

**AGENDA
COLLETON COUNTY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 11, 2014
6:00 P.M.**

COLLETON CAREER SKILLS CENTER, 1085 THUNDERBOLT DRIVE

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Roll Call
4. Appearances & Public Presentations
 - a) Baird & Company CPAs, LLC – FY 2013 Audit
 - b) Colleton Career Training Center – Hank Amundson & Eddie Johnson
 - c) Introduction of Delinquent Tax Collector – Larry Lightsey
5. Approval of Minutes
 - a) Regular Meeting January 7, 2014
6. Administrator's Briefing
7. Public Hearing
 - a) Ordinance 13-O-14, To Amend Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance.
 - b) Ordinance 13-O-15, To Amend Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance.
 - c) Ordinance 13-O-16, To Amend Chapter 14.08 – Zoning, Section 14.08-11 Definitions, of the Colleton County Zoning Ordinance.
 - d) Ordinance 13-O-17, To Create Chapter 3.36 – Property Taxes, of Title 3 – Revenue and Finance, of the Code of Ordinances of Colleton County and Section 3.36.20 – Installment Payment of Taxes as Part of Chapter 3.36.
8. Old Business
 - a) 3rd Reading Ordinance 13-O-14, To Amend Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance.
 - b) 3rd Reading Ordinance 13-O-15, To Amend Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance.
 - c) 3rd Reading Ordinance 13-O-16, To Amend Chapter 14.08 – Zoning, Section 14.08-11 Definitions, of the Colleton County Zoning Ordinance.

- d) 3rd Reading of Ordinance 13-O-17, To Create Chapter 3.36 – Property Taxes, of Title 3 – Revenue and Finance, of the Code of Ordinances of Colleton County and Section 3.36.20 – Installment Payment of Taxes as Part of Chapter 3.36.
- e) 2nd Reading Ordinance 14-O-01, Authorizing The Execution And Delivery Of Certain Instruments Relating To The Acquisition, Use, And Installation Of Improvements To 604 Wichman Street, Walterboro, South Carolina (The "Farm Market Commercial Kitchen Project"); Approving The Issuance Of a CCEDC Two, Inc. Installment Purchase Revenue Note; Authorizing The Execution And Delivery Of a Public Facilities Purchase And Occupancy Agreement Among Colleton County, CCEDC Two, Inc., And Palmetto Rural Telephone Cooperative, Inc.; And Other Matters Relating Thereto.
- f) 2nd Reading Ordinance 14-O-02, Authorizing A Loan From The South Carolina Public Service Authority To Colleton County, South Carolina To Finance The Construction Of An Industrial Building In The Colleton County Commerce Center For The Economic Development Of Colleton County; Authorizing The Execution And Delivery Of An Intergovernmental Loan Agreement Between The South Carolina Public Service Authority And Colleton County And A Promissory Note From Colleton County To The South Carolina Public Service Authority Related Thereto; And Other Matters Relating Thereto

9. New Business

- a) 1st Reading Ordinance 14-O-03 BY TITLE ONLY, Providing For a Fee in Lieu of Tax Arrangement for Project Dent; Providing for The Allocation of Fees-In-Lieu of Taxes Payable Under the Agreement for Development for a Joint County Industrial Park with Hampton County; and Other Matters Relating Thereto.
- b) 1st Reading Ordinance 14-O-04 BY TITLE ONLY, To Further Amend the Agreement for Development of a Joint County Industrial Park, By and 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 Joint County Industrial Park in Relation to Project Dent.
- c) 1st Reading Ordinance 14-O-05, BY TITLE ONLY, To Amend The Colleton County Code Of Ordinances, Section 3.08.185 Related To Local Vendor Preference.
- d) Resolution 14-R-07, To Authorize an Additional Five-Year Sole Source Purchase Arrangement Between Colleton County Fire-Rescue Commission and Physio-

Control for Cardiac Monitors/Defibrillators, AEDs, Chest Compression Devices and Related Equipment for a Period Not to Exceed Five Years.

- e) Resolution 14-R-08, To Authorize an Additional Five-Year Sole Source Purchase Arrangement between Colleton County Fire-Rescue Commission and Globe Turnout Gear.
- f) Resolution 14-R-09, To Authorize the Waiver Of Various Fees For The July 2014 World Changers Home Repair Program.
- g) Resolution 14-R-10, To Approve Acceptance of a Grant from Coastal Electric Cooperative in the Amount of \$136,166.67 for Industrial Infrastructure Development.
- h) Resolution 14-R-11, To Approve the Victim Assistance Agreement between the Colleton County Sheriff's Office and the Town of Edisto Beach.
- i) Resolution 14-R-12, To Authorize the Council Clerk to Advertise for Board Vacancies.
- j) Resolution 14-R-13, To Award Bid PW-01 for Purchase and Delivery of Stone Products for the Colleton Transportation Committee.
- k) Resolution 14-R-14, To Award Bid PW-02 for Purchase and Delivery of Reinforced Concrete Pipe for the Colleton Transportation Committee.
- l) Resolution 14-R-15, To Authorize a Fund Balance Appropriation from Fund 100 – General Fund for the Purchase of Real Property for Future Law Enforcement.
- m) Resolution 14-R-16, To Approve a Facilities Use Agreement By and Between Colleton County and the Edisto Art Guild and to Authorize the County Administrator to Execute said Agreement.
- n) Resolution 14-R-17, To Appoint Members to Board Vacancies.

10. Items for Information and Public Record

11. Public Comments (3 minutes per person/max time 20 minutes)

12. Council Time

13. Adjournment

14. Informal Meeting of the Whole

Sponsor(s): County Council
First Reading: December 3, 2013
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: January 7, 2014
Public Hearing: February 11, 2014
Third Reading: February 11, 2014
Effective Date: Immediately

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

ORDINANCE 13-O-14

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance.]

WHEREAS:

1. The County adopted the Zoning Ordinance in September 2010, and there have been changes in the County's land use over time; and
2. The Zoning Ordinance has been under review by the Planning Commission, and it has found the need to make adjustments based on past requests; and
3. The Planning Commission, in their November meeting, voted to recommend an amendment to the Zoning Ordinance regarding Zoning District Regulations.

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

1. **Chapter 14.08 – Zoning, Section 14.08-2 Zoning District Regulations, of the Colleton County Zoning Ordinance** is hereby amended to read as follows:

14.08-2.050 Rural Development-1, B.1.e., Cemeteries

Remove “family and accessory (excluding principal use)”.

14.08-2.060 Rural Development-2, B.3. (Special Exceptions): i, j, & n.

Remove “up to 5000 sqft and excluding alcohol sales” from Retail uses; Add “Drinking Establishments” to Restaurants and Remove “up to 2500 sqft”; and Add “Wholesale Trade” as a use.

14.08-2.080 Community Commercial, B.1. (Permitted Uses): w., cc., dd., ff.

Remove “up to 10,000 sqft” from Office uses; Add “Drinking Establishments” to Restaurants; Remove “ up to 5000 sqft and excluding alcohol sales” from Retail uses; Remove “up to 5000 sqft” from Service uses; Add Wholesale Trade; and under Section B.3 (Special Exceptions): e., Remove “Liquor stores”, h., Remove “Retail uses 5,001 to 50,000 sqft”.

14.08-2.090 Village Commercial, B.1. (Permitted Uses): aa., hh., jj., gg.

Remove “up to 10,000 sqft” from Office uses; Remove “up to 50,000 sqft and excluding alcohol sales” from Retail uses; Remove “up to 10,000 sqft” from Service uses and Add “Drinking Establishments” to Restaurants and under **Section B.3 (Special Exceptions): e.**, Remove “Liquor stores”, **h.**, Remove “Retail uses (more than 50,000 sqft)”.

Sponsor(s): County Council
First Reading: December 3, 2013
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: January 7, 2014
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I, _____,
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ORDINANCE 13-O-15

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance.]

WHEREAS:

1. The standards set by the current ordinance have resulted in confusion and enforcement concerns regarding the placement of political signs in the SCDOT and County rights-of-way; and
2. In order to be consistent to the current practice in the field, it is necessary to allow political signs in the County rights-of-way; and
3. The Planning Commission, in their November meeting, voted to recommend an amendment to the Zoning Ordinance regarding political signs.

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

1. **Chapter 14.08 – Zoning, Section 14.08-6 Signs, of the Colleton County Zoning Ordinance** is hereby amended to read as follows:

Repeal: **Section 14.08-6.060 A.3.g. Political Signs**

Amend: **Section 14.08-6.050 B.6.e. Other** to read: “Political signs shall not be displayed on utility poles and shall be placed no closer than 5 feet from a street or curb.”

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.

By: _____
Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:
OPPOSED:

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to County Council

By: _____
Sean Thornton, County Attorney

Sponsor(s): County Council
First Reading: December 3, 2013
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: January 7, 2014
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I, _____,
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ORDINANCE 13-O-16

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Amend Chapter 14.08 – Zoning, Section 14.08-11 Definitions, of the Colleton County Zoning Ordinance.]

WHEREAS:

1. With the increase in water-related activities, it is necessary to add clarity regarding the activities allowed under the term *marina*; and
2. The Planning Commission, in their November meeting, voted that the County's Zoning Ordinance be amended to include the definition of *marina*.

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

1. **Chapter 14.08 – Zoning, Section 14.08-11.040 Definitions, of the Colleton County Zoning Ordinance** is hereby amended to read as follows:

Marina means a facility located along a shoreline that may have docks, moorings, supplies and services for watercraft and watercraft passengers, to include storage, docking, sales and repair and construction activities.

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.

By: _____
Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:
OPPOSED:

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to County Council

By: _____
Sean Thornton, County Attorney

Sponsor(s): Phillip M. Taylor, Sr., Council Chairman
First Reading: December 3, 2013
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: January 7, 2014
Public Hearing: February 11, 2014
Third Reading: February 11, 2014
Effective Date: Immediately

I, _____,
Council Clerk, certify that
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for public hearing on _____.

ORDINANCE 13-O-17

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance to Create Chapter 3.36-Property Taxes, of Title 3 - Revenue and Finance of the Code of Ordinances of Colleton County and Section 3.36.020 - Installment Payment of Property Taxes as Part of Chapter 3.36.]

WHEREAS:

1. Colleton County Council desires to provide the option for its citizens to pay taxes in installment payments; and
2. The procedure for installment payment of taxes is set forth in the South Carolina Code of Laws, §12-45-75 as amended.

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

1. **Title 3 of the Colleton County Code of Ordinances** is hereby amended to add **Chapter 3.36** to be titled "**Property Taxes**" and to include **Section 3.36.20- Installment Payment of Property Taxes**, to read as follows:

3.36.20. Installment payments of property taxes

- A. Colleton County Council adopts the procedure set forth in the South Carolina Code of Laws, §12-45-75, as amended, to provide taxpayers with the option to pay ad valorem taxes in installments.

1. An installment election is not allowed for taxes paid through an escrow account.
2. A taxpayer electing to pay ad valorem taxes in installments, must notify the County Treasurer in writing no later than January 15th of the tax year for which they installments are applicable, and no earlier than December 1st of the preceding tax year. If the Treasurer does not receive written notification from December 1st to January 15th, the taxpayer must pay ad valorem taxes in the same manner as the previous taxable year.

3. The Treasurer must notify the County Auditor and County Assessor of each taxpayer electing the installment payment option or election to opt out of paying installments. If the County Assessor determines the property has diminished in value, and estimated property tax obligation must be adjusted to reflect the reduced value. Upon being notified of an adjustment for reduced value from the Assessor, the County Treasurer must notify the property owner of the adjusted estimated property tax obligation.
- B.** An installment payment is based on the total property tax due for the previous property tax year, after applying all applicable credits and adjustments reflecting reduced value as determined by the County Assessor. An amount equal to sixteen and two-thirds percent of the estimated property tax obligation must be paid to the County Treasurer in each of five installments according to the following schedule:

In the case of the following estimates, the due date is on or before:

First	February 15
Second	April 15
Third	June 15
Fourth	August 15
Fifth	October 15

The remaining balance is due on or before January 15th of the following taxable year in accordance with the South Carolina Code of Laws, §12-45-70, as amended. The Treasurer must notify the County Auditor of the amount of a property owner's payments received no earlier than October 15th and no later than November 15th. A notice of the remaining tax due and other authorized charges and information must then be prepared and mailed to the property owner.

- C.** If a taxpayer electing to pay in installments does not timely make each payment pursuant to the schedule in subsection B, the County may refuse to accept all other installment payments. If the County refuses to accept other installment payments, the remaining balance is due in accordance with South Carolina Code of Laws, §12-45-70, as amended.
- D.** Estimated property taxes paid in installments during a property tax year are a credit against the total property tax due on the real property for the property tax year. The estimated property taxes paid in installments during a property tax year must be deposited by the County Treasurer in an interest-bearing account. The interest is to be retained by the Treasurer to offset the administrative expenses of installment payments. Once the

final payment is made, and no later than January 15th of the following taxable year, the installment payments must be credited to the accounts of property taxing entities in the County in the same proportion that millage was imposed by such entities in the previous tax year with the necessary adjustments made to reflect current tax year millage impositions when property taxes for the current year are paid.

- E. If the credit allowed for estimated property tax paid during the property tax year results in an overpayment of property tax, the overpayment must be refunded to the taxpayer together with the actual interest earned by the County Treasurer on said overpayment, running from the later of the due date of the installment resulting in the overpayment, without regard to additional amounts paid, or the actual date the overpayment was received by the County Treasurer, to the date the refund is issued. Except that if the overpayment is issued to the taxpayer within forty-five days of the installment payment that resulted in the overpayment, the Treasurer may retain the interest earned.
- F. Every tax notice for real property, for which the installment payment option has been elected, must contain a calculation of any estimated property tax due and a payment schedule and return envelopes for these payments.
- G. The payment of estimated property tax as provided in this section and the credit allowed arising from these payments in no way alters the due date, penalty schedule and enforced collection of property taxes as provided by law.

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.

By: _____
Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:

OPPOSED:

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to County Council

By: _____
Sean Thornton, County Attorney

Sponsor(s): County Council
First Reading: January 7, 2014
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: February 11, 2014
Public Hearing: March 4, 2014
Third Reading: March 4, 2014
Effective Date: Immediately

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

ORDINANCE 14-O-01

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ACQUISITION, USE, AND INSTALLATION OF IMPROVEMENTS TO 604 WICHMAN STREET, WALTERBORO, SOUTH CAROLINA (THE "FARM MARKET COMMERCIAL KITCHEN PROJECT"); APPROVING THE ISSUANCE OF A CCEDC TWO, INC. INSTALLMENT PURCHASE REVENUE NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC FACILITIES PURCHASE AND OCCUPANCY AGREEMENT AMONG COLLETON COUNTY, CCEDC TWO, INC., AND PALMETTO RURAL TELEPHONE COOPERATIVE, INC.; AND OTHER MATTERS RELATING THERETO.]

WHEREAS, the County Council of Colleton County, South Carolina (the "County Council") have previously authorized the "Community Commercial Kitchen Incubator Project," consisting of the rehabilitation and equipping of an empty building, located at 604 Wichman Street, Walterboro, South Carolina, with commercial kitchen facilities for use by aspiring food business entrepreneurs and the general public in developing and producing their food products, and the integration of those facilities with the Colleton Museum and Farmers Market facility (collectively, the "Project"); and

WHEREAS, 604 Wichman Street is presently owned by CCEDC Two, Inc., a South Carolina non-profit corporation (the "Corporation"); and

WHEREAS, at the request of Colleton County, South Carolina (the "County"), the Corporation has (i) agreed to develop and finance the costs of the Project and (ii) agreed to the use of the Project by the County during the term of the financing; and

WHEREAS, the County Administrator has received a letter of commitment (the "Commitment Letter") for financing from Palmetto Rural Telephone Cooperative, Inc. (the "Lender"), has recommended to County Council the approval of financing for the Project of up to \$993,200.00 from the Lender upon those terms and conditions as contained in the Commitment Letter for the purchase and renovation of the Project; and

WHEREAS, the County intends to make certain payments (the "Acquisition Payments") for the acquisition of the Project and, pending acquisition thereof, shall be entitled to the use and occupancy of the Project, and certain other matters pursuant to the terms of the Public Facilities

Purchase and Occupancy Agreement (the "Facilities Agreement"), among the Corporation, the County, and the Lender; and

WHEREAS, the rights of the Corporation to receive Acquisition Payments will be assigned to the Lender as security for and the source of payment of the \$993,200 Installment Purchase Revenue Loan (Community Commercial Kitchen Incubator Project), Series 2014 (the "Loan") from to the Lender to the Corporation; and

WHEREAS, in order to provide funds for the payment of the costs of the Project, the Corporation is entering into the Loan, to be evidenced by the Note, under and by the terms of the Facilities Agreement pursuant to the terms of the Commitment Letter; and

WHEREAS, the Corporation will grant to the Lender a mortgage interest in the property located at 604 Wichman Street and the Project as security for its obligations under the Loan pursuant to the Mortgage and Security Agreement (the "Mortgage");

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF COLLETON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AS FOLLOWS:

Section 1. Approval of Acquisition and Use of the Project by County; Approval and Execution of the Facilities Agreement. The acquisition and use of the Project by the County from the Corporation pursuant to the terms set forth in the Facilities Agreement is hereby approved, and the form of the Facilities Agreement as submitted herewith is hereby approved. The Chairman is hereby authorized and directed to execute and deliver the Facilities Agreement, with any changes, insertions, and omissions as may be approved by the Chairman, with the advice of counsel, his execution being conclusive evidence of his approval.

Section 2. Agreement to Accept Title to Project. The County Council hereby agrees to accept title to the Project and any other property financed by the Loan, including any additions to the Project, when the Loan is discharged.

Section 3. Consent to Mortgage. The County Council hereby consents to the Mortgage now before this meeting, with any changes as may be thereafter made as shall be in furtherance of the transactions contemplated therein and in this Ordinance and as shall not be inconsistent with or contrary to the matters contemplated herein. The County Council hereby further consents to the execution and delivery of the Mortgage by the parties thereto.

Section 4. Consent to Loan. The County Council hereby consents to the undertaking by the Corporation respecting the Project, and the issuance of the Note to the Lender, in the principal amount not to exceed \$993,200, to finance the costs of acquisition and renovation thereof.

Section 5. Use of Proceeds of the Loan. The proceeds of the Loan shall be applied, as provided in the Facilities Agreement, to (a) provide the amounts necessary for the acquisition, construction, renovation, and equipping of the Project and (b) pay the transaction costs of the Loan.

Section 6. Loan; Approval and Execution of Commitment Letter. The Loan shall be incurred pursuant to the terms of the Commitment Letter and the Facilities Agreement. The County Administrator is hereby authorized and directed to execute and deliver the Commitment Letter, with any changes, insertions, and omissions as may be approved by the County Administrator subject to the provisions hereof, with the advice of counsel, his execution being conclusive evidence of his approval.

Section 7. Execution of Closing Documents. The Chairman, the County Administrator, and all other appropriate officials and employees 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 contemplated by the Facilities Agreement, and the Commitment Letter (collectively, the "County Agreements"). The consummation of all transactions contemplated by the County Agreements is hereby approved.

Section 8. Law and Place of Enforcement of the Ordinance. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in the State of South Carolina.

Section 9. Effective Date. This Ordinance shall become effective immediately upon approval after receiving third reading by the County Council.

Section 10. Severability. 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 hereof.

Section 11. Repeal of Inconsistent Ordinances. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 12. No Personal Liability. No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in this Ordinance, the County Agreements, or the Loan, against any member of the County Council, any officer or employee, as such, in his or her individual capacity, past, present, or future, of the County, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that this Ordinance, the County Agreements, and the Loan are solely

corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, of the County, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the County and the owners of the Loan or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every such member, officer, and employee is, by the enactment of this Ordinance and the execution of the County Agreements and the Loan and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the County Agreements and the Loan, expressly waived and released. The immunity of the members, officers, and employees, of the County under the provision contained in this Section shall survive the termination of this Ordinance.

Section 13. Effect of Article and Section Headings and Table of Contents. The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Ordinance.

COLLETON COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Its: Chairman, County Council of Colleton County

ATTEST:

Clerk to County Council

Sponsor(s): County Council
First Reading: January 7, 2014
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: February 11, 2014
Public Hearing: March 4, 2014
Third Reading: March 4, 2014
Effective Date: Immediately

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

ORDINANCE 14-O-01

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ACQUISITION, USE, AND INSTALLATION OF IMPROVEMENTS TO 604 WICHMAN STREET, WALTERBORO, SOUTH CAROLINA (THE "FARM MARKET COMMERCIAL KITCHEN PROJECT"); APPROVING THE ISSUANCE OF A CCEDC TWO, INC. INSTALLMENT PURCHASE REVENUE NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC FACILITIES PURCHASE AND OCCUPANCY AGREEMENT AMONG COLLETON COUNTY, CCEDC TWO, INC., AND PALMETTO RURAL TELEPHONE COOPERATIVE, INC.; AND OTHER MATTERS RELATING THERETO.]

WHEREAS, the County Council of Colleton County, South Carolina (the "County Council") have previously authorized the "Community Commercial Kitchen Incubator Project," consisting of the rehabilitation and equipping of an empty building, located at 604 Wichman Street, Walterboro, South Carolina, with commercial kitchen facilities for use by aspiring food business entrepreneurs and the general public in developing and producing their food products, and the integration of those facilities with the Colleton Museum and Farmers Market facility (collectively, the "Project"); and

WHEREAS, 604 Wichman Street is presently owned by CCEDC Two, Inc., a South Carolina non-profit corporation (the "Corporation"); and

WHEREAS, at the request of Colleton County, South Carolina (the "County"), the Corporation has (i) agreed to develop and finance the costs of the Project and (ii) agreed to the use of the Project by the County during the term of the financing; and

WHEREAS, the County Administrator has received a letter of commitment (the "Commitment Letter") for financing from Palmetto Rural Telephone Cooperative, Inc. (the "Lender"), has recommended to County Council the approval of financing for the Project of up to \$993,200.00 from the Lender upon those terms and conditions as contained in the Commitment Letter for the purchase and renovation of the Project; and

WHEREAS, the County intends to make certain payments (the "Acquisition Payments") for the acquisition of the Project and, pending acquisition thereof, shall be entitled to the use and occupancy of the Project, and certain other matters pursuant to the terms of the Public Facilities

Sponsor(s): County Council
First Reading: January 7, 2014
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: February 11, 2014
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Third Reading: March 4, 2014
Effective Date: Immediately

I, _____,
Council Clerk, certify that
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for public hearing on _____.

ORDINANCE 14-O-02

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE AUTHORIZING A LOAN FROM THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO COLLETON COUNTY, SOUTH CAROLINA TO FINANCE THE CONSTRUCTION OF AN INDUSTRIAL BUILDING IN THE COLLETON COUNTY COMMERCE CENTER FOR THE ECONOMIC DEVELOPMENT OF COLLETON COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL LOAN AGREEMENT BETWEEN THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND COLLETON COUNTY AND A PROMISSORY NOTE FROM COLLETON COUNTY TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY RELATED THERETO; AND OTHER MATTERS RELATING THERETO.]

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

ARTICLE I

FINDINGS OF FACT

SECTION 1.1 **Findings of Fact.** As an incident to the enactment of this Ordinance, the County Council of Colleton County, South Carolina (the "County Council"), has made the following findings:

1. Colleton County, South Carolina (the "County") acting by and through its County Council is authorized and empowered under and pursuant to the provisions of Title 4, Chapters 1 and Section 4-29-68 of the Code of Laws of South Carolina, 1976, as amended (the "Code"), to acquire, own, lease, and dispose of properties through which the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or expand in and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State.

2. The County Council have determined that it will promote the industrial development of the County, and will promote the location or expansion of manufacturing or commercial enterprises in the County, and that it is for the benefit of the economic welfare and

economic improvement of Colleton County and its citizens, to develop and construct a new industrial building to be situated on certain real property owned by the County located in the Colleton County Commerce Center (the "Project") which building may be marketed to commercial or industrial prospects in search of a location for their operations.

3. The County has determined that the cost of the Project will require that the County borrow not exceeding \$1,200,000, which amount may be borrowed pursuant to the Revenue Bond Act for Utilities (now codified as Sections 6-21-10 to 6-21-570 of the Code) (the "Enabling Statute") which permits the County to finance the costs of acquisition and construction of facilities such as the Project.

4. The County has negotiated with the South Carolina Public Service Authority (the "Authority") for a loan from the Authority (the "Loan") in the principal amount of One Million Two Hundred Thousand Dollars (\$1,200,000).

5. Section 4-29-68 of the Code permits a county that receives and retains revenues from a payment in lieu of taxes pursuant to Section 4-29-60, Section 4-29-67, Section 4-12-20, or Section 4-12-30 of the Code ("FILOT Revenues") to pledge those revenues as additional security for revenue debt of the county if the revenue debt is issued in accordance with the pledge for the purposes described in Section 4-29-68 of the Code, and permits the revenue debt of the county to be additionally secured by a mortgage of the real or personal property acquired therewith.

6. The County receives FILOT Revenues as described above, and intends to pledge certain of those FILOT Revenues received in conjunction with the Charleston County-Colleton County Multi-County Industrial Park, known to the County as "Fund 142" (the "Pledged FILOT Revenue") as additional security for the repayment of the Loan, all as provided herein.

