

MINUTES  
TUESDAY, OCTOBER 4, 2022  
REGULAR MEETING  
6:00 P.M.

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

Present: Chairman Steven Murdaugh called the meeting to order with Council Members Dr. Joseph Flowers, Phillip Taylor, and Art Williams in attendance, with Council Member Gene Whetsell appearing virtually.

Others Included: Kevin Griffin, Sean Thornton, Meagan Utsey, Jon Carpenter, Kaela Brinson, Barry McRoy, Scott Biering, Crawford Moore, Anderson Grant, Felicia Johnson, Charles Davis, Steven Baker, Bubba Tripp, Austin Rugar, Jr., Mark Wysong, Roy Williams, James Rutledge, Clarence Way, and Kellye Whitaker.

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

**Approval of Minutes**

- A. Regular Meeting September 6, 2022— Dr. Flowers moved to approve the minutes of the Regular Meeting held on September 6, 2022. The motion was seconded by Councilman Taylor and the motion carried unanimously.

**Awards and Recognitions**

- A. **Proclaiming November 2022 as Family Court Awareness Month in Colleton County**— Chairman Murdaugh read the Proclamation into the record. Dr. Flowers moved to adopt Proclaiming November 2022 as Family Court Awareness Month in Colleton County. The motion was seconded by Councilman Taylor and the motion carried unanimously.
- B. **Proclamation for Colleton County Council’s Recognition and Appreciation of Mr. Chris Bickley and his Service to Colleton County**— Chairman Steven Murdaugh read the Proclamation into the record. Dr. Flowers moved to approve the Proclamation and the motion was seconded by Councilman Williams. The motion carried unanimously

**Appearances & Public Presentations**

- A. Town of Edisto Beach Introduction of Police Chief — Mayor Crawford Moore introduced the new Police Chief, Daniel Seyle.

Chief Seyle: Stated, I have been in law enforcement for about 15 years and 10 years with Edisto Beach. Like Mayor Moore stated, I grew up on Edisto, I currently live on Edisto, and I am raising my family on Edisto. I can't think of a better place to be the Chief of Police. It is a privilege, and with that being said, it is not about me, it is about the community. If there is anything that you all need from me, do not hesitate to reach out.

Council as a whole congratulates Chief Seyle.

### **Administrator's Briefing**

Mr. Griffin: Stated, under New Business item "A", there is a restatement of Fee-In-Lieu tax agreement with Gehl Foods Southeast. They are doing a lease back funding for the project for what was Crescent Dairy that turned into Gehl Foods Southeast. That portion will be about 33 million on the lease back for four new manufacturing lines that will go into the building, and another 9 million that will go into the spec 2 building that we just closed on with them on Friday. They are turning that into their manufacturing and distribution facility to disperse all the products that are being prepared in the current facility. State law allows lease back, but requires a restatement with that with three readings in order for them to do it, because as a new company doing a lease back that has a tax liability. The other two items on there is the design build services for SC303 Sidewalk Engineering Services. That is the first thing Councilman Williams asked me about when he came onto council. So, we have got that funded and moving forward. This will be coming from Lowcountry Marine back into town. There are a lot of trees through there that they will have to work through to get that design made. That is why we are going the design build route there. Also, our solid waste transfer station, it has a good bit of wear and tear on it. We have another design build on there for some engineers to give us a recommendation on resurfacing and bringing the floor up as well as the transfer shoot. It has never operated the way we would have liked it to as far as spillage and some damage that was happening to the transfer station itself. We will discuss maximum on that during executive session.

Chairman Murdaugh: Stated, just so the public is aware, these are RFQ's. Can you explain how, when we do a design build, gives us the right to negotiate?

Mr. Griffin: Stated, during the time we're in right now, you see a lot of design builds, because it is hard to find individuals to do anything. With a design build the engineer, along with a general contractor, will work with us and negotiate with us to get that design done and what the price would be. Of course, we have a ceiling on that within our budget. As you all are probably aware, it is hard to get anything done, and the design build seems to move projects a long a lot faster than doing straight bid.

Chairman Murdaugh: Stated, thank you for clearing that up.

Dr. Flowers: Stated, on this Ordinance with Gehl Foods we passed an Ordinance on that before, did we not?

Mr. Griffin: Stated, Yes.

Dr. Flowers: Asked, Do we have to resend that Ordinance?

Mr. Griffin: Stated, this is a restatement of that Ordinance, and adding in NM incorporated, which is the lease back company. It is a restatement or editing of that original Ordinance to bring it up to date to add NM.

**Public Hearing**

Councilman Phillip Taylor made a motion to move into Public Hearing. Dr. Flowers seconded that motion and the motion carried unanimously.

- A. **Ordinance 22-O-11, To Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals.**

No comments were made. Councilman Phillip Taylor made a motion to close Public Hearing. Councilman Williams seconded that motion and the motion carried unanimously.

**Old Business**

- A. **3<sup>rd</sup> Reading Ordinance 22-O-11, To Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals.**

Dr. Flowers moved to approve the 3<sup>rd</sup> Reading Ordinance 22-O-11, To Establish Chapter 2.80 – Board of Assessment Appeals, of Title 2 – Administration and Personnel of the Colleton County Code of Ordinances, to Provide for the Establishment of the Colleton County Board of Assessment Appeals. The motion was seconded by Councilman Taylor.

- B. **2<sup>nd</sup> Reading Ordinance 22-O-12, By Title Only, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances**

Councilman William moved to approve the 2<sup>nd</sup> Reading Ordinance 22-O-12, By Title Only, To Adopt Title 5 – Business Licenses and Regulations, Chapter 5.02 – Countywide Business Registration, of the Colleton County Code of Ordinances. The motion was seconded by Councilman Taylor. The motion carried unanimously.

Dr. Flowers: Stated, under Section 5.02.020. *Person*, Estate; I think we better clarify that a little better because that is going to be misinterpreted. It should be “Estate Trust” with no comma between. I don’t think we need to get into a person needing a license that has an estate. There is enough that goes on with having an estate without adding one more. I think we need to clarify that very clearly and not leave it as it is.

Chairman Murdaugh: Stated, I think the intent there was that some estates get opened, and I have seen them stay open for over 25 years, and they actually run businesses. I think the comma is okay

because a trust and an estate can be two separate entities, but some trusts run businesses. It does need clarifying that they are business entity.

Dr. Flowers: Stated, it does need clarifying rather than leaving it like it is. If not, then we will have somebody wanting to get a business license for every estate filed in the county. Someone could misinterpret this down the road. We need to get better wording in that area. Also, I think we need to be very clear on whether businesses in the city or town that have a license through that city or town would not be required to have a license under this ordinance. Although it may elude to that, I do not think it clearly states that. I would also like to know what kind of fee is going to be charged.

Mr. Griffin: Stated, it will be a straight \$15 a year.

Dr. Flowers: Stated, I did not see that listed in the Ordinance.

Mr. Griffin: Stated, we will make sure that it is listed if it is not.

Councilman Taylor: Stated, it is listed on page 5.

Dr. Flowers: Asked, what department will be handling this?

Mr. Griffin: Stated, we are working on that. I think we have an idea, but until we finish discussion with those departments I would rather bring that to you at third reading.

Dr. Flowers: Stated, I am sure they will have a lot of questions about a new Ordinance, and I want to make sure it is clear before we pass it.

Chairman Murdaugh: Stated, since we are talking about the definitions section of *Persons*, I know we talked about clarifying estate and trust, but what is not in there is Limited Liability Companies and Limited Liability Companies with partnerships. Those two would need to be added. Also, I know we discussed some exemptions. Is that something you are still working on such as agricultural?

Mr. Griffin: Stated, Mr. Chairman I would say let's take the rest of this to Executive Session.

Chairman Murdaugh: Stated, Do we want to hold the vote on this?

Mr. Griffin: Stated, you do still have third reading, but that certainly is at you all's pleasure.

Chairman Murdaugh: Stated, there is a scrivener's error on Page 3 when you get to section 5.02.080 item "B". We have "B" "1" on page 3 and on Page 4. I think it should probably be 2, 3, 4, etc.

No further discussion.

**C. 2<sup>nd</sup> Reading Ordinance 22-O-13, By Title Only, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update Commission Bylaws**

Dr. Flowers moved to approve the 2<sup>nd</sup> Reading Ordinance 22-O-13, By Title Only, To Amend Chapter 2.48 – Edisto River Canoe and Kayak Trail Commission to Update

Commission Bylaws. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**D. 2<sup>nd</sup> Reading Ordinance 22-O-14, To Ratify FY22 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer And Other Resolutions Previously Authorized By Council; And Other Matters Related Thereto**

Councilman Taylor moved to approve the 2<sup>nd</sup> Reading Ordinance, To Ratify FY22 Grant And Budget Resolutions And Related Appropriations For All Funds; To Ratify Transfer and Other Resolutions Previously Authorized by Council; And Other Matters Related Thereto. The motion was seconded by Councilman Williams. The motion carried unanimously.

