

Charleston, S. C.
February 11, 2014

A meeting of County Council of Charleston County was held on the 11th day of February, 2014, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided; Colleen Condon; Henry E. Darby; Anna Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey.

Also present were: Keith Bustraan, Deputy County Administrator for Finance, and County Attorney Joseph Dawson.

Rev. Gary McJunkin gave the invocation. Council Member Sass led in the pledge to the flag.

The Clerk reported that in compliance with the Freedom of Information Act, notice of meetings and agendas were furnished to all news media and persons requesting notification.

The Chairman announced that number three on the agenda 995 Morrison Drive Property Exchange had been removed.

**Rules of
Council
Amendment
Appointment**

A report was read from the Administration Policy Rules Committee under date of February 6, 2014, that it considered the amendments to the Rules of Council provided by Chairman Teddie E. Pryor, Sr., to assign the duty of appointments to boards and commissions to the Finance Committee and also to not allow nominations from the floor for appointments to boards and commissions at County Council meetings. It was stated that moving appointments to the Finance Committee would allow all members of Council to have a vote on nominations at the committee level and would eliminate the need to allow nominations from the floor at the Council level. It was shown that the County Attorney's Office approved the wording for the proposed new rules.

Committee recommended approval of adopting the following amendments to the Rules of Council:

That appointments to the various boards and commissions be moved to the Finance Committee and no nominations will be made from the floor at County Council Meetings:

4.1. A. ***Finance Committee*** consists of all members of Council. It functions as a ways and means committee on matters dealing with budgets, capital improvements, bond issues, county personnel policies, purchases and bids, taxation, Community Development, Housing Authority, criminal ordinances, public safety, social services, cultural affairs, health services, appointments by Council and matters related thereto.

4.1. B. **Administration Policy/Rules Committee** consists of four members of Council. It functions as a review, oversight and advisory body on the rules of Council, issues involving legislative and governmental liaison and matters related thereto.

2.9 Nominations for appointment to boards and commissions shall not be made from the floor at County Council meetings.

2.10 No member of Council shall take any books, records or papers from the possession of the clerk without first notifying the Clerk of Council, and, if necessary, giving a receipt to return the same in a reasonable length of time or on demand by the Clerk.

Mr. Rawl moved approval of Committee recommendation, seconded by Ms. Condon, and carried.

The Chairman stated that the next item on Council's agenda was the consent agenda.

Mr. Summey moved approval of the Consent Agenda, seconded by Mr. Rawl and carried.

**Consent
Agenda
A) National
Institute of
Mental Health
Grant
B)SC
DAODAS
Recovery
Program
Grant**

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of February 6, 2014 that it considered the information furnished by County Administrator Kurt Taylor and Charleston County Sheriff Al Cannon regarding a National Institute of Mental Health grant sub-awarded to the Charleston County Sheriff's Office by the Medical University of South Carolina. It was stated the Medical University of South Carolina has created a partnership with the Charleston County Sheriff's Office to conduct a study pertaining to intervention for adult victims of crime. The project is funded by the National Institute of Mental Health. The Charleston County Sheriff's Office is the sub-grantee. The Sheriff's Office will receive \$1,500 from MUSC.

It was shown the Sheriff's Office is requesting to use this award funding for training activities and associated costs. The grant period will run from October 1, 2013 until September 30, 2014. There are no FTE's requested in this grant and no match is required.

Committee recommended that Council allow the Sheriff's Office to participate with MUSC and accept \$1,500 from the 2013 Psychological First Aid for Victims of Crime through the National Institute of Mental Health with the understanding that the grant period will run from October 1, 2013 until September 30, 2014 and there are no FTE's requested in this grant and no match required.

A report was read from the Finance Committee under date of February 6, 2014 that it considered the information furnished by County Administrator Kurt Taylor and Charleston Center Director Dr. Chanda Brown regarding the award of a SC DAODAS Recovery Program Transformation and Innovation Grant. It was stated that this award in the amount of \$227,588, will be used for an expansion of Charleston Center's Women's Services program in an off-site location. It was shown that this is a collaboration between DSS, DAODAS, Jenkins Institute for Children and the Charleston Center and no required match or new FTE's is required. It was further stated that the Charleston

Center is requesting the acceptance of funds in the amount of \$227,588 from SCDAOSDAS for the following purposes: personnel, travel, equipment, supplies, training/consultants and facility related purchases.

Committee recommended that Council authorize the acceptance of the award in the amount of \$227,588 from the SC Department of Alcohol and Other Drug Abuse Services to be used in the expansion of Women's Services in an off-site location with the understanding that funds will be used for the following purposes: personnel, travel, equipment, supplies, training/consultants and facility related purchases.

**PENFORD
CAROLINA
TAX
ABATEME
NT**

A report was read from the Finance Committee under date of February 6, 2014, that it considered the information furnished by County Administrator Kurt Taylor and Economic Development Director Steve Dykes regarding a 5 year tax abatement requested by Penford Carolina, LLC. It was stated that on January 1, 2012 Penford Carolina, LLC purchased the real property of 7675 Southrail Rd., LLC, the land-owner for North Charleston based corn and vegetable starch manufacturer Carolina Starches, LLC. The machinery & equipment and business personal property of Carolina Starches, LLC was also purchased by Penford Carolina, LLC, with Penford retaining the previous 20-member staff.

It was shown that as new owners, under section 12-37-220(c) of the South Carolina Code of Laws, 1976, as amended, Penford Carolina, LLC is requesting a 5 year abatement (5YA) of the County portion of property taxes. The state law allows for consideration of such a request if:

- 1.) The purchaser is unrelated to the seller;
- 2.) The sale is an arm's length transaction;
- 3.) The purchaser preserves the existing facility and existing number of jobs at the facility;
- 4.) The purchaser invests an additional \$50,000 in a new facility or an addition to an existing facility; and
- 5.) The purchaser obtains approval of the governing body of the County for the extension.

It was further shown that Penford Carolina, LLC has certified to the South Carolina Department of Revenue (Form PT-444), as well as by letter to the County, that it meets requirements #1-3. Penford met requirement #4 when it purchased the real property from 7675 Southrail Rd., LLC. It was also shown that the property under consideration for this 5YA consists of an existing building and land valued at \$731,504, and if approved, Penford Carolina, LLC would not pay approximately 46.8 mills (or 17%) of the total 276.1 mills normally due in Tax District 4-3 City of North Charleston under standard ad valorem taxation. It was noted that the machinery & equipment and business personal property previously owned by Carolina Starches is already under abatement and not a part of this request. It was further stated that during the five year period from 2013 through 2017, the County portion of taxes on the eligible real property will equate to approximately \$13,950. Penford meanwhile will pay \$79,980 in local property taxes to the City of North Charleston, Charleston County Schools, Trident Technical College, and the Charleston County Parks & Recreation Commission

Following the lifting of the abatement in 2018, the Charleston County portion of tax payments on this real property will be approximately \$2,790 annually.

Committee recommended that Council approve a resolution granting a Five Year Abatement of the County's portion of ad valorem property taxes to Penford Carolina, LLC during a period commencing in tax year 2013 and running through tax year 2017 and authorizing the Chairman of County Council to sign the South Carolina Department of Revenue form PT-444 indicating approval of the Charleston County Council.

Mr. Summey moved approval of Committee recommendation, seconded by Ms. Condon and carried.

The resolution is as follows:

Resolution #14-02

Adopted 2/11/14

A RESOLUTION

Whereas Section 12-37-220(A)(7) of the South Carolina Code of Laws provides for a tax exemption for the county portion of property taxes for new manufacturing establishments and Section 12-37-200(C) provides that the exemption applies to purchasers of such establishments provided the purchase is an at arm's length transaction, the purchaser preserves the facility, the purchaser preserves the number of existing jobs, the purchaser invests at least \$50,000 into the facility, and governing body of the County approves the granting of such exemption.

Whereas Penford Carolina, LLC purchased a manufacturing facility located in Charleston County which was subject to the new manufacturing establishment exemption and furthermore Penford Carolina, LLC has preserved all of the jobs which existed at said facility and further has invested more than \$50,000 in such facility.

NOW THEREFORE, be it RESOLVED by County Council:

Council has approved the granting of a five (5) year exemption of the County portion of property taxes to Penford Carolina, LLC during a period commencing in tax year 2014 and continuing until and including tax year 2018.

Done in a meeting of the Charleston County Council assembled this 11th day of February 2014.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman

MRF LOCATION

A report was read from the Finance Committee under date of February 6, 2014, that it considered the information furnished by County Administrator Kurt Taylor and the advice of Environmental Management consultant Mitch Kessler regarding the purchase of land to site the proposed new County-owned Material Recovery Facility. It was stated that the level 1 environmental evaluation had been completed on the third Palmetto Commerce Parkway site and the level 2 evaluation was underway.

Committee recommended that Council:

1. authorize entering into a real estate purchase contract with RCRM Family Limited Partnership for the purchase of approximately 19.90 acres of property located on the Palmetto Commerce Parkway, portions of TMS #393-00-00-003 and -812, for a total purchase price of \$2,780,000 with the understanding that staff should complete all proper due diligence and environmental evaluations prior to closing.
2. authorize the Chairman of County Council to execute any and all documents necessary and helpful to complete the transaction and to close on the property transaction.

Mr. Sass expressed his concerns regarding the proposed site for the MRF.

Mr. Rawl moved approval of Committee recommendation, seconded by Mr. Summey and carried.

The Chairman announced that Council needed to go into executive session to discuss legal and personnel matters.

Mr. Summey moved that Council go into executive session, seconded by Ms. Condon, and carried.

At the conclusion of the executive session the Chairman announced that no action or votes had been taken in executive session.

**Council
Remarks**

The Chairman asked if any member of Council wished to bring a matter before the meeting.

There was no affirmative response.

There being no further business to come before the Body, the Chairman declared the meeting to be adjourned.

Beverly T. Craven
Clerk of Council