

**AGENDA  
COLLETON COUNTY COUNCIL  
REGULAR MEETING  
TUESDAY, JUNE 2, 2015  
6:00 P.M.  
COUNTY COUNCIL CHAMBERS, OLD JAIL BUILDING**

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Appearances & Public Presentations
  - a) First Choice Academy – Dr. Yvonne Commodore
5. Approval of Minutes
  - a) Regular Meeting May 5, 2015
6. Awards and Recognitions
7. Administrator’s Briefing
8. Public Hearing
  - a) Colleton County proposes to file an application for a grant with Rural Development Community Facilities. The purpose of this public meeting is to give an opportunity to become acquainted with a proposed Community Facilities project, consisting generally of the purchase of bathroom fixtures/equipment related to the impending improvements at the Hampton Street Auditorium.  
  
Citizens will have the opportunity to comment on such items as economic and environmental impacts, service area, and alternatives to the project.  
  
Projects funded by Rural Development are equal opportunity programs and discrimination in the program is prohibited by Federal Law.
9. Old Business
  - a) 2<sup>nd</sup> Reading Ordinance 15-O-07, Granting Easement No. 893051 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard between North Jefferies Boulevard and Colleton Loop in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto

10. New Business
  - a) 1<sup>st</sup> Reading Ordinance 15-O-08, To Enact Regulations Regarding Smoking in Public Places in order to Protect the Public Against the Harmful Effects of Secondhand Smoke.
  - b) Resolution 15-R-55, To Authorize the Submittal of a Grant Application for the FY 2015 Local Emergency Management Performance Grant.
  - c) Resolution 15-R-56, To Approve the Use of the County Parking Lot by the Friends of the Colleton County Animal Shelter for the Second Annual Walk and Wag on September 19, 2015.
  - d) Resolution 15-R-57, To Appoint Members to the Colleton County Safety Committee.
  - e) Resolution 15-R-58, To Award the Contract for Architectural and Engineering Services for the Hampton Street Auditorium.
  - f) Resolution 15-R-59, To Reschedule the July County Council Meeting and Cancel the August County Council Meeting.
  - g) Resolution 15-R-60, To Acknowledge the Authority of the County Treasurer to Invest the Proceeds of the County's General Obligation Capital Project Sales Tax Bonds and to Provide the County Council's Consent.
  - h) Resolution 15-R-61, To Award the Contract for Architectural and Engineering Services for the Colleton County Recreation Center Gymnasium Expansion Project.
  - i) Resolution 15-R-62, To Authorize Renewal of the Lease Agreements by and between Colleton County and Colleton Genealogy Society and by and between Colleton County and the Lowcountry Community Action Agency (LCAA) for the Use of County Facilities Located on Black Street in Walterboro.
  - j) Resolution 15-R-63, 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) Personnel – Fire-Rescue
  - b) Economic Development
    1. Project Global

15. Adjournment

16. Informal Meeting of the Whole

## **PUBLIC MEETING NOTICE**

Colleton County proposes to file an application for a grant with Rural Development Community Facilities, and will hold a public meeting on Tuesday, June 2, 2015 at County Council Chambers, located at 109 Benson Street in Walterboro at 6:00 PM. The purpose of this public meeting is to give an opportunity to become acquainted with a proposed Community Facilities project, consisting generally of the purchase of bathroom fixtures/equipment related to the impending improvements at the Hampton Street Auditorium.

Citizens will have the opportunity to comment on such items as economic and environmental impacts, service area, and alternatives to the project.

Projects funded by Rural Development are equal opportunity programs and discrimination in the program is prohibited by federal law.