**New Business**

**A. 1st Reading Ordinance 22-O-15, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County and Gehl Foods Southeast, LLC and NM GL, LLC, Whereby Colleton County Will Enter Into A Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, LLC of Certain Fees-In-Lieu of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives To Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid By Gehl Foods Southeast, LLC and NM GL, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release From Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC and a Partial Assignment and Assumption of Fee-In-Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, LLC, and Colleton County, South Carolina; and Other Matters Relating Thereto.**

Councilman Williams moved to approve the 1st Reading Ordinance 22-O-15, By Title Only, Authorizing the Execution and Delivery of a Fee-In-Lieu of Tax Agreement by and Among Colleton County and Gehl Foods Southeast, LLC and NM GL, LLC, Whereby Colleton County Will Enter Into A Fee-In-Lieu of Taxes Arrangement with Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Payment by Gehl Foods Southeast, LLC and NM GL, LLC of Certain Fees-In-Lieu of Ad Valorem Taxes; Providing for Assignment of Certain Existing Economic Development Incentives To Gehl Foods Southeast, LLC and NM GL, LLC; Providing for Certain Special Source Revenue or Infrastructure Credits; Providing for the Allocation of Fee-In-Lieu of Taxes Paid By Gehl

Foods Southeast, LLC and NM GL, LLC Under the Agreement for Establishment of Multi-County Industrial/Business Park; Authorizing the Execution and Delivery of an Assignment and Assumption of Incentive Agreements and Release From Incentive Agreements Among Colleton County, South Carolina, Crescent Dairy & Beverages, LLC, and Gehl Foods Southeast, LLC and a Partial Assignment and Assumption of Fee-In-Lieu of Tax Agreement by and Among Gehl Foods Southeast, LLC, NM GL, LLC, and Colleton County, South Carolina; and Other Matters Relating Thereto. The motion was seconded by Dr. Flowers. The motion carried unanimously.

**B. Resolution 22-R-49, To Authorize Acceptance and Budgeting of Funds for a Grant for FY 2022 -2023**

Dr. Flowers moved to approve Resolution 22-R-49, To Authorize Acceptance and Budgeting of Funds for a Grant for FY 2022 -2023. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**C. Resolution 22-R-50, To Award the Contract for Design Build Services for the Colleton County SC303 Sidewalk Engineering Services**

Councilman Taylor moved to approve Resolution 22-R-50, To Award the Contract for Design Build Services for the Colleton County SC303 Sidewalk Engineering Services. The motion was seconded by Councilman Williams. The motion carried unanimously.

**D. Resolution 22-R-51, To Award the Contract for Design Build Services for the Colleton County Transfer Station Improvement Project**

Dr. Flowers moved to approve Resolution 22-R-51, To Award the Contract for Design Build Services for the Colleton County Transfer Station Improvement Project. The motion was seconded by Councilman Taylor. The motion carried unanimously.

**E. Resolution 22-R-52, To Appoint Members to Board Vacancies**

Dr. Flowers moved to approve Resolution 22-R-52, To Appoint Members to Board Vacancies. The motion was seconded by Councilman Taylor. The motion carried unanimously.

The following appointments were made: Steven Baker – Colleton County Planning Commission.

**Public Comment**

Felicia Johnson: Stated, this is my fourth time coming. I was here last month and forget to tell you all that I wrote the governor again. It is up to y'all because the governor said he needs more information. I already told him about the people getting killed at the club. Last month I had to go

to the Sheriff's Department to handle some business. While I was there I asked to speak with Mr. Hill, but he was in a meeting. So, Officer Johnson, who came to my house that night on August 17<sup>th</sup>, he asked if I was talking about the Silver Shadow. I told him I had a petition back then to close that club, and he told me the Sheriff's Department could never close that club down; it is SLED. He did call one of them for me, but I have been sick and in pain and have not been able to go over to the SLED building. He gave me the names of David Lesley, Captain Ryan Neil, Lt. Sean Holly. The Governor gave me the Better Business Bureau to turn in Ms. Hazel Sanders. I haven't done anything to this woman yet because it is hard. She is the owner of this club, and she talks about this is her income, but she is not thinking of our lives. My grandson on Sunday talking about the Church is going to have to move...NO! The church doesn't have to move. There are two empty churches right by each other because of this club. It needs to be closed, and like I said this woman does not have a liquor license or food license. I have called DHEC on her too, and the only person who would help me then was the lady in Beaufort. She is a convicted felon for selling drugs and out here running a club with strippers and everything out there. My son went out there the other night, and I told him that I already called the police earlier because I can't sleep and I have a headache from the noise. I need peace on the weekend and I keep telling my grandson that I am sorry, but he cannot stay the night. I never know if someone is going to start shooting again. Like I showed Mr. Hill a bullet hole in my living room and said thank goodness I was at a gospel meeting and was not home. It is sad that we cannot live in peace, and that I cannot get my grandchildren. Officer Johnson said the Sheriff's Department can't do anything and you all will have to call SLED. Every time I call them to come out I hear I am tired of coming. Well I am tired of it too. Close this place down! We are a small community and do not need this in our community. I am disabled from head to foot. Somebody help us please!!!

Councilman Williams: Stated, I do not want Ms. Johnson to feel that she has been before us several times and we are not doing anything. We just did a second reading on an Ordinance tonight to help with the situation that you are going through. It is easier to create a problem than to undo a problem. So, we are trying to go about it the legal way of getting things done properly so you don't have to take matters into your own hands. Just be patient with us. It is a process that we have to go through. I can assure you that everyone on this council feels your pain. Everyone up here may not be grandparents, but a couple of us are and we know how it is when you want your grandchildren to come to your house. So, we understand that and we are doing all we can to come up with a solution. I know you have been patient for years, but just hold on a little while longer.

Ms. Johnson: Stated, I am not giving up.

Sabrina Johnson (Online Comment read aloud by Meagan Utsey): Thank you to the county councilmen, administrator, and everyone who has an active role in impacting and governing Colleton County.

Special thanks to Councilmen Art Williams, Phillip Taylor, and Steve Murdaugh, the three of four councilmen who responded to my concerns on September 24th about the vulgar situation just past Walmart and to all those who corrected the problem.

Thank you for working with the other community leaders to have the Joint Council Meeting that was held last night. I couldn't attend but I do thank you for giving the community members an opportunity to learn about what's happening in local government and make comments to our community leaders.

This is a request that Colleton County Council and the City of Walterboro work together to change the day and or time of the regular monthly meetings for one of the councils. County council and the City of Walterboro's regular council meetings are both set for the 1st Tuesdays of each month at 6:00pm.

For those of us who live in the city limits and would like to be involved and know what's going on with both governing councils, we must choose between the two meetings. I am not sure if it's a reason why these meetings are set at the same time or if this is done by design, but this should be changed, and the community members should not have to choose between the council meetings. Please explain the conflict and let us know how this will be corrected.

Thanks again,

Sabrina L.W. Johnson

### **Council Time**

Chairman Murdaugh: Stated, just in brief response to Sabrina's comment. It is certainly not by design. I think the county has been meeting on the first Tuesday a lot longer than the city so, I think they may have to change. However, that is an issue that we can discuss with the Mayor and see what we can work out. Do they meet twice a month?

Mr. Griffin: Stated, they have been but I am not sure if they are...

Chairman Murdaugh: Stated, let's just talk to the Mayor and see if there is some resolution.

Councilman Williams: Stated, I believe many years ago we had the same issues and I thought they had changed the meeting nights.

Councilman Taylor: Stated, they initially went to the second Tuesday, but then they added another meeting and with two meetings they went with the first and second.

Councilman Williams: Stated, that was a problem many years ago.

Chairman Murdaugh: Stated, let's have a discussion. I am sure we can work it out some way.

Councilman Williams: Stated, I appreciate the administrator working things out so that we could have the meeting yesterday. I know none of us here knew exactly what was going to turn out and he didn't know what was going to turn out either, but I thought it turned out real well. I applaud you and your staff for that.



Mr. Griffin: Stated, you can thank Kaela, she did the yeoman's work on putting that together.

Councilman Williams: Stated, thank you Kaela, that was a good job.

Chairman Murdaugh: Stated, I would also like to say when the hurricane was bearing down on us. The information we get from our Fire Rescue is amazing. I sat in on all the calls and didn't say anything, but I can't say enough about how informed we are. Years ago we had a radio station here that we don't have any more to get information like where to get sand bags from. I am sure the only information most are looking for now is where I can go charge my cell phone. A lot of the information is put out on the website, so if you are not looking at it, you should. They are doing a great job. I am not singling out David, but his name pops up on the emails. I know his whole staff did a great job.

### **Executive Session**

Councilman Taylor moved to go into executive session to discuss the following: Personnel – Magistrate's Office, Personnel – Solid Waste, and Economic Development – Project Lion, Project Marathon, Project Waterfall, and Project Gehl. Dr. Flowers seconded the motion. The motion carried unanimously.

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

Councilman Taylor moved that the county be authorized to establish a position for Bond Clerk I in the Magistrate's Office. Dr. Flowers seconded the motion. The motion carried unanimously.

### **Adjournment**

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

This 1<sup>st</sup> day of November, 2022.

  
Steven D. Murdaugh, Chairman

ATTEST:

  
Kaela Brinson, Clerk to Council