

January 12, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 12th day of January, 2009 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, and 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; Joe McKeown; A. Victor Rawl; Dickie Schweers and Paul R. Thurmond. Council Members Henry E. Darby; Curtis B. Inabinett; J. Elliott Summey;

Also present were: Allen O'Neal, County Administrator; County Attorney Joe Dawson; and Dan Pennick, Director of the Zoning/Planning Department.

Mr. Darby gave the invocation. Mr. McKeown 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.

Mr. McKeown moved approval of the Minutes of December 8, 2009, seconded by Mr. Schweers, and carried.

The Chairman announced that Charleston County School District was here to give Council an update of the School Board's vision of dividing the County into four zones, and having choice schools in each zone.

After the presentation and questions by Council Members, the Chairman thanked the School Board for their update.

An Ordinance conveying a portion of County property located at 1800 Labor Camp Road was given third reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE CONVEYANCE OF A PORTION OF CHARLESTON COUNTY OWNED REAL PROPERTY LOCATED AT 1800 LABOR CAMP ROAD, MOUNT PLEASANT, SOUTH CAROLINA, PARCEL IDENTIFICATION NUMBER 558-00-00-038 TO THE FOUR MILE COMMUNITY ASSOCIATION.

WHEREAS, Charleston County (the "County") owns real property located at 1800 Labor Camp Road, Mount Pleasant, South Carolina, identified as tax map parcel number 558-00-00-038; and

WHEREAS, Charleston County Council (the "County Council") desires to convey 4.61 acres of the total 5.26 acres of the real property identified as tax map

Labor Camp
Rd/4 mile
Property
Ordinance
3rd Reading

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parcel number 558-00-00-038, to the Four-Mile Community Association, and finds that conveying the property is in the best interests of the County and its citizens; and

WHEREAS, the County desires to convey the property to the Four-Mile Community Association to be used for a community center and a recreational area; and

WHEREAS, the County Council requires that should the Four-Mile Community Association fail to develop the property for recreational purposes to include, but not limited to, a community center and recreational area, within ten (10) years, or dissolve or cease to exist, or attempt to sell the property or encumber the property with a mortgage or similar encumbrance to secure borrowed moneys or other indebtedness, title to the property shall immediately pass to and vest in the County and the property will revert to the County.

WHEREAS, the County Council and Four-Mile Community Association specifically intend that this conveyance be subject to the above-described property interest in favor of the County; and

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. APPROVAL OF CONVEYANCE OF REAL PROPERTY WITH CONDITIONS AND AUTHORITY TO EXECUTE DOCUMENTS FOR THE CONVEYANCE OF REAL PROPERTY

A. The County Council conveys 4.61 acres of the total 5.26 acres of the County owned real property identified as tax map parcel identification number 558-00-00-038 located at 1800 Labor Camp Road, Mount Pleasant, South Carolina, to the Four-Mile Community Association. The location of the property is shown on the attached plat, which is incorporated by reference as Exhibit "A."

B. The Four-Mile Community Association will develop the property for recreational purposes within ten (10) years. Should the Four-Mile Community Association fail to develop the property for recreational purposes to include, but not limited to, a community center and recreational area, within ten (10) years, or dissolve or cease to exist, or attempt to sell the property or encumber the property with a mortgage or similar encumbrance to secure borrowed moneys or other indebtedness, title to the property shall immediately pass to and vest in the County and the property will revert back to the County.

C. The Chairman of the County Council is authorized to execute and deliver any and all documents and instruments necessary for the conveyance of the real property.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its approval following third reading by the County Council.

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

- Ms. Condon - aye
- Mr. Darby - aye
- Mr. Inabinett - aye
- Mr. McKeown - aye
- Mr. Rawl - aye
- Mr. Schweers - aye
- Mr. Summey - aye
- Mr. Thurmond - aye
- Mr. Pryor - aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received third reading approval.

**Boeing
Incentives
Ordinance
3rd Reading**

The Chairman announced that the next item on Council's agenda was third reading of the Boeing Incentives Ordinance.

Ms. Condon asked if the final documents included all amendments.

The County Attorney stated that they did

An Ordinance approving an enhanced Investment Fee Agreement between Charleston County and Boeing Company was given third reading by title only.

ORDINANCE

AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF AN ENHANCED INVESTMENT FEE AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND THE BOEING COMPANY; AND MATTERS RELATING THERETO.

WHEREAS, Charleston County (the "County"), a public body corporate and politic under the laws of the State of South Carolina has, by an Inducement Resolution

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adopted on November 17, 2009 (the "Resolution"), taken official action to identify the Project (as defined below) for purposes of the applicable fee-in-lieu of taxes statute and otherwise;

WHEREAS, the County desires to enter into a Fee Agreement with The Boeing Company, a Delaware corporation authorized to transact business in South Carolina (the "Company"), which shall provide for payments of fees-in-lieu of taxes for a project qualifying under the Enhanced Investment Fee provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act");

WHEREAS, the County and the Company desire to enter into a Fee Agreement as defined in the Act concerning the Company's investment in certain real property and certain machinery, equipment and other personal property for the purpose of assembling or manufacturing aircraft and/or parts thereof and all activities relating thereto (which properties constitute a project under the Act and are referred to hereinafter as the "Project"). The Project is expected to provide significant economic benefits to the County and surrounding areas. In order to induce the Company to locate the Project in the County, the County hereby agrees to charge a fee-in-lieu of taxes with respect to the Project and otherwise make available to the Company the benefits intended by the Act;

WHEREAS, Charleston County Council (the "County Council") has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company, which the County proposes to execute and deliver;

WHEREAS, it appears that the document above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered or approved by the County for the purposes intended;

NOW, THEREFORE, BE IT ORDAINED by the County Council in meeting duly assembled as follows:

Section 1. Pursuant to the Act and particularly Section 12-44-40(H) and (I) thereof, and based on information supplied to the County by the Company, the County Council has made and hereby makes the following findings:

(a) The Project constitutes a "project" as said term is referred to and defined in Section 12-44-30 of the Act;

(b) It is anticipated that the Project will benefit the general public welfare of the County by providing services, employment and other public benefits not otherwise adequately provided locally;

(c) The purposes to be accomplished by the Project are proper governmental and public purposes;

(d) The benefits of the Project to the public are greater than the costs to the public;

(e) Neither the Project nor any documents or agreements entered into by the County in connection therewith will give rise to any pecuniary liability of the County or incorporated municipality or to any charge against their general credit or taxing power; and

(f) Having evaluated the purposes to be accomplished by the Project as proper governmental and public purposes, the anticipated dollar amount and nature of the investment to be made, and the anticipated costs and benefits to the County, the County has determined that the Project, based on factual representations to the County by the Company, will be properly classified as economic development property.

Section 2. In order to promote industry, develop trade and utilize the workers, agricultural products and natural resources of the State, the form, terms and provisions of the Fee Agreement which is before this meeting and filed with the County Administrator is hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Chair of the County Council is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be not be materially adverse to the County or the Company and as shall be approved by the officials of the County executing the same, upon advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 3. The Chair of County Council and the County Administrator, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 4. The consummation of all transactions contemplated by the Fee Agreement is hereby approved.

Section 5. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 6. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 7. 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 passage and approval.

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**Boy Scouts of
America
Request
Resolution**

A report was read from the Finance Committee under date of January 7, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Bill Watson, of the Coastal Carolina Council of Boy Scouts of America, regarding a request that Council approve a Resolution celebrating the 100th anniversary of the Boy Scouts.

Committee recommended that Council approve the requested Resolution celebrating the 100th anniversary of the Boy Scouts of America.

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

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, The Boy Scouts of America celebrates its centennial on February 8, 2010; **and**,

WHEREAS, Scouting has been an integral part of life in Charleston County since the formation of the Coastal Carolina Council in 1921; **and**,

WHEREAS, The Boy Scouts of America has provided a program of character development, physical fitness, and mental awareness to over 111 million youth of the United States in the past 100 years; **and**,

WHEREAS, there are over 2.8 million youth members and 1.2 million adult volunteers in the Boy Scouts of America in more than 300 Councils throughout the United States, sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities; **and**,

WHEREAS, The Coastal Carolina Council, consisting of Georgetown, Charleston, Berkeley, Dorchester, Colleton, Beaufort, Jasper, Hampton, and Allendale counties, provides the Boy Scout Program for over 8,000 youth and 2,500 adult volunteers in our area; **and**,

WHEREAS, the Boy Scout Oath "I promise to do my duty, to God and my Country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight" inspires members to become good citizens, encourages high ethical standards, and promotes good will and service in their community.

NOW, THEREFORE, BE IT RESOLVED, that **Charleston County Council** does hereby proclaim **February 8, 2010**, as

BOY SCOUTS OF AMERICA, CENTENNIAL CELEBRATION DAY

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in Charleston County, and encourages all citizens to join in recognizing the Boy Scouts of America for 100 years of service to youth in our community and throughout this great nation.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
January 12, 2010

**East Indian
 Avenue
 Drainage
 Improvement
 ZREZ –08-09-
 5377- 21 Penn
 Avenue
 Ordinance
 3rd Reading**

A report was read from the Finance Committee under date of January 7, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for drainage improvements on Folly Beach, South Carolina. It was stated that the drainage project on East Indian Avenue, consists of installing approximately 600 feet of pipe along the south side of East Indian Avenue from Center Street to 2nd Street east, and that work shall include clearing, storm drainage improvements, paving, erosion and sedimentation control and traffic control during construction.

Committee recommended that Council authorize award of a contract for East Indian Avenue drainage improvement to Gulf Stream Construction Company in the amount of \$76,319.00, with funding to come through the Transportation Sales Tax annual allocations.

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

**Berkeley
 Electric CO-OP
 Grant/Boeing
 Request to
 Accept.**

A report was read from the Finance Committee under date of January 7, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and J. Steven Dykes, Director of Economic Development, regarding Council’s acceptance of a \$100,000 Grant as part of the incentives for the Boeing Company. It was stated that the \$100,000 Grant was offered by Berkeley Electric Cooperative (BEC) under the Utility Tax Credit Grant Program, which enables utilities within South Carolina to invest a portion of their earnings each year in public infrastructure, and in turn offers the utility a corresponding credit against its state corporate income taxes.

Committee recommended that Council approve the administrative action taken by the County Administrator on December 30, 2009 accepting a \$100,000 Utility tax Credit Grant offered by Berkeley Elective Cooperative (BEC) for use by the Boeing Company on eligible public infrastructure expenses associated with the 787 Final Assembly Complex.

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

**State of the
 County
 update**

A State of the County update was prepared was prepared by the Chairman and read into the record.

Since I was elected the Charleston County Council Chairman in January of 2009, I have enjoyed the opportunity to hold a leadership position on Council in order to serve the citizens of this great County.

All nine of your County Council members are elected with the responsibility of providing quality services to citizens, and we, like the rest of the country, continue to be challenged to do so with fewer and fewer available dollars.

Entering into the new year, we need to reflect on our accomplishments in 2009, look for areas where we can make improvements, and go forward with the attitude that we are a team that can make it through these extremely tough economic times. We did this in 2009, and we can do it again in 2010.

So, how did we do it last year? By the end of calendar year 2008, staff had predicted the economic downturn and its impact on funds coming to the County, and reduced budgeted expenditures by almost \$10 million.

Preparing the Fiscal Year 2010 (July 1, 2009 – June 30, 2010) budget in the midst of economic uncertainty presented us with a difficult challenge. In the end, Council was able to maintain existing levels of basic services to the community, not increase the County's property tax millage, budget for the opening of the Detention Center expansion, and maintain a compensation and benefits package sufficient for attracting and retaining a qualified and motivated work force.

We are proud that we approved the Fiscal Year 2010 budget without raising the millage rate for the tenth year in a row.

The County also maintained its strong triple-A bond rating in 2009. Our rainy day funds, adopted fund balance policies, and five-year financial forecasts were, and still are, all signs of solid fiscal management.

Planned expenditures for fiscal year 2010 for all funds total \$371.1 million, a \$3.8 million decrease from the previous year. Eighty-one employee positions were eliminated through attrition, and 55 positions were added in the areas of detention and consolidated dispatch. There were no mandatory furloughs or layoffs affecting our staff, which helps the overall prosperity of the Lowcountry.

The financial challenges will continue as we enter 2010 and begin working on our Fiscal Year 2011 budget. We already know we will be facing a multi-million dollar deficit next fiscal year.

But, we will continue to work with County staff and our elected and appointed officials to do everything possible to streamline our efforts and ensure that County services are maintained and our financial standings hold strong. This is the promise we make to the citizens of Charleston County.

Respectfully submitted,
Teddie E. Pryor, Charleston County Council Chairman

Public Forum The Chairman asked if any member of the audience wished to address Council.

Mr. David Coe of James Island furnished Council Members with a letter. He stated that he had been invited to speak at the Beaufort County Council Meeting on Monday,

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January 11, 2010, and that Beaufort County's taxing system is even worse than Charleston County's. He said that if this keeps up, South Carolina will become the State of the protected very rich and the unprotected very poor, if it is not already there now.

Mr. Anthony Freeman of the 4 Mile Community thanked Council for deeding the property on Labor Camp Road to their Community.

Mr. Schweers thanked Mr. Freeman and the 4 Mile Community for their hard work in getting the project together and said he would be looking forward to the completion of the Community Park.

The Chairman asked if any Member of Council wished to bring a matter before the Body.

Mr. McKeown thanked Steve Dykes, Director of the County Economic Development Department and County Attorney Joe Dawson for bringing forth the information Council needed before giving third reading to the Boeing incentives Ordinance.

Mr. Summey also thanked Steve Dykes, Joe Dawson and County Administrator, Allen O'Neal for bringing this matter to completion.

He said that it was necessary for them to sign a non-disclosure agreement; that there was nothing evil involved that they only had the County's best interest at heart, and that there was nothing underhanded going on.

Mr. Darby asked Council Members to reconsider Mr. Rawl's request for a Resolution.

Mr. Thurmond said that he respected what was needed to be done, but he wanted the public to know as much about the Boeing Incentives as possible.

Mr. Inabinett said that he and a Committee have been working on agriculture issues and hope to make a presentation to the Finance Committee in April. He also said that County services to small Municipalities gives better services and saves money.

Ms. Condon thanked Staff for getting permission from Boeing to release the information prior to giving third reading to the Boeing Incentives Ordinance.

Mr. Darby said that the Chairman needed to be thanked for his services as well as Staff.

Mr. Pryor said that there is "NO BIG I" on Council, and that he is greatly appreciative of all that everyone has done to bring Boeing to Charleston County.

Mr. Rawl said job well done.

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

Beverly T. Craven
Clerk of Council