 2023  
Public Hearing : May 2, 2023  
Third Reading : May 2, 2023  
Effective Date : Immediately

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

**ORDINANCE NO. 23-O-07**

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

**[AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN COLLETON COUNTY AND POMEGA ENERGY STORAGE TECHNOLOGIES, INC., INCLUDING ANY RELATED OR AFFILIATED ENTITIES AND ANY SPONSOR AFFILIATES, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH POMEGA ENERGY STORAGE TECHNOLOGIES, INC.; PROVIDING FOR PAYMENT BY POMEGA ENERGY STORAGE TECHNOLOGIES, INC. 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 HAMPTON 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 POMEGA ENERGY STORAGE TECHNOLOGIES, INC., UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.]**

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-14**

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

**[To Declare April as Fair Housing Month]**

**WHEREAS:**

1. Colleton County Council desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and
2. Colleton County Council rejects discrimination on the basis of race, religion, color, sex, national origin, disability, and/or familial status in the sale, rental, or provision of other housing services; and
3. The State of South Carolina enacted the South Carolina Fair Housing Law in 1989; and
4. April is recognized nationally as Fair Housing Month.

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

The month of April is hereby designated Fair Housing Month for 2023.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## **RESOLUTION NO. 23-R-15**

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

#### **[A Resolution to Approve a Policy of Non-Discrimination on the Basis of Disability Status and to Designate an ADA Coordinator.]**

#### **WHEREAS:**

1. Colleton County rejects discrimination on the basis of disability in the admission or access to, or the treatment or employment in, all its programs or activities; and
2. For effecting compliance with the nondiscrimination requirements contained in the U.S. Department of Housing and Urban Development's (HUD) regulations implementing Section 504, a coordinator is designated annually by the Council.

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

1. Colleton County Council does hereby approve a policy of non-discrimination on the basis of disability status in the admission or access to, or the treatment or employment in, all its programs or activities.
2. A statement of such policy (attached and included herein by reference) with specific mention of federally assisted programs or activities shall be publicly disbursed.
3. Further, the name and contact information of the 2023 County ADA Compliance Coordinator, Ms. Deadgrea Sadler, shall be included in said statement.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

**POLICY OF NONDISCRIMINATION ON THE BASIS  
OF  
DISABILITY STATUS**

The Colleton County Council does not discriminate on the basis of disability in the admission or access to, or the treatment or employment in, its federally assisted programs or activities.

Ms. Deadgrea Sadler  
PO Box 157  
Walterboro, SC 29488  
(843) 549-5221  
E-Mail: [dsadler@colletoncounty.org](mailto:dsadler@colletoncounty.org)  
TDD: 843-549-7144

has been designated to coordinate compliance with the nondiscrimination requirements contained in the U.S. Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24CFR Part 8, dated June 2, 1988).

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-16**

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

**[To Authorize the Abandonment of Maintenance on Zeke Road.]**

**WHEREAS:**

1. The property owners from Zeke Road submitted a request to County Council asking that maintenance on the road be abandoned; and
2. The majority of the surrounding properties are owned by the individuals who made the abandonment request. The remaining property owners have access to their properties via other County and State maintained roads.

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

1. Colleton County Council hereby authorizes the Roads & Bridges Department to abandon maintenance on Zeke Road.
2. Further, Zeke Road shall be removed from the County's Record of Roads.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
 Adopted : March 14, 2023  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A

**RESOLUTION NO. 23-R-17**

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

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

**WHEREAS:**

1. The Fire-Rescue and Fleet Management departments have evaluated various vehicles and equipment, and deemed them to be no longer suitable for County operations; and
2. It is recommended that Council declare said vehicles and equipment surplus and authorize their sale or trade on upgraded equipment or contractual arrangements related to the equipment.

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

1. The following vehicles and equipment submitted by the Fire-Rescue and Fleet Management departments are hereby declared surplus to the needs of the County.

<b>Description</b>	<b>Serial Number</b>
2016 Chevrolet Silverado	1GCNCNECXGZ180445
1999 Mack Rolloff	IM2P264YOXM027984
2013 International Workstar	1HTGSSJT2DJ388283
2003 Mack Rolloff	IM2P267C23M066327
2012 Chevrolet Suburban	1GNWK5EG9CR205248
2008 Ford F-350	1FDWF36588ED50726
2010 International/Wheeled Coach Ambulance	1HTMNAAL0AH277271

2. Said vehicles and equipment shall be placed for sale or for trade on upgraded equipment or contractual arrangements related to the equipment.
3. The proceeds from the sale of the above vehicles and equipment are to go into the Fire-Rescue Fund – Fund 156 and the Capital Fund – Fund 115.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
 OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-18**

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

**[A Resolution to Authorize the Sole Source Electrical Installation and Repairs of Generac Generators.]**

**WHEREAS:**

1. Generac was named as a sole source supplier on March 1, 2016 by Resolution 16-R-28 and again on March 2, 2021 by Resolution 21-R-06. The sole source was awarded for a term of five (5) years; and
2. H & H Electrical Services, LLC is the only local approved vendor authorized to install and repair Generac generators, and was approved as the sole source generator electrician by Resolution 18-R-43 on June 26, 2018; and
3. The Capital Projects & Purchasing Department requests that H & H Electrical Services, LLC be named as the sole source vendor for the electrical installation and repair of Generac Generators.

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

1. County Council hereby authorizes the designation of H & H Electrical Services, LLC as the sole source vendor for the electrical installation and repair of Generac Generators.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-19**

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

**[A Resolution to Approve the Purchase and Installation of a Generac Generator for the Harrelson Building.]**

**WHEREAS:**

1. Generac was named as a sole source supplier on March 2, 2021 by Resolution 21-R-06. The sole source was awarded for a term of five (5) years; and
2. H & H Electrical Services, LLC was named the sole source supplier, installer and warranty provider of Generac Generators by Resolution 18-R-43 on June 26, 2018 and by Resolution 23-R-18 on March 14, 2023; and
3. The Capital Projects & Purchasing Department requests approval for the purchase and installation of a Generac Generator at the Harrelson Building by H & H Electrical Services, LLC for a total cost of \$119,888.50 plus SC sales tax; and
4. Funding for this expenditure shall come from the Capital Projects Sales Tax Fund – Fund 143.

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

1. The purchase and installation of a Generac Generator by H & H Electrical Services, LLC for a total cost of \$119,888.50 plus SC sales tax is hereby approved.
2. The County Administrator is hereby authorized to execute on behalf of the County any paperwork necessary for the purchases.
3. Funding for this expenditure is provided by the Capital Projects Sales Tax Fund – Fund 143.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-20**

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

**[A Resolution to Authorize the Acceptance of the Proposal Related to the Design Build of the Green Pond Community Center.]**

**WHEREAS:**

1. The Contract for Design Build Services for the Green Pond Community Center was awarded to IP Builders, Inc. by Resolution 21-R-44 on September 7, 2021; and
2. Design has been completed and the total construction cost of the project is \$1,133,227; and
3. Staff requests County Council's approval of the proposed price of \$1,133,227 by IP Builders, Inc.

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

1. County Council hereby authorizes the County Administrator to accept the proposal in the amount of \$1,133,227 from IP Builders, Inc. for the design build of the Green Pond Community Center project.
2. This project is jointly funded by a SC Parks, Recreation and Tourism Sports Development Marketing Program Grant and capital funds located in the Special Revenue Fund – Fund 120.

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-21**

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

**[A Resolution to Authorize the Acceptance of the Proposal Related to the Design Build of the Colleton County Food Assistance Facility.]**

**WHEREAS:**

1. The Contract for Design Build Services for the Colleton County Food Assistance Facility was awarded to IP Builders, Inc. by Resolution 21-R-51 on October 5, 2021; and
2. Design has been completed and the total construction cost of this project is \$622,738; and
3. Staff requests County Council's approval of the proposed price of \$622,738 by IP Builders, Inc.

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

1. County Council hereby authorizes the County Administrator to accept the proposal in the amount of \$622,738 from IP Builders, Inc. for the design build of the Colleton County Food Assistance Facility project.
2. This project is jointly funded by a SC Parks, Recreation and Tourism Sports Development Marketing Program Grant and capital funds located in the Special Revenue Fund – Fund 120.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-22**

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

**[To Remove a Member From the Colleton County Accommodations Tax Advisory Board and to Authorize the Council Clerk to Advertise for Board Vacancies.]**

**WHEREAS:**

1. In accordance with Chapter 2.28, section 2.28.020 “E” of the Code of Ordinances Any member of any board or commission may be removed at any time by vote of county council if such member has been absent without excuse for more than three consecutive regular meetings or for more than 50 percent of the regular meetings for the preceding year; and
2. Notification has been received from the Colleton County Accommodations Tax Advisory Board for the removal of Madison Terry from the Board and request to advertise for the vacancy; and
3. 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 on the Accommodations Tax Advisory Board (1 lodging and 1 hospitality/tourism).

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : March 14, 2023  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 23-R-23**

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

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

**WHEREAS:**

1. Colleton County Lowcountry Council of Government has two vacancies; and Applicant: Evon Robinson, Sr. (Minority), Robert Renner (At-Large), Stewart McAdoo (At-Large), and Mark Wysong (At-Large).
2. Colleton County Land Use Zoning Board of Appeals has one vacancy; and Applicants: Phillip Rizer and Lisa Langdale
3. Colleton County Edisto River Canoe and Kayak Trail Committee has one vacancy; and Applicant: Alta Mae Marvin
4. Colleton County Keep Colleton Beautiful has two vacancies; and Applicants: Dawn Davis and Ashley Shearin
5. The County Council is the appointing authority for Boards.

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

The Council Hereby appoints the following:

Colleton County Lowcountry Council of Government: \_\_\_\_\_ (Minority) and \_\_\_\_\_ (At-Large).

Colleton County Land Use Zoning Board of Appeals: \_\_\_\_\_

Colleton County Edisto River Canoe and Kayak Trail Committee: Alta Mae Marvin

Colleton County Keep Colleton Beautiful: Ashley Shearin

ATTEST:

SIGNED:

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

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

COUNCIL VOTE:  
OPPOSED: