

**AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 7, 2025
6:00 P.M.
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order – Sean Thornton, County Attorney
2. Roll Call – Sean Thornton, County Attorney
3. Invocation & Pledge of Allegiance
4. Election of Council Chairman and Vice Chairman
5. Post-Election Actions:
 - a) Chairman’s Appointment of Standing Committees
 - b) Chairman’s Designation of Three Members of Council to LCAA Board
 - c) Election of Three Members of Council to LCOG
6. Approval of Minutes
 - a) Regular Meeting, December 3, 2024
 - b) Special Meeting, December 17, 2024
7. Awards and Recognitions
8. Appearances & Public Presentations
 - a) 2024 Audit Report – David Irwin, CPA - Mauldin & Jenkins, LLC
 - b) NAACP Education and Community Concerns - Edward Williams, President
 - c) Colleton County School District, Superintendent Jessica Williams
9. Administrator’s Briefing
10. Public Hearing
 - a) Ordinance 24-O-10, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as Amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, By and Between Colleton County, South Carolina and Project Canadys Solar LLC, as Sponsor, and One or More Sponsor Affiliates, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits for the Benefit of a Project in the County; 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 Project Canadys Solar LLC, Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Related Matters

- b) Ordinance 24-O-16, To Establish Chapter 2.77 – Community Center Boards Generally of the Colleton County Code of Laws

11. Old Business

- a) 3rd Reading Ordinance 24-O-10, Authorizing Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as Amended, the Execution and Delivery of a Fee-In-Lieu of Ad Valorem Taxes Agreement, By and Between Colleton County, South Carolina and Project Canadys Solar LLC, as Sponsor, and One or More Sponsor Affiliates, to Provide for a Fee-In-Lieu of Ad Valorem Taxes Incentive and Certain Special Source Revenue Credits for the Benefit of a Project in the County; 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 Project Canadys Solar LLC, Under the Agreement for Establishment of Multi-County Industrial/Business Park; and Other Related Matters
- b) 2nd Reading Ordinance 24-O-18, To Authorize the Rezoning of a 22.20 Acre Parcel Located on Green Pond Hwy, Identified as T.M.S. No. 195-00-00-068, from Urban Development – 1 (UD-1) to Industrial (ID).

12. New Business

- a) Resolution 25-R-01, To Declare February as Black History Month in Colleton County
- b) Resolution 25-R-02, To Award the Contract for Architectural Services for the Cottageville Library to Johnson, Laschober & Associates, PC
- c) Resolution 25-R-03, To Award the Contract for Architectural Services for the Colleton County Recreational Center Pool and Gym Expansion to Johnson, Laschober & Associates, PC
- d) Resolution 25-R-04, To Authorize Acceptance and Budgeting of Funds for a Grant for FY25
- e) Resolution 25-R-05, To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road.
- f) Resolution 25-R-06, To Authorize the Abandonment of Maintenance on a portion of Bachman Road.
- g) Resolution 25-R-07, To Authorize the Council Clerk to Advertise for Board Vacancies.
- h) Resolution 25-R-08, To Appoint Members to Board Vacancies.

13. Items for Information and Public Record
14. Public Comments (3 minutes per person/max time 20 min.)
15. Council Time
16. Executive Session
 - a) Personnel - Contractual
 - b) Economic Development Update
17. Adjournment
18. Informal Meeting of the Whole

Colleton County Council will hold a regular meeting on Tuesday, January 7, 2025, 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.

MINUTES
TUESDAY, DECEMBER 3, 2024
REGULAR MEETING
6:00 P.M.

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

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

Others Included: Meagan Utsey, Sean Thornton, Jon Carpenter, Barry McRoy, Johnny Frank, Mayor Crawford Moore, Theodore Reed, Sharon Witkin, Clarence Wiggins, Felicia Johnson, Tamara McIntire, Micah McIntire, JW Cavanaugh, Elizabeth Cavanaugh, Richard Rhode, Marcus Koth, Beatrice Salley, Danny Coe, Kelly Sanderson, Andrey Henderson, Theodore Henderson, Mary Henderson, Felicia Harley, Joe Helen McKinney, Cheryl Pinillos, Rick Rohde, John Glenn Japley, Sandra Perritte, Felicia Johnson, Edward William, Carelyn Carroll, Patricia Williams, Frankie Sally, Vernon Edwards, Sylvester Stinson.

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

Approval of Minutes

- A. Regular Meeting November 12, 2024— Dr. Flowers moved to approve the minutes of the Regular Meeting held on November 12, 2024. The motion was seconded by Councilman Biering and the motion carried unanimously.
- B. Work Session November 15, 2024— Dr. Flowers moved to approve the minutes of the Work Session Meeting held on November 15, 2024. The motion was seconded by Councilman Biering and the motion carried unanimously.

Awards and Recognition

Councilman Murdaugh recognized Dr. Flowers for his 25 years of service as an elected official and as a highly respected doctor of the community.

Please see the link below to view the full recognition and the comments made by the council.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

Administrator's Briefing

Please see the link below to view the briefing and comments made by the Administrator.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

Old Business

A. 2nd Reading Ordinance 24-O-16, To Establish Chapter 2.77 – Community Center Boards Generally of the Colleton County Code of Laws

Dr. Flowers moved to approve 2nd Reading Ordinance 24-O-16, To Establish Chapter 2.77 – Community Center Boards Generally of the Colleton County Code of Laws. The motion was seconded by Councilman Trippe. The Council discussed and amended section 2.77.50.- Membership to include number of members and requiring all Board Members to be residents of Colleton County.

Dr. Flowers made a motion to amend the original motion to add that the Board will be compromised of five members. If more than five members exist on a pre-established Board, they will be grandfathered in and will not be reappointed as their terms expire until the Board has only five members. If the Board is not yet established the terms of the five members will be staggered with three members serving 3-year terms and two members serving 2-year terms. The Board Members will be required to be residents of Colleton County to serve. The motion was seconded by Councilman Trippe, and the motion carried unanimously.

Please see the link below to view the full discussion.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

New Business

A. 1st Reading Ordinance 24-O-18, By Title Only, To Authorize the Rezoning of a 22.20 Acre Parcel Located on Green Pond Hwy, Identified as TMS# 195-00-00-068, from Urban Development – 1 (UD-1) to Industrial (ID).

Councilman Taylor moved to approve Ordinance 24-O-18, By Title Only, To Authorize the Rezoning of a 22.20 Acre Parcel Located on Green Pond Hwy, Identified as TMS# 195-00-00-068, from Urban Development – 1 (UD-1) to Industrial (ID). The motion was seconded by Dr. Flowers, and the motion carried unanimously.

B. Resolution 24-R-64, To Authorize Acceptance and Budgeting of Various Grants 2024-2025

Dr. Flowers moved to approve Resolution 24-R-64, To Authorize Acceptance and Budgeting of Various Grants 2024-2025. The motion was seconded by Councilman Trippe, and the motion carried unanimously.

C. Resolution 24-R-65, To Authorize an Appropriation from the General Fund (Fund 100) Fund Balance in the Amount of \$100,000 to the Town of Edisto Beach for Beach Renourishment

Councilman Taylor moved to approve Resolution 24-R-65, To Authorize an Appropriation from the General Fund (Fund 100) Fund Balance in the Amount of \$100,000 to the Town of Edisto Beach for Beach Renourishment. The motion was seconded by Councilman Biering and the motion was carried unanimously.

D. Resolution 24-R-66, To Approve a Change Order for the Harrelson Building Technology Improvements Project

Dr. Flowers moved to approve Resolution 24-R-66, To Approve a Change Order for the Harrelson Building Technology Improvements Project. The motion was seconded by Councilman Taylor and the motion carried unanimously.

E. Resolution 24-R-67, To Amend the Colleton County Personnel Policy Manual, Section 11.4 – Holidays to Remove Confederate Memorial Day and Replace it with Good Friday

Councilman Taylor moved to approve Resolution 24-R-67, To Amend the Colleton County Personnel Policy Manual, Section 11.4 – Holidays to Remove Confederate Memorial Day and Replace it with Good Friday. The motion was seconded by Councilman Trippe and the motion carried unanimously.

F. Resolution 24-R-68, To Authorize the Council Clerk to Advertise for Board Vacancies

Councilman Taylor moved to approve Resolution 24-R-68, To Authorize the Council Clerk to Advertise for Board Vacancies. The motion was seconded by Councilman Biering and the motion carried unanimously.

G. Resolution 24-R-69, To Appoint Members to Board Vacancies

Councilman Taylor moved to approve Resolution 24-R-69, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Biering and motion carried unanimously.

H. Resolution 24-R-71, To Waive Solid Waste Construction and Debris Landfill Fees related to November 8, 2024 significant weather event

Councilman Taylor moved to approve Resolution 24-R-71, To Waive Solid Waste Construction and Debris Landfill Fees related to November 8, 2024, significant weather event. The motion was second my Councilman Trippe and motion carried unanimously.

Public Comments

Please see the link below to view all the public comments that were given.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

Council Time

No action was taken. Please see the link below to view the full discussion.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

Executive Session

Dr. Flowers moved to go into Executive Session to discuss the following: Contractual– County Service Contract, Real Estate– Recreation, and Legal– Contractual. Councilman Taylor seconded the motion. The motion was carried unanimously.

Dr. Flowers moved to exit Executive Session. Councilman Taylor seconded the motion, which was carried unanimously.

I. Resolution 24-R-70, To Approve a Service Contract for Colleton County

Councilman Taylor moved to table Resolution 24-R-70, To Approve a Service Contract for Colleton County. Councilman Biering seconded that motion and the motion carries unanimously.

Please see the link below to view the full discussion.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

Adjournment

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

***Watch the video stream available on the County’s website or follow the link below to view the Council’s discussion of a specific topic or the complete meeting.

<https://www.youtube.com/watch?v=9DSbjVwkLyE&t=2s>

[Signature page to follow]

This 3rd day of December 2024.

ATTEST:

Steven D. Murdaugh, Chairman

Danielle Murdaugh, Clerk to Council

MINUTES
TUESDAY DECEMBER 17, 2024
SPECIAL MEETING
1:00 P.M.

Special Meeting
Council Chambers, Old Jail Building
109 Benson Street
Walterboro, SC 29488

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

Others Included: Meagan Utsey, Sean Thorton, Johnny Frank, Sandy Steele

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

Executive Session

Councilman Taylor moved to enter Executive Session to discuss the following: Personnel and Economic Development-Project Updates. Councilman Biering seconded the motion, which was carried unanimously.

Councilman Taylor moved to exit Executive Session. Councilman Biering seconded the motion, which was carried unanimously.

Councilman Biering moved for the Interim County Administrator and County Attorney to execute agreement that was discussed in Executive Session. Councilman Trippe seconded the motion, which was carried unanimously.

Councilman Taylor moved to re-enter Executive Session. Councilman Biering seconded the motion, which was carried unanimously.

Councilman Trippe moved to exit Executive Session. Councilman Taylor seconded the motion, which was carried unanimously.

Councilman Biering made a motion to approve the contract with PWS Ventures for six months. Councilman Taylor seconded the motion, which was carried unanimously.

Adjournment

Councilman Trippe moved to adjourn the meeting. Councilman Biering seconded the motion, which carried unanimously.

This 7th day of January, 2025.

[Signature page to follow]

Special Meeting
December 17, 2024

Steven D. Murdaugh, Chairman

ATTEST:

Danielle Murdaugh, Clerk to Council

Sponsor(s) : County Council
First Reading : June 18, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : August 27, 2024
Public Hearing : January 7, 2025
Third Reading : January 7, 2025
Effective Date : Immediately

I. Kaela Brinson, Council Clerk,
certify that this Ordinance was
advertised for Public Hearing on
October 24, 2024.

ORDINANCE NO. 24-O-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AUTHORIZING PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT, BY AND BETWEEN COLLETON COUNTY, SOUTH CAROLINA AND PROJECT CANADYS SOLAR, LLC, AS SPONSOR, AND ONE OR MORE SPONSOR AFFILIATES, TO PROVIDE FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE AND CERTAIN SPECIAL SOURCE REVENUE CREDITS FOR THE BENEFIT OF A PROJECT IN THE COUNTY; 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 PROJECT CANADYS SOLAR, LLC, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER RELATED MATTERS.]

WHEREAS, Colleton County (the “County”), acting by and through its County Council, is authorized and empowered (i) under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”) to enter into agreements with qualifying companies to encourage investment in projects constituting economic development property through which the economic development of the State of South Carolina (the “State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State and to covenant with such industry to accept certain fee payments in lieu of *ad valorem* taxes (“FILOT”) with respect to such investment; and (ii) to make and execute contracts pursuant to Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, pursuant to Title 4, Section 1, of the Code of Laws of South Carolina, 1976, as amended (“MCIP Act”), the County is authorized (i) to develop multi-county industrial or business parks in partnership with counties having contiguous borders with the County, (ii) to include within the boundaries of such parks the property of eligible companies; and (iii) further to

grant credits against FILOT payments made by qualifying companies to offset qualifying infrastructure related expenditures pursuant to Sections 4-1-175, 4-29-68, and 12-44-70 of the Code of Laws of South Carolina 1976 as amended (“SSRC Act”); and

WHEREAS, in order to promote the economic welfare of the citizens of Colleton County and Hampton County (collectively, the “the Counties”) by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development of Joint County Industrial Park dated _____ (the “Park Agreement”), to develop jointly an industrial and business park (the “Park”), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with the MCIP Act; and

WHEREAS, the Park Agreement was initially approved by Colleton County Council Ordinance ____; and the Park Agreement was initially approved by Hampton County Council Ordinance ____; and was further amended by the Counties from time-to-time to add property to the Park; and

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

WHEREAS, Project Sun, along with one or more existing, or to-be-formed or acquired subsidiaries, or affiliated or related entities, as Sponsor (collectively, “Company”) along with the owner or owners of the property upon which the Project may be located, and any additional Sponsor Affiliates (as defined under the Act and the Fee Agreement) that the Sponsor may designate in the future and have the County approve in accordance with the Act, contingent upon satisfaction of certain commitments made by and on behalf of the County as set forth herein and to be further set forth in future agreements to the extent allowed by law, plans to establish a utility scale solar facility in the County through the acquisition, lease, construction and purchase of certain real and personal property, including the Project Property (defined below), buildings, furnishings, fixtures, apparatuses, and equipment (the “Project”), which will result in approximately \$80,000,000 in new investment in real and personal property in the County (“Investment”) during the investment period; and

WHEREAS, by its Resolution adopted on June 18, 2024, the County identified the Project, as required by the Act; and

WHEREAS, the Project will comprise one or more parcels of real property or portions thereof, initially bearing Tax Map Number [●] with improvements thereon, a description of which is set forth on the attached **Exhibit A** (“Project Property”); and

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

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

WHEREAS, in connection with the Project, the Company has requested the County enter into a fee in lieu of tax agreement to establish the commitments of (i) the Company and any Sponsor Affiliate(s) to make the Investment; and (ii) the County to provide certain incentives; and

WHEREAS, the County has determined: (i) to offer a FILOT arrangement and enter into a fee-in-lieu of *ad valorem* taxes agreement with the Company and, as applicable, any Sponsor Affiliate, the form of which is attached hereto as **Exhibit B** (“Fee Agreement”), with the principal terms as follows: a term of years for each Phase (as defined in the Fee Agreement) of the Project Property, anticipated to be thirty (30) years for each Phase, a 6.0% assessment ratio (subject to adjustment as described in the Fee Agreement), and a fixed millage rate equal to that millage rate in effect at the Project Property, for all taxing entities, on June 30, 2024¹, which is further outlined in the Fee Agreement, for the entire term of the FILOT arrangement; (ii) to provide an annual credit for ten (10) years over the term of the Fee Agreement against those FILOT payments made by the Company and any of the Sponsor Affiliates to the County for the Project, or to increase the FILOT payments made by the Company and any of the Sponsor Affiliates to the County for the Project, in an amount equal to the difference between the Net FILOT Payment (as defined in the Fee Agreement) and the amount of FILOT payment that would otherwise be due under the Fee Agreement (each a “Special Source Revenue Credit” or “SSRC”); and (iii) any other incentives set forth in the Fee Agreement (collectively, the “Incentives”); and

WHEREAS, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives.

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

Section 1. Findings. The County hereby finds and affirms, based on information provided by the Company: (i) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or any incorporated municipality and to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; (iv) the benefits of the Project are greater than the costs; and (v) the Project will provide a substantial public benefit to the County.

Section 2. Authorization to Execute and Deliver Fee Agreement. The form, terms, and provisions of the Fee Agreement (which includes the provision of Special Source Revenue Credits) presented to this meeting and filed with the Clerk to County Council are hereby approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Chairman of County Council and the Clerk to County Council are hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be

¹ Note to County: Please confirm the lowest available millage rate and its effective date.

approved by the officials of the County executing the same upon the advice of the County Attorney, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting. The Fee Agreement shall include customary terms providing: (i) for the recovery by the County, on a pro rata basis, of certain moneys if certain thresholds are not achieved (a “clawback” provision); (ii) that the Company will pay the County’s administrative expenses associated with the approval and administration of the SSRC; (iii) that under certain terms and conditions, the County will have access to certain information of the Company; and (iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

Section 3. *Inclusion and Maintenance of Project in Park.*

(a) The expansion of the Park boundaries is hereby authorized as part of the County’s normal expansion procedures to include the Project Property, as described on the attached **Exhibit A**. The County Council agrees to use commercially reasonable efforts to place the Project into the Park and to maintain the Project in the Park (or a successor multi-county industrial or business park) for no less than the term of the Fee Agreement.

(b) The County will provide for [20 years] that the annual allocation of the FILOT payments generated by the Project will be distributed (after distribution of a portion of the FILOT payments to Hampton County in accordance with the Park Agreement) as follows:

- i. To the County, for providing the SSRCs, an amount equal to the annual SSRC provided in Section 2 of this Ordinance and in the Fee Agreement; and
- ii. Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the FILOT payments to the County and the other overlapping taxing entities, in the same relative percentages as the relative millage rates imposed by such taxing entities for the applicable tax year.

Section 4. *No Recapitulation Required.* Pursuant to Section 12-44-55(B) of the Act, the County hereby agrees that no recapitulation information, as set forth in Section 12-44-55(A) of the Act is required to be provided by the Company in the Fee Agreement, or in any other documents or agreements in connection with the fee-in-lieu of tax arrangement between the Company and the County, so long as the Company shall file a copy of the South Carolina Department of Revenue form PT-443, and any subsequent amendments thereto, and all filings required by the Act with the County after the execution of the Fee Agreement by the County and the Company.

Section 5. *Further Acts.* The County Council authorizes the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper, in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Ordinance and induce the Company to locate the Project in the County.

Section 6. *General Repealer.* All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. Severability. Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is hereby deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved this Ordinance following three readings and a public hearing.

COLLETON COUNTY, SOUTH CAROLINA

Chairman Colleton County Council

(SEAL)

ATTEST:

Danielle Murdaugh, Clerk to Council

First Reading:	June 18, 2024
Second Reading:	August 27, 2024
Third Reading:	January 7, 2025
Public Hearing:	January 7, 2025

EXHIBIT A

PROJECT PROPERTY DESCRIPTION

EXHIBIT B

FEE AGREEMENT

[Attached]

Sponsor(s) : County Council
First Reading : November 12, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : December 3, 2024
Public Hearing : January 7, 2025
Third Reading : February 4, 2025
Effective Date : Immediately

I Danielle Murdaugh, Council Clerk,
certify that this Ordinance was
advertised for Public Hearing on
the 12th Day of December 2024.

ORDINANCE 24-O-16

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Establish Chapter 2.77 – Community Center Boards Generally of the Colleton County Code of Laws.]

WHEREAS:

1. The establishment of several county-owned community centers has created the need for the creation of a Board to manage each of these community centers; and
2. Colleton County Code of Laws, Chapter 2.77 – Community Center Boards Generally, as established below, outlines the creation of said Boards; and
3. County Council deems it to be in the best interest of the County to adopt this chapter as part of the Colleton County Code of Laws.

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

1. **Title 2 – Administration and Personnel, Chapter 2.77. – Community Center Boards,** of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby established to read as follows:

CHAPTER 2.77. – COMMUNITY CENTER BOARDS GENERALLY

Sections:

- 2.77.010. – Establishment.**
- 2.77.020. – Mission.**
- 2.77.030. – Powers of the Board.**
- 2.77.040. – Duties of the Board.**
- 2.77.050. – Membership.**
- 2.77.060. – Removal of member.**
- 2.77.070. – Organization, meetings, rules.**
- 2.77.080. – Funding and Expenditures.**

3.77.10. – Establishment.

There is hereby established a Community Center Board for each county-owned community center within Colleton County. The list of existing Community Center Boards shall be established in the County's yearly budget ordinance.

2.77.020. – Mission.

The mission of these Boards shall be to oversee and operate the individual Community Centers to ensure that they serve the best interests of the community, as well as the residents of Colleton County at large.

2.77.030. – Powers of the Board.