7. The Loan will be secured, pursuant to the Intergovernmental Loan Agreement between the Authority and the County (the "Loan Agreement"), and a promissory note executed and delivered by the County registered in the name of the Authority (the "Note"), by (a) a pledge of the Revenues derived from the operation, leasing, or sale of the Project (the "Revenues"), (b) a pledge of the Pledged FILOT Revenues, and (c) a Mortgage (the "Mortgage") granted by the County in favor of the Authority on the Project, pursuant to the authorization provided by Code Section 4-29-68(A)(2)(i). The County Council has determined that funding a portion of the costs of the Project by means of the Loan, the issuance of the Note, and the terms of the Loan Agreement are for the best interest of the County. Pursuant to the Loan Agreement, the County will agree to use the Loan proceeds only to pay the actual eligible costs of the Project, and the County will agree to pay to the Authority, but only from the sources therein provided, such amounts as shall be required to provide for the payment of all amounts due with respect to the repayment of the Loan.

8. The proceeds from the Loan are to be advanced for the payment or reimbursement of the costs of the Project, and for the payment of costs of issuance, all as set forth herein or in the Loan Agreement.

9. The County Council are enacting this Ordinance in order to (i) evidence the approval of the Project and the Loan by the County; (ii) authorize the execution and delivery on behalf of the County of the Note and Mortgage; and (iii) authorize the execution and delivery by, and on behalf of, the County of such other agreements and certificates and the taking of such other action by the County and its officers as shall be necessary or desirable in connection with the financing of the Project in order to carry out the intent of this Ordinance.

ARTICLE II

THE LOAN

SECTION 2.1 **Authorization of Loan.** The County Council hereby authorizes the County's acceptance of the Loan from the Authority of not exceeding \$1,200,000 pursuant to and in accordance with, the provisions of the Loan Agreement.

SECTION 2.2 **Repayment of Loan by County.** The County Council hereby authorize the repayment of the Loan by the County to the Authority from Revenues or, if the Revenues are not sufficient, from Pledged FILOT Revenues, pursuant to and in accordance with, the provisions of the Loan Agreement, the Note, and the Mortgage.

ARTICLE III

LOAN AGREEMENT, NOTE, AND MORTGAGE; FUNDS

SECTION 3.1 **Authorization of Loan Agreement, Note, and Mortgage.** The Loan Agreement in substantially the form attached hereto as Exhibits A, and a Mortgage in form and substance satisfactory to the Chairman of the County Council (the "Chairman") on the real property described in Exhibit B, with any changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) are hereby approved, and the execution and delivery of the Loan Agreement, the Note, and the Mortgage on behalf of the County, are hereby authorized and directed. The Loan Agreement, the Note, and the Mortgage shall be executed on behalf of the County by the Chairman and attested by the Clerk of the County Council (the "Clerk").

SECTION 3.2 **Note and Loan Agreement Constitute Limited Obligations of the County.** No recourse shall be had for the payment of the Note or any obligation under the Loan Agreement against the several funds of the County, except in the manner and to the extent provided in this Ordinance, nor shall the credit or taxing power of the County be deemed to be pledged thereto. The Note and the Loan Agreement shall not be a charge, lien, or encumbrance, legal or equitable, upon any property of the County or upon any income, receipts, or revenues of the County other than such of the Revenues and the Pledged FILOT Revenues, and the Note shall recite in substance that it is payable solely from the Revenues and Pledged FILOT Revenues

pledged to the payment thereof, and that the County is not obligated to pay the same, except from such Revenues and Pledged FILOT Revenues.

SECTION 3.3 **Requirement for Special Funds.** (a) All Revenues held or collected subsequent to the issuance of Note shall be deposited by the County with a bank, depository, or trust company duly qualified and doing business in the State which shall be satisfactory to the County Council (the "Custodian") pursuant to the terms hereof. For so long a time as any sum remains due and payable by way of principal or interest on the Note, the following funds or accounts relating to the Revenues of the Project shall be established and maintained, and deposits and withdrawals shall be made in the manner herein required.

(a) **The Bond and Interest Redemption Fund.** (a) There shall be established and maintained a Bond and Interest Redemption Fund (the "Bond and Interest Redemption Fund") for the Note. The Bond and Interest Redemption Fund is intended to provide for the payment of the principal of, and interest on the Note as the same respectively fall due. Revenues as received or collected by the County shall first be deposited into the Bond and Interest Redemption Fund and, except as herein provided, all money in the Bond and Interest Redemption Fund shall be used solely to pay the principal of and premium, if any, and interest on the Note, and for no other purpose. The Bond and Interest Redemption Fund shall be held in trust for the benefit of the registered owner (the "Owner") of the Note and maintained in the complete custody and control of the Custodian and withdrawals from the Bond and Interest Redemption Fund shall be made only by such Custodian who shall transmit to the Owner of the Note, at such times as payments are due, the sums required to pay the principal of, and interest on the Note.

(b) **The Operation and Maintenance Fund.** There shall be established and maintained an Operation and Maintenance Fund (the "Operation and Maintenance Fund"). The Operation and Maintenance Fund is intended to provide for the payment of the operation and maintenance expenses of the Project (the "Operation and Maintenance Expenses"). The Operation and Maintenance Fund shall be held in the complete custody and control of the County. After the deposit of Revenues to the Bond and Interest Redemption Fund to pay currently due principal and interest on the Note has been made, any remaining Revenues may be deposited into the Operation and Maintenance Fund as directed by the County Administrator of the County (the "County Administrator"). Withdrawals from the Operation and Maintenance Fund shall be made by or on the order of the County Administrator or his designee for the payment of Operation and Maintenance Expenses.

(c) **The Depreciation Fund.** There shall be established and maintained a Depreciation Fund (the "Depreciation Fund"). This fund shall be maintained in an amount to be established not less frequently than annually by the County Council on the advice of the County Administrator or his designee in order to provide a reasonable reserve for depreciation of the Project. Money in this fund shall be used solely for the purpose of restoring depreciated or obsolete items of the Project. The Depreciation Fund shall be kept in the complete custody and control of the County. After the deposits to the Bond and Interest Redemption Fund and Operation

and Maintenance Fund described above have been made, any remaining Revenues may be deposited into the Depreciation Fund as directed by the County Administrator. Withdrawals from this fund shall be made by or on order of the County Administrator or his designee.

(d) **The Contingent Fund.** There shall be established and maintained a Contingent Fund (the "Contingent Fund"). This fund shall be maintained in an amount to be established not less frequently than annually by the County on the advice of the County Administrator or his designee in order to provide for contingencies and for improvements, and betterments of the Project. Money in this fund shall be used solely: (i) for improvements, betterments and extensions to the Project, other than for those things which are reasonably necessary to maintain the Project in good repair and working order; (ii) to defray the cost of unforeseen contingencies; (iii) to prevent defaults of Note; and (iv) for optional prepayment of Note. The Depreciation Fund shall be kept in the complete custody and control of the County. After the deposits to the Bond and Interest Redemption Fund and Operation and Maintenance Fund described above have been made, any remaining Revenues may be deposited into the Contingent Fund as directed by the County Administrator. Withdrawals from this fund shall be made by or on order of the County Administrator or his designee.

(e) **Investments.** (i) It shall at all times be lawful to invest moneys in any of the funds listed in this Section in Investment Obligations (defined below). All earnings derived from such investments shall be deposited in and become a part of the respective fund. Such investments shall mature and bear interest payable on dates consistent with the anticipated needs for cash to make disbursements from the respective fund.

(ii) "Investment Obligations" shall mean (i) obligations issued or guaranteed by the United States of America or its agencies, or to the payment of which the full faith and credit of the United States of America is pledged; (ii) general obligations of the State of South Carolina or its political units; (iii) interest bearing deposits in savings and loan associations to the extent the same are insured by an agency of the federal government; (iv) certificates of deposit issued by a bank or trust company (including any Custodian) where such certificates of deposit are collaterally secured by securities of the type described in (i) and (ii) above held by a third party as escrow agent or custodian, of a market value not less than the amount of the certificates of deposit so secured, including interest; provided, however, that such collateral shall not be required to the extent such certificates of deposit are insured by an agency of the federal government; (v) the South Carolina Pooled Investment Fund established pursuant to the provisions of Chapter 6, Title 6 of the Code of Laws of South Carolina 1976, as amended; or (vi) any other investments now or hereafter permitted under Section 6-5-10 of the Code of Laws of South Carolina 1976, as amended.

(f) **Pooled Investment of Moneys Held in Funds.** The moneys in the funds listed in this Section may be pooled with each other for investment purposes.

(g) **Use of Remaining Money.** All Revenues after making the payments required by paragraphs (b) through (e) of this Section, shall be used for any lawful purpose of the County as directed by the County Administrator.

(h) **Designation of Custodian.** The Custodian of the Bond and Interest Redemption Fund shall be _____.

ARTICLE IV

MISCELLANEOUS

SECTION 4.1 **Certain Findings and Determinations.**

The County Council finds and determines:

a) Neither the Revenues nor the Project are encumbered by any lien or charge thereon or pledge thereof, other than the lien and charge thereon and the pledge thereof created by this Ordinance and the Mortgage for payment and security of the Note under the Loan Agreement.

b) The County Council has caused an estimate to be made of the cost of the Project and such estimate is \$2,060,000.

c) The Note and interest thereon are exempt from any and all State, county, municipal, and other taxation whatsoever under the laws of the State, and such fact shall be plainly stated on the face of the Note.

d) The Project shall be operated on a fiscal year basis coinciding with the County's fiscal year, which begins on July 1 and ends on the immediately following June 30.

e) Notwithstanding the creation and funding of the Operation and Maintenance Fund, the Operation and Maintenance Expenses of the Project may be paid from appropriations of the County Council using any part of the County's available income or revenues derived from any source.

f) The principal amount of the Note shall be determined by the Chairman, but shall not exceed \$1,200,000.

g) The title and designation of the Note and manner of numbering and lettering and the denomination of the Note shall be as set forth in the Loan Agreement.

h) The interest rate on the Note shall be as set forth in the Loan Agreement.

i. The time for the payment of interest on the Note shall be as set forth in the Loan Agreement.

j. The redemption or prepayment prices and dates shall be as set forth in the Loan Agreement.

k. The Note shall not be subject to mandatory redemption or sinking fund instalment payments. Payment of principal of the Note shall be as set forth in the Loan Agreement.

l. Proceeds of the Note shall be disbursed and applied as set forth in the Loan Agreement.

SECTION 4.2 **Other Instruments and Actions.**

In order to implement the Loan pursuant to the Loan Agreement and the Note and to give full effect to the intent and meaning of this Ordinance and the agreements and actions herein authorized, the Chairman and Clerk of the County Council, and County Administrator and other officers and employees of the County are hereby authorized to execute and deliver such certificates, showings, instruments, and agreements and to take any further action, as such officers shall deem necessary or desirable.

SECTION 4.3 **Ordinance a Contract.**

This Ordinance shall be a contract between the County and the Authority, and shall be enforceable as such against the County.

SECTION 4.4 **Continuing Disclosure.** The County Council covenants to file with the Authority:

(a) An annual independent audit, within thirty days of the County Council's receipt and approval of the audit; and

(b) Event specific information within thirty days of an event adversely affecting more than five percent of Revenues of the Project or the Pledged FILOT Revenues.

The County hereby reserves the right, by Supplemental Ordinance hereto to be enacted in accordance with Section 4.8 hereof, to issue additional Notes, in such amounts as it from time to time deems necessary and proper, which, if issued under the conditions hereinafter enumerated in this Section, shall be secured on a parity with the Note. Under such circumstances, all of the covenants and remedies applicable and available to the holder of the Note ("Holder" or "Noteholder") shall become applicable and available to the Holders of additional Notes, but no

additional Notes shall be issued without the prior written consent of the Holder of 100% of the Note.

SECTION 4.6 **Junior Notes.** The County may not issue junior lien notes without the prior written consent of the Holder of 100% of the Note.

SECTION 4.7 **Performance of Covenants; Authority of the County.** The County covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in the Ordinance, in the Note, the Loan Agreement, the Mortgage, and in all proceedings pertaining thereto. The County covenants that it is duly authorized under the Constitution and laws of the State of South Carolina, to issue the Note, to enact the Ordinance, and to pledge the Revenues and Pledged FILOT Revenues, in the manner and to the extent herein set forth; that all action on its part for the issuance of the Note and the enactment of the Ordinance has been duly and effectively taken, and that the Note in the hands of the Holder thereof is and will be a valid and enforceable obligation of the County according to the import thereof.

SECTION 4.8 **Amending and Supplementing of Ordinance with Consent of Holders of Note.** With the consent of the Holders of 100% of the Note then outstanding, the County from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, the Ordinance, or modifying or amending the rights and obligations of the County under the Ordinance, or modifying or amending in any manner the rights of the Holders of the Note then outstanding or issuing additional Notes hereunder.

SECTION 4.9 **Construction Fund.** (a) There is hereby created and established the Construction Fund. The Custodian of the Construction Fund shall be _____.
(b) Withdrawals from the Construction Fund shall be made only upon written certificate of the County Administrator or his designee. The County hereby authorizes the Custodian to disburse the moneys in the Construction Fund and to pay out the same to the persons entitled thereto, in accordance with the instructions of the County, only for the purpose of paying costs of acquisition and construction of the Project.

SECTION 4.10 **No Personal Liability.** No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in this Ordinance, the Loan Agreement, the Mortgage, or the Note, against any Council member of the County, any officer or employee, as such, in his or her individual capacity, past, present, or future, of the County, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise, it being expressly agreed and understood that this Ordinance, the Loan Agreement, the Mortgage, and the Note are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, of the County, either directly or be reason of any of the obligations, covenants, promises, or agreements entered into between the County and the Owner of the Note or to be implied therefrom as being

supplemental hereto or thereto, and that all personal liability of that character against every such member, officer, and employee is, by the enactment of this Ordinance and the execution of the Note, the Loan Agreement, the Mortgage, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Note, the Loan Agreement, the Mortgage, expressly waived and released. The immunity of members, officers, and employees of the County under the provisions contained in this Section 4.10 shall survive the completion of the Project and the termination of the Ordinance, the Note, the Loan Agreement, and the Mortgage.

SECTION 4.11 **Law and Place of Enforcement of the Ordinance.** The Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of the Ordinance shall be instituted in a court of competent jurisdiction in the State of South Carolina.

SECTION 4.12 **Savings Clause.** If any Section, paragraph, clause, or provision of Ordinance shall be held invalid, the invalidity of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4.13 **Repealing Clause.** All resolutions, ordinances, or parts thereof inconsistent herewith shall be, and the same are hereby, repealed to the extent of such inconsistencies.

SECTION 4.14 **Effective Date.** All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its approval following third reading.

By: _____
Phillip M. Taylor, Sr., Chairman of County Council

COUNCIL VOTE:
OPPOSED:

ATTEST:

APPROVED AS TO FORM:

By: _____
Ruth Mayer, Clerk to County Council

By: _____
Sean Thornton, County Attorney

Sponsor(s): County Council
First Reading: February 11, 2014
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: March 4, 2014
Public Hearing: April 1, 2014
Third Reading: April 1, 2014
Effective Date: Immediately

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

ORDINANCE 14-O-03

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE PROVIDING FOR A FEE IN LIEU OF TAX ARRANGEMENT FOR PROJECT DENT; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR DEVELOPMENT FOR A JOINT COUNTY INDUSTRIAL PARK WITH HAMPTON COUNTY; AND OTHER MATTERS RELATING THERETO.]

Sponsor(s): County Council
First Reading: February 11, 2014
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: March 4, 2014
Public Hearing: April 1, 2014
Third Reading: April 1, 2014
Effective Date: Immediately

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

ORDINANCE 14-O-04

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[AN ORDINANCE TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND 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 JOINT COUNTY INDUSTRIAL PARK IN REALATION TO PROJECT DENT.]

Sponsor(s): County Council
First Reading: February 11, 2014
Committee Referral: N/A
Committee Consideration Date: N/A
Committee Recommendation: N/A
Second Reading: March 4, 2014
Public Hearing: April 1, 2014
Third Reading: April 1, 2014
Effective Date: Immediately

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

ORDINANCE 14-O-05

COUNCIL- ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

**[AN ORDINANCE TO AMEND THE COLLETON COUNTY CODE OF ORDINANCES,
SECTION 3.08.185 RELATED TO LOCAL VENDOR PREFERENCE.]**

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-07

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize an Additional Five-Year Sole Source Purchase Arrangement Between Colleton County Fire-Rescue Commission and Physio-Control for Cardiac Monitors/Defibrillators, AEDs, Chest Compression Devices and Related Equipment for a Period Not to Exceed Five Years.]

WHEREAS:

1. County Council authorized a five-year sole source purchase arrangement between the Fire-Rescue Commission and Physio-Control in Resolution 08-R-119; and
2. The Fire-Rescue Commission currently uses Physio-Control twelve lead cardiac monitors/defibrillators, AEDs, chest compression devices and related equipment on all of the County's ambulances, medical response units and fire engines; and
3. The standardization of Fire-Rescue equipment in order to ensure compatibility with existing equipment is of paramount importance; and
4. The equipment is not available this year on State Contract; and
5. The Fire-Rescue Commission is seeking Council authorization to extend for an additional five years the sole source purchase arrangement with Physio-Control for cardiac monitors/defibrillators, AEDs, chest compression devices and related equipment.

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

1. The Fire-Rescue Commission is hereby authorized to designate Physio-Control as the official sole source provider for the County's cardiac monitors/defibrillators, AEDs, chest compression devices and related equipment.
2. Said designation shall extend for a period not to exceed five years.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Authorize an Additional Five-Year Sole Source Purchase Arrangement Between Colleton County Fire-Rescue Commission and Globe Turnout Gear.]

WHEREAS:

1. County Council authorized a five-year sole source purchase arrangement between the Fire-Rescue Commission and Globe Turnout Gear in Resolution 08-R-118; and
2. Said arrangement expires in January 2014; and
3. The reason for establishing this arrangement was that each piece of firefighting protective clothing must be compatible with all other pieces in order to ensure the safety of the firefighter; and
4. Construction methods vary from one manufacturer to another creating compatibility and safety issues when gear is purchased from more than one company; and
5. The Fire-Rescue Commission is seeking Council authorization to extend for an additional five years the sole source purchase arrangement with Globe Turnout Gear in order to maintain the integrity of firefighting protective clothing/gear.

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

- 1) The Fire-Rescue Commission is hereby authorized to designate Globe Turnout Gear as the official sole source provider for the County's firefighting protective clothing/gear.
- 2) Said designation shall extend for a period not to exceed five years.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize the Waiver Of Various Fees For The July 2014 World Changers Home Repair Program.]

WHEREAS:

1. For several years now World Changers has sponsored a volunteer-staffed home repair project in Colleton County working on homes in the unincorporated and incorporated areas of the County; and
2. The 2014 Program, scheduled for July 5-12, will have between sixteen and eighteen crews working to complete needed home repairs for low income, senior adults, and people with special needs; and
3. The organization is requesting that the Council authorize the waiving of building department and Solid Waste disposal fees for this project as has been done in the past.

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

1. All fees for required building permits obtained by World Changers for the project period in July 2014, are hereby waived.
2. All inspections required by the International Building Code will be provided free of charge.
3. All Solid Waste disposal fees for waste generated by the July 2014 World Changers project, in an amount not to exceed 20 tons, are hereby waived.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Approve Acceptance of a Grant from Coastal Electric Cooperative in the amount of \$136,166.67 for Industrial Infrastructure Development.]

WHEREAS:

1. The County Budget Ordinance requires a Resolution to record all non-budgeted revenues and non-budgeted grant revenues; and
2. The County is in receipt of \$136,166.67 from Coastal Electric Cooperative to be used for the construction of infrastructure and or qualifying projects within the Colleton County Commerce Center, for road work and site work for the spec building owned and controlled by County government, and other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act Number 462 of 1996, as amended) and other applicable state laws.

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

1. County Council hereby authorizes the designation of appropriate general ledger accounts to record revenue and expenditures as follows:

Colleton County Industrial Development Fund 142: \$136,166.67 in revenues from Coastal Electric Cooperative to be used for the construction of infrastructure and or qualifying projects within the Colleton County Commerce Center, for road work and site work for the spec building owned and controlled by County government, and other projects owned by the County all of which must qualify under the South Carolina Rural Development Act (Act Number 462 of 1996, as amended) and other applicable state laws.
2. The Count Council Chairman is hereby authorized to execute the Contract (copy attached and included herein by reference) agreeing to receipt and accepting the terms of the \$136,166.67 grant from Coastal Electric Cooperative.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY
[A Resolution to Approve the Victim Assistance Agreement between the Colleton County Sheriff's Office and the Town of Edisto Beach.]

WHEREAS:

1. South Carolina State Law mandates that the Colleton County Sheriff's Office provides Victim Assistance to the Town of Edisto Beach; and
2. The Sheriff's Office has reviewed the Victim Assistance Agreement with the Town of Edisto Beach and recommends that Council approve said Agreement.

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

1. The Victim Assistance Agreement with the Town of Edisto Beach (attached and included herein by reference) is hereby approved.
2. The County Administrator is hereby authorized to sign said agreement on behalf of Colleton County.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED

Sponsor(s) : County Council
Adopted: : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Authorize the Council Clerk to Advertise for Board Vacancies.)

WHEREAS:

1. Colleton County Accommodations Tax Advisory Board has four vacancies (2 from lodging & hospitality, 2 at-large); and
2. Keep Colleton Beautiful has six vacancies; and
3. Colleton County Commission of Alcohol & Drug Abuse has one vacancy; and
4. Edisto River Canoe & Kayak Trail Committee has three vacancies (1 at-large, 1 from Colleton County Development Board, 1 from Recreation Commission) ; and
5. Lowcountry Council of Governments has one vacancy; and
6. Lowcountry Regional Transportation Authority has one vacancy; and
7. Colleton County Library Board of Trustees has two vacancies; and
8. Colleton County Land Use Zoning Board of Appeals has one vacancy; and
9. The County Council is the appointing authority for Boards.

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

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

ATTEST:

Ruth Mayer, Council Clerk

SIGNED:

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award Bid PW-01 for Purchase and Delivery of Stone Products for the Colleton Transportation Committee.]

WHEREAS:

1. The County advertised a Request for Bids, PW-01, for the purchase and delivery of stone products to assist the Colleton County Roads and Bridges department with its maintenance responsibility; and
2. Five bids were received, and Longleaf Enterprises, LLC is the lowest bidder at \$83,820, and meets all qualifications of the bid;
3. Funding for this expenditure is being provided by the Colleton Transportation Committee.

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

1. County Council hereby awards the bid in accordance with Bid PW-01 to Longleaf Enterprises, LLC in the amount of \$83,820.
2. Funding for this expenditure is budget in the FY 14 CTC Local Paving Fund.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:

OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-14

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Award Bid PW-02 for Purchase and Delivery of Reinforced Concrete Pipe for the Colleton Transportation Committee.]

WHEREAS:

1. The County advertised a Request for Bids, PW-02, for the purchase and delivery of reinforced concrete pipe to assist the Colleton County Roads and Bridges department with its maintenance responsibility; and
2. Two bids were received, and Sitework Suppliers, LLC is the lowest bidder at \$30,558, and meets all qualifications of the bid;
3. Funding for this expenditure is being provided by the Colleton Transportation Committee.

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

1. County Council hereby awards the bid in accordance with Bid PW-02 to Sitework Suppliers, LLC in the amount of \$30,558.
2. Funding for this expenditure is budget in the FY 14 CTC Local Paving Fund.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-15

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution to Authorize a Fund Balance Appropriation from Fund 100 – General Fund for the Purchase of Real Property for Future Law Enforcement Center.]

WHEREAS:

1. Resolution 12-R-03 established CCEDC, Two, Inc, a South Carolina Nonprofit Corporation to carry out certain duties with regard to economic development projects within the County; and
2. The Council deems it to be in the County's best interest to transfer funds at this time to CCEDC, Two, Inc. in order to provide funding for the purchase of the property where the County's Law Enforcement Center will be located.

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

1. A Fund Balance appropriation from Fund 100 – General Fund in the amount up to \$350,000 is hereby authorized.
2. The County Administrator is hereby authorized to transfer funds to CCEDC, Two, Inc. for the purchase of said real property.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-16

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[A Resolution To Approve a Facilities Use Agreement By and Between Colleton County and the Edisto Art Guild and to Authorize the County Administrator to Execute Said Agreement.]

WHEREAS:

1. Colleton County and the Edisto Art Guild desire to enter into a Facilities Use Agreement to establish conditions for the operation of the Edisto Civic Center; and
2. Said agreement sets out the responsibilities of the building owner, Colleton County, and those of the tenant, Edisto Art Guild; and
3. It is deemed to be in the best interest of both parties to enter into this Facilities Use Agreement.

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

1. The Facilities Use Agreement (attached and included herein by reference) is hereby approved.
2. The County Administrator is hereby authorized to execute said Agreement on behalf of Colleton County pending approval of same by the County Attorney.

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman

COUNCIL VOTE:
OPPOSED:

Sponsor(s) : County Council
Adopted: : February 11, 2014
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 14-R-17

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

(To Appoint Members to Board Vacancies.)

WHEREAS:

1. Colleton County Recreation Commission has four vacancies: and
Applicants: Cornelius Hamilton, Charles Scott Craven, Joe L. Ritter, Jr., William C. Bishop,
Brian M. Johnson, Mark Tomedolskey
2. The County Council is the appointing authority for Boards.

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

The Colleton County Council hereby appoints the following:

Colleton County Recreation Commission: _____

ATTEST:

SIGNED:

Ruth Mayer, Council Clerk

Phillip M. Taylor, Sr., Chairman