Sponsor(s): County Council  
First Reading: May 5, 2015  
Committee Referral: N/A  
Committee Consideration Date: N/A  
Committee Recommendation: N/A  
Second Reading: June 2, 2015  
Public Hearing:  
Third Reading:  
Effective Date: Immediately

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

## ORDINANCE NO. 15-O-07

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

**[An Ordinance Granting Easement No. 893051 to South Carolina Electric and Gas Across a Portion of Property Owned by Colleton County Located along Robertson Boulevard between North Jefferies Boulevard and Colleton Loop in or near the City of Walterboro, County Colleton, SC; Such Easement is to be Used for the Installation, Operation and Maintenance of Electrical and Gas Facilities within Colleton County, SC; to Authorize Execution and Recording of the Easement Documents; and Other Matters Related Thereto.]**

#### WHEREAS:

Colleton County Council deems it to be in the best interest of the County to grant an Easement to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard between North Jefferies Boulevard and Colleton Loop in or near the City of Walterboro, Colleton County, SC; such easements are to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.

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

- 1) The documents attached and included herein by reference grant Easement No. 893051 to South Carolina Electric and Gas across a portion of property owned by Colleton County located along Robertson Boulevard between North Jefferies Boulevard and Colleton Loop in or near the City of Walterboro, Colleton County, SC to be used for the installation, operation and maintenance of electrical and gas facilities within Colleton County, SC.
- 2) The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
- 3) Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
- 4) Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

- 5) Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : Gene Whetsell  
First Reading : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : July 28, 2015  
Public Hearing : September 1, 20145  
Third Reading : September 1, 2015  
Effective Date : Immediately

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

## **ORDINANCE NO. 15-O-08**

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

#### **[To Enact Regulations Regarding Smoking in Public Places in order to Protect the Public Against the Harmful Effects of Secondhand Smoke.]**

**WHEREAS**, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers; and

**WHEREAS**, there is no safe level of exposure to secondhand smoke; and

**WHEREAS**, limiting the exposure to secondhand smoke will protect the health and welfare of the public at large and will improve the quality of life in Colleton County, which in turn contributes to the County's being a livable community and having success in economic development; and

**WHEREAS**, upon assessing current conditions and the most recent medical findings made by authoritative sources, Council has determined that the Clean Indoor Act does not sufficiently address the pressing public health issue and quality of life considerations arising from the harmful effects of secondhand smoke, and action by County Council is necessary and proper.

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

The provisions presented herein shall be added to the Colleton County Code of Ordinances under Title 8 – HEALTH AND SAFETY, as Chapter 8.08 - Smoking in Public Places and Places of Employment. The effective date shall be \_\_\_\_\_.

#### **Chapter 8.08**

#### **SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT**

##### **Sections:**

- 8.08.10 Findings and Determinations**
- 8.08.020 Definitions**
- 8.08.030 Application to County-Owned Facilities and Vehicles**
- 8.08.040 Prohibition of Smoking in Enclosed Public Places**

- 8.08.050 Prohibition of Smoking in Places of Employment**
- 8.08.060 Prohibition of Smoking in Certain Outdoor Areas**
- 8.08.070 Reasonable Distance of Entry and Outdoor Area**
- 8.08.080 Where Smoking Not Regulated**
- 8.08.090 Declaration of Establishment as Nonsmoking**
- 8.08.100 Posting of Signs**
- 8.08.110 Nonretaliation; Nonwaiver of Rights**
- 8.08.120 Enforcement**
- 8.08.130 Violations and Penalties**
- 8.08.140 Public Education**
- 8.08.150 Governmental Agency Cooperation**
- 8.08.160 Other Applicable Laws**
- 8.08.170 Interpretation for Intent**
- 8.08.180 Severability**
- 8.08.190 Conflict**
- 8.08.200 Effect of Section Headings**

**8.08.010 Findings and Determinations**

The County Council ("Council") of Colleton County, South Carolina, hereby finds and determines:

(a) Colleton County, South Carolina ("County"), is a body politic and corporate and a political subdivision of the State Of South Carolina, and as such possesses all powers granted to counties by the Constitution and the laws of the State of South Carolina.

(b) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," *Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI)*, August 1999.). The Surgeon General has declared that:

(1) Secondhand smoke causes disease and premature death in nonsmokers exposed to smoke;

(2) Children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma;



(3) Adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer;

(4) There is no safe level of exposure to secondhand smoke; and

(5) Separating smoking and nonsmoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas.

(c) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50 percent higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study, *Tobacco Control* 11(3): 220-225, September 2002.)

(d) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking, *Business & Health* 15(8), Supplement A: 6-9, August 1997.)

(e) Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking which can be reasonably seen to have the same effects of exposure as when nonsmokers are exposed to smoke in the same enclosed space. Lighted cigarettes, cigars, and pipes of people standing or sitting in close proximity have the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers.

(f) When there is a presence of secondhand smoke in enclosed spaces or in outside areas where there is a public gathering resulting in people being in close proximity in places that are otherwise open to the public at large inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.

(g) The County recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this article (the "article").

#### **8.08.020 Definitions**

Unless the context shall clearly indicate some other meaning, the terms defined in this section shall, for all purposes of this article and other documents herein referenced, have the meanings herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

"Bar" shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the

consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

"Business" shall mean a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are offered for sale; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

"Employee" shall mean a person who is employed by an employer in consideration for direct or indirect monetary wages, commission, goods or services in kind or like compensation, and it shall also mean a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or nonprofit entity that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including stationary structures and mobile public conveyances; parking structures and other facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition.

"Health care facility" means an office or institution providing care or treatment of persons having diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes (except as otherwise permitted herein), homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" for purposes of this article unless it is used as a childcare, adult day care, or health care facility. Nor is a private passenger motor vehicle a "place of employment" when used in the performance of employment responsibilities, provided it is not being used as public conveyance.

"Private club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes, or for purposes of benefitting particular club members and their guests, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501. Establishments which are in fact operating as bars, restaurants, or entertainment venues primarily for the pecuniary benefit of the owner, or chief operating officer, or other person having substantial control shall not be treated as private clubs under this article.

"Public place" means an area to which the public is invited or to which the public is permitted to have access, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums and ball parks. A private club is a "public place" when being used for a function to which the general public is allowed entry. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

"Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, ice cream parlors, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

"Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes cigar bars, which are establishments licensed for the on-premises sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article.

"Service line" means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

"Shopping mall" means an enclosed public plaza, promenade, walkway, or hall area that serves to connect retail or professional establishments.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

#### **8.08.030 Application to County-Owned Facilities and Vehicles**

All enclosed facilities, buildings, and vehicles owned, leased, or operated by the County shall be subject to the provisions of this article.

#### **8.08.040 Prohibition of Smoking in Enclosed Public Places**

Smoking shall be prohibited in all enclosed public places within the County, including but not limited to, the following places:

(a) Galleries, libraries, and museums.

(b) Areas available to and customarily used by the general public in businesses and nonprofit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.

- (c) Bars.
- (d) Bingo facilities.
- (e) Convention facilities, conference centers, and exhibition halls.
- (f) Educational facilities, both public and private.
- (g) Elevators.
- (h) Health care facilities.
- (I) Hotel and motel lobbies.
- (j) Licensed childcare and adult day care facilities.
- (k) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (l) Polling places.
- (m) Private clubs when being used for a function to which the general public is invited.
- (n) Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots.
- (o) Restaurants.
- (p) Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- (q) Retail stores.
- 7) Rooms, chambers, places of meeting or public assembly, including school buildings.
- (s) Service lines.
- (t) Shopping malls.
- (u) Sports arenas.
- (v) Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projections booths, back stage areas, and the stage, but excluding smoking on stage when it is an integral part of a theatrical performance.

**8.08.050 Prohibition of Smoking in Places of Employment**

(a) Smoking shall be prohibited in all enclosed areas within places of employment without exception, including but not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles used for the conveyance of the public, but not including vehicles used in performing employment responsibilities when the sole occupants and users are person who smoke.

(b) This prohibition on smoking shall be communicated by employers to all existing employees by the effective date of this article and to all prospective employees upon their application for employment.

#### **8.08.060 Prohibition of Smoking in Certain Outdoor Areas**

Smoking shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:

- (a) Amphitheaters.
- (b) Ball parks and stadiums when in use for athletic competitions or public performances.
- (c) Parades and special events on public streets and city property, although the city manager has the discretion, but not the obligation, to establish designated smoking areas in or in proximity to the parade or event area.
- (d) Dining areas in encroachment areas on public sidewalks, plazas, and parks and dining areas on decks, balconies, and patios of restaurants and bars.

#### **8.08.070 Reasonable Distance of Entry and Outdoor Area**

Smoking is prohibited within a distance of ten feet from any entry into an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Smoking is also prohibited within ten feet of the boundary of the outdoor areas where smoking is prohibited. Persons who have begun smoking prior to approaching the ten-foot distance may continue doing so, provided they do not stop, stand, sit, or linger within the ten-foot distance.

#### **8.08.080 Where Smoking Not Regulated**

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of Sections 8.08.040, 8.08.050, and 8.08.060 of this article:

- (a) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- (b) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- (c) Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.
- (d) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.
- (e) Private clubs that have no employees, except when being used for a function to which the general public is admitted.

(f) Outdoor areas of places of employment except those covered by the provisions of Section 8.08.060 of this article.

**8.08.090 Declaration of Establishment as Nonsmoking**

Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 8.08.100 is posted.

**8.08.100 Posting of Signs**

(a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of that place.

(b) Every public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(c) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.

**8.08.110 Nonretaliation; Nonwaiver of Rights**

(a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.

(b) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

**8.08.120 Enforcement**

(a) This article shall be enforced by the office of the County Administrator or an authorized designee.

(b) Any citizen who desires to register a complaint under this article may initiate enforcement with the office of the County Administrator.

(d) The building codes division, fire department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.

(e) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

(f) Notwithstanding any other provision of this article, an employee or member of the public may bring legal action against a person, business, or organization in violation of this article to enforce this article.

(g) In addition to the remedies provided by the provisions of this section, the County or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

#### **8.08.130        Violations and Penalties**

(a) A person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than \$10.00, nor more than \$25.00.

(b) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a fine of not less than \$10.00, nor more than \$25.00.

(c) In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit issued to the person for the premises on which the violation occurred.

(d) Violation of this article is hereby declared to be a public nuisance, which may be abated by the County by restraining order, preliminary and permanent injunction, or other means provided for by law, and the County may take action to recover the costs of the nuisance abatement.

(e) Each day of a continuing violation of this article shall be considered a separate and distinct offense.

#### **8.08.140        Public Education**

The County shall engage in a continuing program to explain and clarify the purposes and requirements of this Chapter to citizens affected by it, and to guide owners/operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this article.

#### **8.08.150        Governmental Agency Cooperation**

The County shall annually request other governmental and educational agencies having facilities within the County to establish local operating procedures in cooperation and compliance with this article. This includes urging all federal, state, city, town, and school district agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

#### **8.08.160        Other Applicable Laws**

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

**8.08.170 Interpretation for Intent**

It is the intent of Council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconvenience of secondhand smoke in places where they work, stand, sit, walk, dine, drink, read, study, or engage in entertainment and recreation. All provisions shall be construed to achieve these purposes.

**8.08.180 Severability**

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**8.08.190 Conflict**

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

**8.08.200 Effect of Section Headings**

The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this article.

ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

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

COUNCIL VOTE:  
OPPOSED:



Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-55**

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

**[A Resolution to Authorize the Submittal of a Grant Application for the FY 2015 Local Emergency Management Performance Grant.]**

**WHEREAS:**

1. The Emergency Management Department has requested authorization for the submittal of a grant application for the FY 2015 Local Emergency Management Performance Grant in the amount of \$62,577; and
2. This grant requires a 50% match in the amount of \$62,577, which is budgeted annually in the Emergency Preparedness Department budget.

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

1. County Council hereby authorizes the application to the South Carolina Emergency Management Division for the FY 2015 Local Emergency Management Performance Grant in the amount of \$62,577, and authorizes funding budgeted annually in the Emergency Preparedness department's budget to serve as the like/kind match for the above mentioned grant.
2. The Emergency Preparedness Department is responsible for preparing the grant application and for providing a copy of the grant application to the Finance Department.
3. The Emergency Preparedness Department is responsible for notifying the Finance Department related to the award of this grant application.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-56**

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

**[A Resolution to Approve the Use of the County Parking Lot by the Friends of the Colleton County Animal Shelter for the Second Annual Walk and Wag on September 19, 2015.]**

**WHEREAS:**

1. The Friends of the Colleton County Animal Shelter (FOCCAS) is sponsoring a Walk and Wag to be held on Saturday, September 19, 2015, to raise awareness on the importance of responsible pet ownership, exercise and pet socialization; and
2. A request has been received to use the County Parking Lot from 9:00 a.m. until 2:00 p.m. for refreshments, as well as an information festival with sponsor booths; and
3. It is deemed to be in the best interest of the citizens of the County to encourage participation in the Walk and Wag and to make the County Parking Lot available for this event.

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

1. The use of the County Parking Lot for the Walk and Wag event to be hosted by the Friends of the Colleton County Animal Shelter on Saturday, September 19, 2015 from 9:00 a.m. until 2:00 p.m. is hereby approved.
2. County Council encourages everyone to participate in this Walk and Wag event to raise awareness on the importance of responsible pet ownership.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

## **RESOLUTION NO. 15-R-57**

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

**[To Appoint Members to the Colleton County Safety Committee.]**

#### **WHEREAS:**

1. The Safety Committee was established in 2002 by Ordinance 02-O-15 and amended in 2006 by Ordinance 06-O-21; and
2. Amendment of committee membership shall be changed by County Council resolution.

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

1. Colleton County Council hereby appoints the following employees to the County Safety Committee in accordance with Ordinance 02-O-15 as amended by Ordinance 06-O-21:

Wanda Grooms	Animal & Environmental Control
Robbie Williams	Facilities Maintenance
Polly Riley	Clerk of Court
Jamie Gahagan	Library
Helen Bowers	Roads & Bridges
Jack Wright	Fleet Management
Scott Feather	Fire-Rescue
Buddy Hill	Sheriff's Office
Scott Feather	Fire-Rescue
Sirena Meminger	EPA/VA/Coroner
Theodore Reed	Harrelson Building Complex
Sylvia Singleton	Solid Waste
Deagdrea Sadler	Human Resources
Phyllis Green	Risk Management

ATTEST:

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Ruth Mayer, Council Clerk

SIGNED:

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-58**

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

**[A Resolution to Award the Contract for Architectural and Engineering Services for the Hampton Street Auditorium.]**

**WHEREAS:**

1. The County advertised a Request for Proposals CPST-01 for architectural and engineering services for six of the County's Capital Projects Sales Tax Projects; and
2. The Hampton Street Auditorium project received nine proposals for architectural and engineering services, and a committee ranked each firm based on required qualifications, forming a short list of four firms; and
3. The four firms presented their proposals to the committee; and
4. Tych and Walker Architects, LLP meets all of the requirements of the request for proposals and received the highest score from the committee; and
5. Staff recommends that the contract be awarded to Tych and Walker Architects, LLP; and
6. Funding for this project is provided by the Capital Project Sales Tax. The negotiated contract price for services is \$153,600, 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 in accordance with CPST-01 to Tych and Walker Architects, LLP, and authorizes the County Administrator to execute said contract.
2. Funding for this expenditure is provided by the Capital Project Sales Tax.

ATTEST:

SIGNED:

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Ruth Mayer, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-59**

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

**[To Reschedule the July County Council Meeting and Cancel the August County Council Meeting.]**

**WHEREAS:**

1. The first Tuesday of July falls near a national holiday; and
2. The South Carolina Association of Counties Annual Conference is scheduled for August 2-5, 2015; and
3. Staff recommends that County Council hold one meeting on July 28, 2015 to cover regular business for the months of July and August.

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

County Council hereby reschedules the July 2015 County Council meeting to July 28<sup>th</sup>, 2015, and hereby cancels the August 2015 County Council meeting.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-60**

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

**[TO ACKNOWLEDGE THE AUTHORITY OF THE COUNTY TREASURER TO INVEST THE PROCEEDS OF THE COUNTY'S GENERAL OBLIGATION CAPITAL PROJECT SALES TAX BONDS AND TO PROVIDE THE COUNTY COUNCIL'S CONSENT.]**

**WHEREAS**, pursuant to the provisions of the Title 4, Chapter 10, Article 3 of the Code of Laws of South Carolina 1976, as amended (the "Capital Project Sales Tax Act"), a referendum was conducted on November 4, 2014 (the "Referendum") in Colleton County, South Carolina (the "County") for the purpose of approving a 1% Capital Project Sales Tax to pay the costs of acquiring, including in certain instances the acquisition of real property, constructing, furnishing, and equipping certain specified capital projects throughout Colleton County, as approved in the Referendum (the "Referendum Projects"); and

**WHEREAS**, pursuant to the Ordinance of the County Council of Colleton County (the "County Council") which was enacted April 7, 2015 (the "Bond Ordinance"), the County issued \$29,700,000 General Obligation Capital Project Sales Tax Bonds, Series 2015 (the "Series 2015 Bonds") on May 14, 2015. Upon the closing of the Series 2015 Bonds, the proceeds thereof (the "Referendum Bond Proceeds") were placed on deposit and, as authorized in Article III, Section 3 of the Bond Ordinance, are being held by the Colleton County Treasurer (the "County Treasurer") pending disbursement to pay the costs of construction of the Referendum Projects; and

**WHEREAS**, pursuant to Section 6-5-20 of the Code of Laws of South Carolina 1976, as amended, and the provisions of the Bond Ordinance, the County Treasurer is fully vested with the authority to invest the Referendum Bond Proceeds, within the investment parameters legally-authorized under South Carolina law, in order to maximize the earnings thereon; and

**WHEREAS**, the County Treasurer has determined that investment earnings on the Referendum Bond Proceeds can be maximized by soliciting competitive proposals from investment providers, and has engaged the assistance of the County's independent financial advisor, Raymond James & Associates, Inc. (the "Financial Advisor") to supervise the process of procuring competitive proposals; and

**WHEREAS**, the County Council wish to provide evidence of their support for the County Treasurer's plan to maximize the investment earnings on the Referendum Bond Proceeds.

**NOW, THEREFORE, BE IT RESOLVED** by the Colleton County Council in meeting duly assembled:

Section 1. As an incident to the adoption of this Resolution, the County Council find that the facts set forth in the recitals hereof, as the preamble hereto, and the statements therein made, are true and correct.

Section 2. Acknowledgement of County Treasurer's Investment Authority. The County Council hereby acknowledge the authority of the County Treasurer, as provided by South Carolina law and as recognized in Article III, Section 3 of the Bond Ordinance, to invest and reinvest the Referendum Bond Proceeds in such legally-authorized investments as the County Treasurer shall deem appropriate.

Section 3. The County Council hereby express their support for the County Treasurer's plan to maximize the investment earnings on the Referendum Bond Proceeds through a competitive procurement process, engaging the assistance of the County's Financial Advisor, and upon consultation with the County Attorney and the County's Bond Counsel, as necessary.

Section 4. Governing Law. This Resolution shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the County Council.

**DONE IN MEETING DULY ASSEMBLED** this 2<sup>nd</sup> day of June, A.D. 2015.

(SEAL)

**COLLETON COUNTY, SOUTH CAROLINA**

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

\_\_\_\_\_  
Ruth Mayer, Council Clerk

COUNCIL VOTE:  
OPPOSED:



Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-61**

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

**[A Resolution to Award the Contract for Architectural and Engineering Services for the Colleton County Recreation Center Gymnasium Expansion Project.]**

**WHEREAS:**

1. The County advertised a Request for Proposals CPST-01 for architectural and engineering services for six of the County's Capital Projects Sales Tax Projects; and
2. The Colleton County Recreation Center Gymnasium Expansion project received seventeen proposals for architectural and engineering services, and a committee ranked each firm based on required qualifications, forming a short list of four firms; and
3. The four firms presented their proposals to the committee; and
4. Clark Patterson Lee, Design Professionals meets all of the requirements of the request for proposals and received the highest score from the committee; and
5. Staff recommends that the contract be awarded to Clark Patterson Lee, Design Professionals; and
6. Funding for this project is provided by the Capital Project Sales Tax. The negotiated contract price for services is \$180,000, 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 in accordance with CPST-01 to Clark Patterson Lee, Design Professionals, and authorizes the County Administrator to execute said contract.
2. Funding for this expenditure is provided by the Capital Project Sales Tax.

ATTEST:

SIGNED:

\_\_\_\_\_  
Ruth Mayer, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**RESOLUTION NO. 15-R-62**

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

**[A Resolution to Authorize Renewal of the Lease Agreements By and Between Colleton County and Colleton Genealogy Society and By and Between Colleton County and the Lowcountry Community Action Agency (LCAA) for the Use of County Facilities Located on Black Street in Walterboro.]**

**WHEREAS:**

1. Colleton County currently has a lease agreement with Colleton Genealogy Society for their rental of a portion of the building at 609 Black Street in Walterboro, and said lease expires on June 30, 2015; and
2. Colleton County currently has a lease agreement with the Lowcountry Community Action Agency for use of the County's facility at 615 Black Street in Walterboro as a homeless shelter, and said lease expires on June 30, 2015; and
3. In accordance with the terms of the lease, Colleton Genealogy Society and LCAA have requested renewal of the agreement; and
4. County Council deems it to be in the best interest of the County to renew said lease agreements.

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

1. Colleton County Council hereby approves renewal of the Lease Agreement (copy attached and included herein by reference) by and between Colleton County and Colleton Genealogy Society for a portion of the facility at 609 Black Street in Walterboro.
2. Colleton County Council hereby approves renewal of the Lease Agreement (copy attached and included herein by reference) by and between Colleton County and the Lowcountry Community Action Agency for the facility at 615 Black Street in Walterboro.
3. The County Administrator is hereby authorized to execute the lease agreements on behalf of the County pending approval of the documents by the County Attorney.

ATTEST:

SIGNED:

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Ruth Mayer, Council Clerk

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Steven D. Murdaugh, Chairman

COUNCIL VOTE:  
OPPOSED:

Sponsor(s) : County Council  
Adopted: : June 2, 2015  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

### **RESOLUTION NO. 15-R-63**

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

#### **(To Appoint Members to Board Vacancies.)**

#### **WHEREAS:**

1. Keep Colleton Beautiful has eight vacancies; and  
Applicants: None
2. Edisto River Canoe & Kayak Trail Committee has six vacancies (4 at-large, 1 from Colleton County Development Board, 1 from Recreation Commission) ; and  
Applicants: Charles Sweat, Jr., Gary Hermann (At-Large)
3. Colleton County Resource & Development Board has one vacancy: and  
Applicants: Lawton Huggins
4. Colleton County Recreation Commission has two vacancies (One un-expired term); and  
Applicants: None
5. Board of Disabilities & Special Needs has two vacancies for un-expired terms; and  
Applicants: None
6. Board of Adjustments & Appeals (Building Dept.) has two vacancies(one heat/air, one plumbing); and  
Applicants: None
7. Colleton County Commission of Alcohol & Drug Abuse has six vacancies; and  
Applicants: Henry Pinckney, Kevin Baker
8. 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:

Edisto River Canoe & Kayak Trail Committee: Charles Sweat, Jr., Gary Hermann (At-Large)

Colleton County Resource & Development Board: Lawton Huggins

Colleton County Commission of Alcohol & Drug Abuse: Henry Pinckney, Kevin Baker

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Steven D. Murdaugh, Chairman