Each Board shall have the authority to:

- A. Adopt bylaws;
- B. Solicit and accept donations and appropriations of money, services, products, property, and facilities for use by the commission for the accomplishment of its objectives;
- C. Make recommendations to County Council, to municipalities within the county, and to the private sector regarding measures which it deems necessary to accomplish its objectives.

2.77.040. – Duties of the Board.

The duties of each Board shall be as follows:

To initiate, plan, coordinate, and encourage community usage for the Community Center and present any recommendations to the county council within six months of the commission's first meeting, and thereafter on or before April 1 of each calendar year or as often as may be necessary to ensure implementation of such recommendations.

2.77.050. – Membership.

The Board shall consist of five members to be appointed by County Council. All members shall be drawn from residents of Colleton County. The terms of office of the members shall be three years, except that, of the initial members, three shall be appointed for a term of three years and two shall be appointed for a term of two years to be decided by lot. If more than five members exist on a pre-established Board, they will be grandfathered in and will not be reappointed as their terms expire until the Board has only five members. If the Board is not yet established the terms of the five members will be staggered with three members serving 3-year terms and two members serving 2-year terms. If a vacancy occurs, the

county council shall fill the vacancy by appointment for the unexpired term. Members of the Board shall serve without compensation.

2.77.060. – Removal of member.

Any member of the Board who misses three consecutive meetings of the Board shall be deemed to have vacated his/her seat on the Board, and said seat shall be filled as provided in section 2.77.050.

2.77.070. – Organization, meetings, rules.

Following initial appointments, Board members shall meet within 30 days for the election of officers. They shall elect, from the members of the Board, a chairman, vice-chairman, secretary/treasurer, and such other officers as may be desired. Each shall serve for a term of one year with eligibility for re-election. Subsequent elections shall occur annually thereafter during the first meeting of the calendar year.

The Board shall adopt rules and bylaws for the transaction of business and the holding of regular and special meetings. All meetings of the Board shall be open to the public, and records of the Board shall be public records.

2.77.080. – Funding and Expenditures.

The Board may cooperate with or accept funds from Federal Government agencies; State government agencies; local general purpose governments; school districts; special purpose districts, including those of other states; public or eleemosynary agencies; or private individuals or corporations. The Board may expend such funds to carry out cooperative undertakings and general programs in pursuit of its mission and duties.

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.

[Signature page to follow]

ATTEST:

Danielle Murdaugh, Council Clerk

Approved as to Form
Sean Thornton, County Attorney

SIGNED:

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
First Reading : December 3, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : January 7, 2025
Public Hearing : February 4, 2025
Third Reading : February 4, 2025
Effective Date : Immediately

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

ORDINANCE NO. 24-O-18

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Rezoning of a 22.20 Acre Parcel Located on Green Pond Highway, Identified as T.M.S. No. 195-00-00-068, from Urban Development – 1 (UD-1) to Industrial (ID).]

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 along Green Pond Highway and identified as T.M.S. No. 195-00-00-068 has requested that the property be rezoned from Urban Development-1 (UD-1) to Industrial (ID) to allow a more compatible use due to its location across from the landfill; and
4. The Planning Commission at their Monday, October 28, 2024 meeting, voted unanimously to recommend that Council approve the request for the rezoning of T.M.S. No. 195-00-00-068, located Green Pond Highway Urban Development-1 (UD-1) to Industrial (ID).

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

1. The 22.2 acre tract, located on Green Pond Highway, identified as T.M.S. No. 195-00-00-068, is hereby rezoned from Urban Development - 1 (UD-1) to Industrial (ID) 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:

Danielle Murdaugh, Council Clerk

, Chairman

Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-01

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

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

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

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

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-02

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract for Architectural Services for the Cottageville Library to Johnson, Laschober & Associates, PC]

WHEREAS:

1. Colleton County Library Board Members selected Johnson, Laschober & Associates, PC as the architectural firm to proceed with the Cottageville Library project; and
2. The Capital Projects Department and the Colleton County Library Board recommends that Council authorizes the contract with Johnson, Laschober & Associates, PC for the Architectural Services for the Cottageville Library project; and
3. Funding for this project will be from Grants received. The negotiated contract price for services is \$126,750.00, which is subject to final approval by County Council.

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

1. County Council hereby awards the contract to Johnson, Laschober & Associates, PC for the Cottageville Library project, contingent upon review of same by the County Attorney, and authorizes the County Administrator to execute said contract.
2. Funding to come from the Grants received.

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-03

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award the Contract for Architectural Services for the Colleton County Recreational Center Pool and Gym Expansion to Johnson, Laschober & Associates, PC]

WHEREAS:

1. Colleton County Recreation Director selected Johnson, Laschober & Associates, PC as the architectural firm to proceed with the pool and gym expansion at the Colleton County Recreational Center; and
2. The Capital Projects Department and the Colleton County Recreation Director recommends that Council authorizes the contract with Johnson, Laschober & Associates, PC for the Architectural Services for the pool and gym expansion project; and
3. Funding for this project will be from the Capital Penny Sales Tax. The negotiated contract price for services is \$29,500.00; price to include project programming and conceptual design with a final design fee for construction. Documents not to exceed nine percent of accepted cost for the entire project; which is subject to final approval by County Council.

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

1. County Council hereby awards the contract to Johnson, Laschober & Associates, PC for the Colleton County Recreational Center pool and gym expansion project, contingent upon review of same by the County Attorney, and authorizes the County Administrator to execute said contract.
2. Funding to come from the Capital Penny Sales Tax.

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Acceptance and Budgeting of Funds for a Grant for FY25.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The Colleton County Economic Development Department, is the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY25 received from the South Carolina Department of Commerce for a Rural Infrastructure Fund Grant in the amount of \$750,000 for real property improvements for Project Ironsides.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures in the following fund for the grant and unbudgeted revenues for FY25 as listed:
 - a. Fund 120 – Special Revenue Fund; South Carolina Department of Commerce, Rural Infrastructure Fund Grant #C-23-3938; \$750,000 for Project Ironsides.

The above listed OPR (Office of Primary Responsibility) is responsible for preparing any external reports related to said funds, complying with grant terms and conditions, coordinating reimbursement requests with the Finance Department in addition to being the responsible party for providing copies of external reports to the Finance Department, grant auditors, and to external auditors at the end of FY25 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-05

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Abandonment of Maintenance on a portion of Rizer Cemetery Road.]

WHEREAS:

1. The property owners beginning at TMS# 052-00-00-001 and ending at the end of County maintenance (Bamberg County line) submitted a request to County Council asking that maintenance on a portion of the road be abandoned; and
2. The surrounding properties of this portion of the road are owned by the individuals who made the abandonment request. The remaining property owners retain access to their properties via Broxton Bridge Road and the remainder of Rizer Cemetery Road which will be maintained by County.

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 a portion of Rizer Cemetery Road beginning at TMS# 052-00-00-001 to the end of County maintenance (Bamberg County line).
2. Further, this portion of Rizer Cemetery Road shall be removed from the County's Record of Roads.

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-06

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Abandonment of Maintenance on a portion of Bachman Road.]

WHEREAS:

1. The property owners beginning at TMS# 034-00-00-001 and ending at TMS# 034-00-00-006 (Halyard Road) submitted a request to County Council asking that maintenance of this portion road be abandoned; and
2. The surrounding properties of this portion of the road are owned by the individuals who made the abandonment request. The remaining property owners retain access to their properties via Broxton Bridge Road and the remainder of Bachman Road which will be maintained by the County.

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 a portion of Bachman Road beginning at TMS# 034-00-00-001.000 and ending at Halyard Road.
2. Further, this portion of Bachman Road shall be removed from the County's Record of Roads.

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-07

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

1. Colleton County Board of Assessment Appeals has one vacancy; and
2. The County Council is the appointing authority for Boards.

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

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

ATTEST:

SIGNED:

Danielle Murdaugh, Council Clerk

Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : January 7, 2025
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 25-R-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint Members to Board Vacancies.]

WHEREAS:

1. Colleton County Land Use Zoning Board of Appeals has one vacancy; and
Applicant: Douglas Mixson Jr.
2. Lowcountry Council of Government (Minority) has one vacancy; and
Applicant: Evon Robinson
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 Hereby appoints the following:

Land Use Zoning Board of Appeals: Douglas Mixson Jr.

Lowcountry Council of Government (Minority): Evon Robinson

ATTEST:

Danielle Murdaugh, Council Clerk

SIGNED:

Chairman

COUNCIL VOTE:
OPPOSED: