

**AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 12, 2024
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, October 1, 2024
5. Awards and Recognitions
 - a) Colleton County High School Band of Blue – 5th Place finish in the 2024 SCBDA 4A State Marching Band Championship with 2nd Place in lower state, led by Tom Finigan.
6. Appearances & Public Presentations
 - a) Colleton County School District Report, Superintendent Jessica Williams
7. Administrator’s Briefing
8. Public Hearing
 - a) Ordinance 24-O-12, To Ratify FY24 Grant and Budget Resolutions and Related Appropriations for All Funds; To Ratify Transfer and Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto.
 - b) Ordinance 24-O-13, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Between Colleton County and a Company Known to the County as Wayne Brothers, 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 Wayne Brothers, Inc.; Providing For Payment by Wayne Brothers, Inc. of Certain Fees In Lieu of Ad Valorem Taxes; Providing For Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Agreement for Development of a Joint County Industrial Park 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 Wayne Brothers, Inc., Under the Agreement for Establishment of Multi-County Industrial/Business Park; And Other Matters Relating Thereto.

- c) Ordinance 24-O-14, To Authorize the Rezoning of a 12.1 Acre Parcel Located on Oswald Court, Identified as T.M.S. No. 131-16-00-114, from Residential Suburban (RS) to Urban Development – 1 (UD-1).

9. Old Business

- a) 3rd Reading Ordinance 24-O-12, To Ratify FY24 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto
- b) 3rd Reading Ordinance 24-O-13, Authorizing The Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Between Colleton County and a Company Known to the County as Wayne Brothers, 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 Wayne Brothers, Inc.; Providing for Payment by Wayne Brothers, Inc. of Certain Fees In Lieu of Ad Valorem Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Agreement for Development of a Joint County Industrial Park 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 Wayne Brothers, Inc., Under the Agreement for Establishment of Multi-County Industrial/Business Park; And Other Matters Relating Thereto
- c) 3rd Reading Ordinance 24-O-14, To Authorize the Rezoning of a 12.1 Acre Parcel Located on Oswald Court, Identified as T.M.S. No. 131-16-00-114, from Residential Suburban (RS) to Urban Development – 1 (UD-1)

10. New Business

- a) 1st Reading Ordinance 24-O-16, To Establish Chapter 2.77 – Community Center Boards Generally of the Colleton County Code of Laws
- b) Resolution 24-R-57, To Declare Surplus Various Equipment and to Authorize Its Sale in Accordance with County Policy
- c) Resolution 24-R-58, To Authorize the Expenditure of Funds Related to Special Projects as Recommended by the Colleton County Accommodations Tax Committee from the State Accommodations Tax Fund – Fund 152 During the Fiscal Year Ending June 30, 2024 and Other Matters Related Thereto
- d) Resolution 24-R-59, To Authorize Acceptance and Budgeting of Various Grants for FY 2024-2025
- e) Resolution 24-R-60, To Approve a Change Order for Parking Lot Rehabilitation as Part of the County Plaza ADA Improvements Project
- f) Resolution 24-R-61, 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 – Project Sun
 - b) Personnel
15. Adjournment
16. Informal Meeting of the Whole

Colleton County Council will hold a regular meeting on Tuesday, November 12, 2024, 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, OCTOBER 1, 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, Mayor Crawford Moore, Jessica Williams, Sharon Witkin, Lynn Stroble, Johnny Frank, Mark Walling, Robin Lutton, Matt Lutton, and

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

Councilman Taylor moved to amend the agenda to add public hearing for Ordinance 24-O-09, to Change the Name of the Colleton County Board of Disabilities and Special Needs to Colleton Cares. Councilman Biering seconded the motion, and the motion carried unanimously.

Approval of Minutes

- A. Regular Meeting August 27, 2024— Councilman Taylor moved to approve the minutes of the Special Meeting held on August 27, 2024. The motion was seconded by Councilman Trippe and the motion carried unanimously.

Administrator's Briefing

Please see the link below to listen to the briefing and comments made by council.

https://www.youtube.com/watch?v=1JMpIHpE_Mw&t=3740s

Public Hearing

Councilman Taylor made a motion to open Public Hearing. Dr. Flowers seconded the motion, and the motion carried unanimously.

A. Ordinance 24-O-09, To Amend Ordinance 93-O-29 to Change the Name of the Colleton County Board of Disabilities and Special Needs to Colleton Cares

Dr. Flowers made a motion to close Public Hearing. Councilman Taylor seconded the motion, and the motion carried unanimously.

Old Business

A. 3rd Reading Ordinance 24-O-09, To Amend Ordinance 93-O-29 to Change the Name of the Colleton County Board of Disabilities and Special Needs to Colleton Cares

Councilman Taylor moved to approve 3rd Reading Ordinance 24-O-09, To Amend Ordinance 93-O-29 to Change the Name of the Colleton County Board of Disabilities and Special Needs to Colleton Cares. The motion was seconded by Dr. Flowers. The motion carried unanimously.

B. 2nd Reading Ordinance 24-O-12, To Ratify FY24 Grant and Budget Resolutions and Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto

Councilman Biering moved to approve 2nd Reading Ordinance 24-O-12, To Ratify FY24 Grant and Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto. The motion was seconded by Councilman Taylor. The motion carried unanimously.

C. 2nd Reading Ordinance 24-O-13, Authorizing The Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Between Colleton County and a Company Known to the County as Project Ironsides, Including any Related or Affiliated Entities and any Sponsor Affiliates, Whereby Colleton County Will Enter into a Fee-In-Lieu of Taxes Arrangement with Project Ironsides; Providing for Payment by Project Ironsides of Certain Fees In Lieu of Ad Valorem Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Agreement for Development of a Joint County Industrial Park 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 Ironsides, Under the Agreement for Establishment of Multi-County Industrial/Business Park; And Other Matters Relating Thereto

Dr. Flowers moved to approve 2nd Reading Ordinance 24-O-13, Authorizing The Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Between Colleton County and a Company Known to the County as Project Ironsides, Including any Related or Affiliated Entities and any Sponsor Affiliates, Whereby Colleton County Will Enter into a Fee-In-Lieu of Taxes Arrangement with Project Ironsides; Providing for Payment by Project Ironsides of Certain Fees In Lieu of Ad Valorem Taxes; Providing for Certain Special Source Revenue or Infrastructure Credits; To Further Amend the Agreement for Development of a Joint County Industrial Park 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 Ironsides, Under the Agreement for

Establishment of Multi-County Industrial/Business Park; And Other Matters Relating Thereto. The motion was seconded by Councilman Trippe. The motion carried unanimously.

D. 2nd Reading Ordinance 24-O-14, To Authorize the Rezoning of a 12.1 Acre Parcel Located on Oswald Court, Identified as T.M.S. No. 131-16-00-114, from Residential Suburban (RS) to Urban Development – 1 (UD-1)

Councilman Trippe moved to approve 2nd Reading Ordinance 24-O-14, To Authorize the Rezoning of a 12.1 Acre Parcel Located on Oswald Court, Identified as T.M.S. No. 131-16-00-114, from Residential Suburban (RS) to Urban Development – 1 (UD-1). The motion was seconded by Councilman Biering. The motion carried unanimously.

Please see the link below to view the full discussion.

https://www.youtube.com/watch?v=1JMpiHPe_Mw&t=3740s

New Business

A. Resolution 24-R-52, to Appoint Employees to the Colleton County Grievance Committee

Councilman Trippe moved to approve Resolution 24-R-52, to Appoint Employees to the Colleton County Grievance Committee. The motion was seconded by Councilman Taylor, and the motion carried unanimously.

B. Resolution 24-R-53, to Reschedule the November County Council Meeting

Dr. Flowers moved to approve Resolution 24-R-53, to Reschedule the November County Council Meeting. The motion was seconded by Councilman Trippe and the motion was carried unanimously.

C. Resolution 24-R-54, to Authorize Acceptance and Budgeting of Various Grants for FY 2024-2025

Councilman Taylor moved to approve Resolution 24-R-54, to Authorize Acceptance and Budgeting of Various Grants for FY 2024-2025. The motion was seconded by Councilman Biering and the motion carried unanimously.

D. Resolution 24-R-55, to Declare Surplus Various Vehicles and Equipment and to Authorize their Sale in Accordance with County Policy

Councilman Biering moved to approve Resolution 24-R-55, to Declare Surplus Various Vehicles and Equipment and to Authorize their Sale in Accordance with County Policy. The motion was seconded by Councilman Taylor and the motion carried unanimously.

E. Resolution 24-R-56, Certifying Property Located at 8446 Ace Basin Parkway, Green Pond, SC 29446 as an Abandoned Building Site Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67 of the Code of Laws of South Carolina, 1976, as Amended

Dr. Flowers moved to approve Resolution 24-R-56, Certifying Property Located at 8446 Ace Basin Parkway, Green Pond, SC 29446 as an Abandoned Building Site Pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67 of the Code of Laws of South Carolina, 1976, as Amended. The motion was seconded by Councilman Taylor and the motion carried unanimously.

Public Comments

Superintendent Jessica Williams introduced Lexie and Jamile who came to speak on behalf of their programs at TCTC.

Please see the link below to view the full presentation.

https://www.youtube.com/watch?v=1JMplHpE_Mw&t=3740s

Council Time

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

https://www.youtube.com/watch?v=1JMplHpE_Mw&t=3740s

Executive Session

Dr. Flowers moved to go into executive session to discuss the following: Economic Development – Coastal Electric Cooperative and Economic Development Fund, and Personnel. Councilman Taylor seconded the motion. The motion was carried unanimously.

Councilman Taylor moved to exit executive session. Councilman Biering seconded the motion, which was carried unanimously.

No action taken.

Adjournment

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

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

https://www.youtube.com/watch?v=1JMplHpE_Mw&t=3740s

This 12th day of November 2024.

Steven D. Murdaugh, Chairman

ATTEST:

Kaela Brinson, Clerk to Council

Sponsor(s) : County Council
First Reading : August 27, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : October 1, 2024
Public Hearing : November 12, 2024
Third Reading : November 12, 2024
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-12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[To Ratify FY24 Grant and Budget Resolutions and Related Appropriations For All Funds;
To Ratify Transfer and Other Resolutions Previously Authorized By Council; And Other
Matters Related Thereto.]**

WHEREAS:

1. Colleton County Budget Ordinance requires supplemental appropriations for unanticipated revenues received after the adoption of the budget; and
2. The County regularly adopts a final budget amendment ordinance to account for budget resolutions and interfund transfers authorized by Council during the fiscal year, as well as grants and any other supplemental appropriation actions in accordance with the 1976 South Carolina Code of Laws, as amended, and the County's budget ordinance.

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

1. The Colleton County Council hereby:
 - a. Ratifies all previously approved FY24 Budget Resolutions and authorizes and directs the County Administrator to amend the FY24 budgetary appropriations as so resolved;
 - b. Ratifies all previously approved FY24 Resolutions related to amendments to the County Record of Roads (ROR), if any.
 - c. Ratifies all Resolutions, voice motions, and other actions approved by County Council for Fiscal Year ending 6/30/24 including those awarding contracts, directing specific fiscal actions such as authorizing, increasing or reducing fund transfers, operational transfers, reclassifications, fund balance designations, and fund balance appropriations.
 - d. Approves the budgeting of funds, if any, received by the CCRFC from Covenant Billing and private ambulance transports during the Fiscal year ending 6/30/24, within Fund 156 to meet the needs of the County.
 - e. Approves acceptance of South Carolina Election Commission Aid to Counties funds in the amount of \$23,094 to cover election costs related to the presidential primaries.
 - f. Approves acceptance of donations to the Animal Services department in Fund 100 in the amount of \$7,509.72 to offset the cost of animal care.

- g. Approves acceptance of Colleton County School District School Resource Officer (SRO) funds deposited to fund 120 Special Revenue Fund for services outside of school hours.
 - h. Approves acceptance of Federal Emergency Management Agency disaster response funds of \$10,543.48 and South Carolina Emergency Management Agency disaster response funds of \$3,514.49 related to Hurricane Idalia emergency protective measures.
 - i. Approves the write-off of all Colleton County Fire and Rescue Medical Services billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/24 audit as identified by CCRFC and approved by the Colleton County Administrator.
 - j. Approves the write-off of all Colleton County Solid Waste Billings which cannot be collected due to the statute of limitations during the fiscal year ending 6/30/24 audit as identified and approved by the Colleton County Administrator.
 - k. Approves end-of-year adjustments as necessary to the Operational Transfers of various funds in order to decrease particular fund appropriation and correspondingly increase other fund appropriation in accordance with the operational needs and expenditures of the various Funds in FY24 and to balance the required revenue to expenditures in said Funds.
2. Conflict: All provisions in other County Ordinances or Resolutions in conflict with this Ordinance are hereby repealed.
 3. 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.
 4. This ordinance includes the ratification of all Resolutions, voice motions and other actions as previously approved by Colleton County Council for the fiscal year ending 06/30/2024.

ATTEST:

Kaela Brinson, Clerk to Council

SIGNED:

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Approved as to Form
Sean P. Thornton, County Attorney

Sponsor(s) : County Council
First Reading : August 27, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : October 1, 2024
Public Hearing : November 12, 2024
Third Reading : November 12, 2024
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-13

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 WAYNE BROTHERS, INC. (FORMERLY KNOWN TO THE COUNTY AS PROJECT IRONSIDES), INCLUDING ANY RELATED OR AFFILIATED ENTITIES AND ANY SPONSOR AFFILIATES, WHEREBY COLLETON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH WAYNE BROTHERS, INC.; PROVIDING FOR PAYMENT BY WAYNE BROTHERS, INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK 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 WAYNE BROTHERS, INC., UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Colleton County, South Carolina (the “County”), acting by and through its County Council (the “County Council”) is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “FILOT Act”), to designate real and tangible personal property as “economic development property” and to enter into an arrangement which provides for payment in lieu of taxes (“Negotiated FILOT Payments”) for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code (the “MCIP Act”), to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property situated or having a situs in a multi-county business or industrial park created under the MCIP Act, and pursuant to Section 4-1-175 and 4-29-68 of the Code (the “SSRC Act”), to permit investors to claim infrastructure or special source revenue credits against their PILOT Payments (including any Negotiated FILOT Payments) to reimburse such investors for expenditures for infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Colleton County (“Infrastructure

Improvements”), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; 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 the Development of a Joint County Industrial Park between Colleton County and Hampton County, South Carolina, executed on December 11, 2007 by Colleton County and on January 22, 2008 by Hampton County (the “Original 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 Original Agreement was initially approved by Colleton County Council Ordinance 07-O-29, adopted December 4, 2007; and was further amended from time-to-time to add or remove property to the Park; and

WHEREAS, the Original Park Agreement, as amended, is referred to herein as the “Park Agreement,” and

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

WHEREAS, Wayne Brothers, Inc. (formerly identified by the County as “Project Ironsides”), a North Carolina Corporation (the “Company”), intends to acquire, construct, renovate, furnish, and equip a construction services facility, including the acquisition of real property, the construction of buildings, and the furnishing of the facility with machinery and equipment (the “Project”); the Project is to be located at 101 Venture Way, Walterboro, Colleton County, South Carolina 29488, as more particularly described in Exhibit A attached hereto. (collectively, the “Project Site”); and

WHEREAS, the Project when completed will represent an anticipated “investment” (as defined in the FILOT Act) (the “Investment”) by the Company in the aggregate not less than \$35,545,229, of which \$25,545,229 will be in real property (land and building) and \$10,000,000 will be in tangible business personal property (new machinery and equipment) to be located at the Project Site; and

WHEREAS, the County has been advised that the Project is anticipated to employ approximately 170 full-time employees within five (5) years of the date of enactment of this Ordinance; and

WHEREAS, the County is authorized to include the site of 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, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to

invest its funds to acquire, construct, renovate, furnish, and equip the Project (the “Incentives”); and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act, the SSRC Act, and the MCIP Act for the County Council to provide final approval for qualifying the Project under the FILOT Act, the SSRC Act, and the MCIP Act for the Incentives;

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council’s investigation of the Project, including the criteria described in Section 1 above, and any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary, County Council hereby find that:

- (a) the Project constitutes a “project” as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act, the SSRC Act, and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately \$35,545,229, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will employ 170 new full-time employees at the Project within five (5) years of the date of enactment of this Ordinance;
- (d) the Project will be located entirely within Colleton County and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCs consist of infrastructure serving Colleton County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Colleton County; and

- (f) the Project is anticipated to benefit the general welfare of Colleton County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (i) the inducement of the location of the Project is of paramount importance; and
- (j) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement (as defined below) is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 25-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee-in-lieu of Tax Agreement between the County and the Company (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Multi-County Park Incentive.

(A) The County will use its commercially reasonable efforts, in cooperation with Hampton County (the “Partner County”), to designate the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, the MCIP Act, and the terms of the Agreement for the Development of a Joint County Industrial Park between the County and Hampton County, South Carolina, executed on December 11, 2007 by Colleton County and on January 22, 2008 by Hampton County, as amended to add the Project Site, and as further amended, supplemented, or replaced from time to time (the “MCIP Agreement”).

(B) The County will provide for 10 years that the annual allocation of the PILOT Payments generated by the Project will be distributed (after distribution of a portion of the PILOT Payments to the Partner County in accordance with the MCIP Agreement) as follows:

- (i) To the County, for providing the SSRCs (as defined in Section 5 hereof), an amount equal to the annual SSRC provided in Section 5 of this Ordinance and in the FILOT Agreement; and
- (ii) Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the PILOT 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 5. Special Source Revenue Credits.

(A) After the identification of qualifying public infrastructure located solely within Colleton County and the costs thereof to the satisfaction of the County, the County will provide to the Company an infrastructure or special source revenue incentive (the “SSRCs”) as follows:

(i) An annual SSRC of the annual PILOT Payments and Negotiated FILOT payments due with respect to the Project in property tax years one (1) through ten (10) of the term of the FILOT Agreement, as follows:

- a. SSRC of 50% for Year 1;
- b. SSRC of 80% for Year 2;
- c. SSRC of 70% for Year 3;
- d. SSRC of 60% for Year 4;
- e. SSRC of 50% for Year 5;
- f. SSRC of 40% for Year 6;
- g. SSRC of 30% for Year 7; and
- h. SSRC of 10% for Years 8 through 10.

(B) The documents providing for the SSRCs 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 6. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement presented to said meeting.

Section 7. Miscellaneous.

- (a) The Chairman and all other appropriate officials of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorized by this Ordinance.
- (b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.
- (c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.
- (d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.
- (e) All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

[signature page to follow]

COLLETON COUNTY,
SOUTH CAROLINA

Steven D. Murdaugh, Chairman
Colleton County Council

(SEAL)

ATTEST:

Kaela Brinson, Clerk to Council
Colleton County, South Carolina

First Reading: August 27, 2024
Second Reading: October 1, 2024
Third Reading: November 12, 2024
Public Hearing: November 12, 2024

Exhibit A
Project Sites

Sponsor(s) : County Council
First Reading : August 27, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : October 1, 2024
Public Hearing : November 12, 2024
Third Reading : November 12, 2024
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-14

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize the Rezoning of a 12.1 Acre Parcel Located on Oswald Court, Identified as T.M.S. No. 131-16-00-114, from Residential Suburban (RS) to Urban Development – 1 (UD-1).]

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 Oswald Court and identified as T.M.S. No. 131-16-00-114 has requested that the property be rezoned from Suburban Residential (RS) to Urban Development-1 (UD-1) to allow for the potential for Greenhouses and Nurseries, Commercial; and
4. The Planning Commission at their Monday, June 24, 2024 meeting, voted unanimously to recommend that Council approve the request for the rezoning of T.M.S. No. 131-16-00-114, located along Oswald Court from Suburban Residential (RS) to Urban Development-1 (UD-1).

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

1. The 12.1 acre tract, located along Oswald Court, identified as T.M.S. No. 131-16-00-114, is hereby rezoned from Suburban Residential (RS) to Urban Development - 1 (UD-1) 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 : 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 : January 7, 2025
Effective Date : Immediately

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

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 commission.**
- 2.77.040. – Duties of the commission.**
- 2.77.050. - Membership.**
- 2.77.010. – Removal of member.**
- 2.77.020. – Organization, meetings, rules.**
- 2.77.030. – 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 commission.

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 commission.

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 **** members to be appointed by county council. All members shall be drawn from within Colleton County and more specifically within **** miles of the Community Center. The terms of office of the members shall be three years, except that, of the initial members, **** shall be appointed for a term of three years and **** shall be appointed for a term of two years to be decided by lot. 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.

2.77.010. – 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.

2.77.020. – 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.

2.77.030. – 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.

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
Adopted : November 12, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-57

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

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

WHEREAS:

1. The Library has evaluated various furniture and technology equipment, and deemed it to be no longer suitable for County operations; and
2. It is recommended that Council declare said furniture 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 furniture and technology equipment, submitted by the Library, is hereby declared surplus to the needs of the County.

1 Wooden Magazine Display	1 Long Storage Bench with Cushions
1 Small Wooden Side Table	1 Xerox Workcentre 5030 (Parts Only)
1 Colorful Rug	2 Plastic Floor Level Rocking Chairs (orange and red)
13 Dell Computers	2 Wooden Children’s Triangle Table with two Benches
9 Lenovo Computers	25 Wooden Chairs (Various Sizes)
3 Rectangle Wooden Tables	2 Round Wooden Tables
1 Gateway Computer	1 Dell Monitor
2 HP Laser Jet Printers	4 Brother Inkjet Printers

2. Said furniture 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 Library Fund – Fund 122.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : November 12, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-58

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Expenditure of Funds Related to Special Projects as Recommended by the Colleton County Accommodations Tax Committee from the State Accommodations Tax Fund – Fund 152 During the Fiscal Year Ending June 30, 2024 and Other Matters Related Thereto.]

WHEREAS:

1. At their meeting on October 24, 2024, the Accommodations Tax Committee received three requests for funding as follows:
 - a) Colleton Museum & Farmers Market— “WHAM 2025!”, \$25,712;
 - b) Colleton County Rice Festival— “50th Year Anniversary”, \$15,000;
 - c) Edisto River Canoe and Kayak—Equipment Update, \$20,000.
2. The Accommodations Tax Committee voted to recommend approval of the request from the Colleton Museum & Farmers Market— “WHAM 2025!” in the amount of \$27,712, Colleton County Rice Festival— “50th Year Anniversary” in the amount of \$15,000, and the Edisto River Canoe and Kayak—Equipment Update in the amount of \$20,000.

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

1. The Colleton Museum & Farmers Market is hereby appropriated \$25,712 for “WHAM 2025!” from the State Accommodations Tax Fund – Fund 152 during the fiscal year ending June 30, 2024.
2. The Colleton County Rice Festival is hereby appropriated \$15,000 for “50th Year Anniversary” from the State Accommodations Tax Fund – Fund 152 during the fiscal year ending June 30, 2024.
3. The Edisto River Canoe and Kayak is hereby appropriated \$20,000 for equipment updates from the State Accommodations Tax Fund – Fund 152 during the fiscal year ending June 30, 2024.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : November 12, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-59

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize Acceptance and Budgeting of Various Grants for FY 2024-2025.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The Fourteenth Judicial Circuit Solicitor’s Office is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY25 received from the South Carolina Opioid Recovery Fund Board for an Opioid Recovery Fund Assistance Grant; and
3. Pillars for Hope is considered the Office of Primary Responsibility (OPR) related to the receipt of non-budgeted income for FY25 received from the South Carolina Opioid Recovery Fund Board for an Opioid Recovery Fund Assistance Grant.

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 revenues and expenditures in the following funds for the grant and unbudgeted revenues for FY24 as listed:
 - a. Fund 120 – Special Revenue Fund; South Carolina Opioid Recovery Fund Board; \$131,431; Opioid Recovery Fund Assistance Grant for the 14th Circuit Solicitor’s Office.
 - b. Fund 120 – Special Revenue Fund; South Carolina Opioid Recovery Fund Board; \$315,141; Opioid Recovery Fund Assistance Grant for Pillars for Hope.
2. The above listed OPRs (Offices of Primary Responsibility) are 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 parties for providing copies of external reports to the Finance Office, grant auditors, and to external auditors at the end of FY25 as requested for this grant/non-budgeted revenue received.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : November 12, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-60

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve a Change Order for Parking Lot Rehabilitation as part of the County Plaza ADA Improvements Project.]

WHEREAS:

1. The J.P. Harrelson Building New Entrance and Improvements Project and the County Plaza ADA Improvements Project both included parking lot rehabilitation; and
2. Staff determined that it was in the best interest of the County to do all parking lot rehabilitation at the same time; and
3. It is recommended that Council approve the change order, presented as Alternate H in the original County Plaza ADA Improvements Project proposal, in the amount of \$247,445.

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

1. County Council hereby approves the change order for parking lot rehabilitation (included herein by reference) for the County Plaza ADA Improvements Project in the amount of \$247,445.
2. Funding shall come from the Capital Fund – Fund 115.
3. The County Administrator is authorized to execute all required documents for this Change Order.

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : November 12, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-XX

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Appoint Members to Board Vacancies.]

WHEREAS:

1. Colleton County Commission of Alcohol and Drug Abuse three vacancies; and
Applicant: Lelia Williams and Janice Wright
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 Hereby appoints the following:

Colleton County Commission of Alcohol and Drug Abuse: Lelia Williams and Janice Wright

ATTEST:

SIGNED:

Kaela Brinson, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:

OPPOSED: