

Sponsor(s) : County Council
First Reading : March 5, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : April 2, 2024
Public Hearing : May 7, 2024
Third Reading : May 7, 2024
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,
certify that this Ordinance was
advertised for Public Hearing on
April 18, 2024.

ORDINANCE NO. 24-O-05

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY BUSINESS PARK IN CONJUNCTION WITH CHARLESTON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH CHARLESTON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.]

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

WHEREAS, Article VIII, Section 13(B) of the South Carolina Constitution provides that nothing in the State Constitution may be construed to prohibit any of the counties in South Carolina from agreeing to share the lawful cost, responsibility, and administration of functions with one or more governments; and

WHEREAS, certain real property sites which the Counties, from time to time, desire to include within the Park will be used or developed as affordable housing facilities, in whole or in part (as determined from time to time by the applicable County); and

WHEREAS, the Counties desire to establish the Park pursuant to a MCP Agreement (as defined below); and

WHEREAS, in order to promote the economic growth of Colleton County and Charleston County, the Park will be created pursuant to the terms of the “Agreement for the Establishment of Multi-County Business Park for Affordable Housing,” the form of which is attached hereto as Exhibit A (the “MCP Agreement”);

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

WHEREAS, the Counties now desire to establish the Park, although the Park will include no real property sites until the provisions to include real property as provided in the MCP Agreement have complied with;

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

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

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

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

(c) It is recognized that the Park will from time to time consist of contiguous and non-contiguous properties within each or any Member County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by (a) an ordinance of the Member County in which the property to be added or removed from the Park is actually located, and (b) a resolution (or comparable action) of the governing bodies of the other Members.

Section 2. Payment of Fee-in-lieu of Taxes.

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

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

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

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

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

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

Section 6. Savings Clause. If any portion of this Ordinance shall be held void or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 7. General Repealer. Any prior ordinance or resolution of Colleton County Council, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 8. Effectiveness. This Ordinance shall be effective upon approval following third and final reading.

COLLETON COUNTY, SOUTH CAROLINA

By: 
Steven D. Murdaugh
Chairman of County Council
Colleton County, South Carolina

ATTEST:


Kaela Brinson
Clerk to County Council
Colleton County, South Carolina

EXHIBIT A