

Charleston, SC  
May 22, 2012

A regular meeting of County Council of Charleston County was held on the 22<sup>nd</sup> day of May, 2012, at 7:00 p.m., 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 B. Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers; and J. Elliott Summey.

Also present were: W. Kurt Taylor, County Administrator and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation. Council Member Colleen Condon 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.

Ms. Condon moved approval of Council's minutes of May 8<sup>th</sup>, 2012, seconded by Mr. Summey, and carried.

**Presentations**  
**A) Sonia Jones**  
**Employee of the**  
**Quarter**  
**B) Academic**  
**Magnet High**  
**School Boys**  
**Varsity Soccer**  
**Team Resolution**

The Chairman said it was a pleasure to recognize Charleston County's Employee of the Quarter, Sonia Jones, Legislative Assistant in the Office of the Legislative Delegation. He requested County Administrator, W. Kurt Taylor to present Ms. Jones with the Award and asked Ms. Jones' supervisor, Ms. Cathy Collum, who had nominated Ms. Jones to tell Council and the Citizens in the Audience about why she had nominated Ms. Jones. Ms. Collum said that Sonia had worked in the Legislative Delegation Office since 2005 and had always been an excellent employee. Ms. Collum added that for three months she had been unable to work due to health reasons and that Sonia had immediately stepped in and performed the activities of her position as well as many duties of the Legislative Coordinator, which required her staying past normal working hours to give assistance to the Legislators and the public.

Mr. Pryor said that at Mr. Summey's request, he had invited the Academic Magnet High School Boys Varsity Soccer Team to come to tonight's meeting to be recognized for their State Championship Season. He added that a Resolution had been prepared and requested the Deputy Clerk of Council to read it into the record.

The Resolution is as follows:



**A RESOLUTION  
OF CHARLESTON COUNTY COUNCIL**

**HONORING THE ACCOMPLISHMENTS OF THE  
ACADEMIC MAGNET HIGH SCHOOL BOYS VARSITY SOCCER TEAM**

**WHEREAS**, from time to time **Charleston County Council** has the privilege of recognizing individuals in this community who exemplify commitment, determination, dedication, and excellence; **and**,

**WHEREAS**, the **2011-2012 Academic Magnet High School Boys Varsity Soccer Team** has exhibited all of these characteristics in an exceptional soccer season, finishing with an outstanding record of 22-2; **and**,

**WHEREAS**, the season culminated with the **Raptors** being crowned the 2011-2012 South Carolina Division 2A State Champions, ranked the number 5 soccer team amongst all high schools in the state and 48<sup>th</sup> in the nation by ESPN; **and**,

**WHEREAS**, the team of champions is comprised of **Brady Allardice, Brett Hanson, Nat Edwards, Nick Nybo, Davis Michaelsen, Ethan Hanson, TJ Peterson, Wyatt Ball, Bailey Kirkland, Jonathan Glenn, Matt Houle, Colten Frankel, Mack Koewler, Christian Alele, Coleman Richards, Sammy Kunitz-Levy, Jay Gervais, Alex Lanning, Buckley McCall, Rey Nugent, Zac Reineke, Ethan Cohen, Nate Anderson and Chris Abraham**; **and**,

**WHEREAS**, the stellar team's coaching staff are **Head Coach Jason Hamil, Assistant Coach Jake Perlmutter, Trainer Stephanie Davey, and Athletic Director Kurt Hoffman**.

**NOW, THEREFORE BE IT RESOLVED THAT CHARLESTON COUNTY COUNCIL**, in meeting duly assembled, is proud to congratulate the **Varsity Boys Soccer Team of Academic Magnet High School** for their spectacular soccer season and for bringing the honor of the **Division 2A State Championship** to Charleston County.

**CHARLESTON COUNTY COUNCIL  
Teddie E. Pryor, Sr. Chairman  
May 22, 2012**

**Resolutions**

- A) EMS Week
- B) Police Week
- C) Small Business Week
- D) Rev. McKinley Washington, Jr. Day

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator requesting County Council to adopt a Resolution designating the week of May 20-25, 2012, as Emergency Medical Services Week in Charleston County.

Committee recommended that Council, in appreciation of Charleston County's dedicated Emergency Medical Services employees, adopt a resolution naming the week of May 20-25, 2012, as Emergency Medical Services Week in Charleston County.

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

The Chairman requested that EMS Director, Don Lundy, and his available Staff come forward to receive the Resolution, and asked the Clerk of Council to read the Resolution into the record.

The Resolution is as follows:



## A RESOLUTION OF CHARLESTON COUNTY COUNCIL

*To Designate the Week of May 20-26, 2012 as Emergency Medical Services Week*

**WHEREAS**, emergency medical services is a vital public service; **and**,

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week, **and**

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; **and**,

**WHEREAS**, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; **and**,

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; **and**,

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

**NOW THEREFORE BE IT RESOLVED** that in recognition of this event **CHARLESTON COUNTY COUNCIL** does hereby proclaim the week of **May 20-26, 2012** as

### **EMERGENCY MEDICAL SERVICES WEEK**

and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

### **CHARLESTON COUNTY COUNCIL**

**Teddie E. Pryor, Chairman**  
**May 22, 2012**

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and the letter received requesting Charleston County Council to proclaim the week of May 13-19, 2012, Police Week. It was stated that there are approximately 900,000 law enforcement officers serving in communities across the United States.

Committee recommended that Council adopt the requested resolution and recognize that the week of May 13-19, 2012, was designated as Police Week in Charleston County.

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

The Chairman requested Sheriff Al Cannon and Deputy Danny Isgott to come forward to accept the Resolution, and the Clerk of Council to read the Resolution into the record. The Resolution is as follows:



**A RESOLUTION  
OF CHARLESTON COUNTY COUNCIL  
Proclaiming May 13-19, 2012, Police Week**

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Charleston County Sheriff's Office; **and**,

**WHEREAS**, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; **and**,

**WHEREAS**, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including Steve Buist Hiott, Jr., Hubert Leander Lloyd, William Allen Nalley, Joel M. Robertson, William Patrick Messer, William Thomas Cribb, James Owens, Jr., Leon W. Gooding, John C. Meyers, and Joseph Trescott of the Charleston County Sheriff's Office; **and**,

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC.

**NOW, THEREFORE BE IT RESOLVED**, Charleston County Council, does hereby proclaim **May 13 –May 19, 2012**, as

**POLICE WEEK**

in Charleston County and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Sr., Chairman  
May 22, 2012

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, regarding a request that County Council approve a Resolution proclaiming the week of May 20-26, 2012, Small Business Week in Charleston County.

Committee recommended that Council adopt a Resolution proclaiming May 20-26, 2012, Small Business Week in Charleston County.

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

The Chairman requested Procurement Director, Barrett Tolbert and SBE Program Manager, Susan Hogan to come forward with special guest, Shirlie Taylor. Ms. Hogan stated that Ms. Taylor had, at no cost to the County, conducted 4 business development workshops and presented Ms. Taylor with a Certificate of Appreciation. The Clerk of Council read into the record the Resolution which was presented to the Procurement Department by County Administrator W. Kurt Taylor.

The Resolution proclaiming May 20-26 as Small Business Week is as follows:



## A RESOLUTION OF CHARLESTON COUNTY COUNCIL Proclaiming May 20-26, 2012, Small Business Week

**WHEREAS**, small businesses are vital to the economic health of Charleston County and small business owners embody the spirit of entrepreneurship and strong work ethic that lie at the heart of the American dream; **and**,

**WHEREAS**, small businesses power our economy by creating, over the past 15 years, the majority of new private sector jobs in our country; **and**,

**WHEREAS**, Charleston County is proud of the relationships it holds with local small and minority-women owned businesses and wishes to recognize small businesses for the key role they play in keeping our economy strong.

**NOW, THEREFORE BE IT RESOLVED**, Charleston County Council, does hereby proclaim **May 20 –May 26, 2012**, as

### SMALL BUSINESS WEEK

in Charleston County and hereby urges our citizens to join with us in this observance as we celebrate the accomplishments of small business owners and their employees and encourage the development of new small businesses.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Sr., Chairman  
May 22, 2012

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, regarding a request received for Charleston County Council to adopt a resolution honoring Reverend McKinley Washington, Jr., for his many, many contributions to Edisto Island, Charleston County, the State of South Carolina and the world at large, and proclaim May 26, 2012 as Reverend McKinley Washington Day in Charleston County. It was stated that Council Member Anna Johnson will deliver the resolution on behalf of County Council to an event being held in Reverend McKinley Washington's honor on Saturday, May 26.

Committee recommended that Council adopt a resolution proclaiming May 26, 2012, Reverend McKinley Washington Day in Charleston County.

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

The Chairman stated that Council Member Anna Johnson would deliver Council Resolution at the ceremony on May 26, 2012.

Ms. Johnson asked that the Resolution passed by Council be read into the minutes.

The Chairman instructed the Clerk of Council to read the Resolution into the minutes.

The Resolution is as follows:



**A RESOLUTION  
OF CHARLESTON COUNTY COUNCIL  
HONORING THE REVEREND MCKINLEY WASHINGTON, JR.**

**WHEREAS, Reverend McKinley Washington, Jr.** is a native of Sumter County, South Carolina, the son of sharecroppers, a graduate of Johnson C. Smith University, a member of the Johnson C. Smith University Board of Trustees, a former member of the South Carolina House of Representative, a former South Carolina State Senator, a former member of the South Carolina Employment Security Commission, a pastor, a teacher, a civil rights leader, and a friend; **and,**

**WHEREAS, Reverend McKinley Washington, Jr.** began preaching at Edisto Island Presbyterian Church in 1962 and fell in love with the community; he saw the needs of the people in the community and fought to try to fulfill those needs; **and,**

**WHEREAS, Reverend McKinley Washington, Jr.** saw the injustices of segregation and worked to change the injustices he saw as an active participant in the sit-in movement and the 1963 March on Washington; **and,**

**WHEREAS, Reverend McKinley Washington, Jr.** helped start the Sea Island Comprehensive Health Care Corporation, the NAACP Edisto Branch, helped start the Head Start program on Edisto Island, worked with other community leaders at Rural Missions; **and,**

**WHEREAS, Reverend McKinley Washington, Jr.** fought to help people remember that the God of the Bible is the God of life and justice as he served in the SC House of representatives for 16 years and the SC Senate for 10 years.

**NOW THEREFORE BE IT RESOLVED,** in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **Reverend McKinley Washington, Jr.** to Edisto Island, Charleston County, the State of South Carolina, and the world at-large as a voice for those in need seeking the justice they deserve and does hereby proclaim **May 26, 2012,** as

### **McKINLEY WASHINGTON, JR. DAY**

in Charleston County.

**CHARLESTON COUNTY COUNCIL**

**Teddie E. Pryor, Chairman**  
**May 22, 2012**

**1985 Maybank  
Highway  
Ordinance  
Deferred.**

The Chairman announced that he had received a request from the applicant for rezoning of property located at 1985 Maybank Highway. The applicant asked that Council not give third reading to the rezoning request tonight to enable him time to meet with residents to see if they could work out their differences, and, as a courtesy to the applicant, he has taken item 5 A and B off tonight's agenda.

Mr. Schweers said he understands Mr. Pryor's action, but that he was also aware of the appearance of many citizens in opposition to this change and who have come to express their opposition at meetings when this matter was before the Town of James Island and here at Charleston County.

Mr. Schweers moved that this matter be placed on Council's next County Council meeting which would be on June 5<sup>th</sup>. This motion was seconded by Ms. Condon who requested that notice of this meeting be furnished to all who have shown an interest in this agenda item.

The motion carried and the Chairman instructed the Clerk to place this on the next Council Meeting and for the Zoning/Planning Department to notify interested parties that this item would be on Council's June 5<sup>th</sup> agenda.

900 Main Road  
 ZREZ-12-11-  
 12929  
 Ordinance 3<sup>rd</sup>  
 Reading

An Ordinance requesting a zoning change from Industrial (I) to Community Commercial was given third reading by title only.

AN ORDINANCE

No: 1729

REZONING THE REAL PROPERTY LOCATED AT 900 MAIN ROAD,  
 PARCEL IDENTIFICATION NUMBER 250-00-00-174, FROM THE  
 INDUSTRIAL (I) DISTRICT TO THE COMMUNITY COMMERCIAL  
 (CC) DISTRICT

WHEREAS, the property identified as parcel identification number 250-00-00-174 is currently zoned Industrial (I) District; and,

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from the Industrial (I) District to the Community Commercial (CC) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and,

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and,

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and

- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

NOW, THEREFORE, be it ordained by Charleston County Council, in meeting duly assembled, finds 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. REZONING OF PROPERTY**

The property identified as parcel identification number 250-00-00-174 is hereby rezoned from the Industrial (I) District to the Community Commercial (CC) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

**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 approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 22<sup>nd</sup> day of May, 2012

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr., Chairman  
Charleston County Council

ATTEST:

Beverly T. Craven, Clerk  
Charleston 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
- Ms. Johnson - aye

Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

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

An Ordinance rezoning property at 1235 Camp Road was given third reading by title only.

1235 Camp Road  
ZREZ 1-12-1236  
Ordinance 3<sup>rd</sup>  
Reading

AN ORDINANCE NO: 1730

REZONING THE REAL PROPERTY LOCATED AT 1235 CAMP ROAD, PARCEL IDENTIFICATION NUMBER 425-16-00-124 FROM THE NEIGHBORHOOD COMMERCIAL (CN) DISTRICT TO THE COMMUNITY COMMERCIAL (CC) DISTRICT.

WHEREAS, the property identified as parcel identification number 425-16-00-124 is currently zoned Neighborhood Commercial (CN) District; and,

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from the Neighborhood Commercial (CN) District to the Community Commercial (CC) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and,

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and,

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public

facilities, and services to the subject property, while maintaining adequate levels of service to existing development;

- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds 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. REZONING OF PROPERTY**

The property identified as parcel identification number 425-16-00-124 is hereby rezoned from the Neighborhood Commercial (CN) District to the Community Commercial (CC) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

**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 approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 22nd day of May, 2012

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr., Chairman  
Charleston County Council

ATTEST:

Beverly T. Craven, Clerk  
Charleston County Council

1237 Camp  
Road ZREZ 1-  
12-12950  
Ordinance 3<sup>rd</sup>  
Reading

An Ordinance rezoning real property located at 1237 Camp Road was given third reading by title only.

**AN ORDINANCE NO: 1731**

**REZONING THE REAL PROPERTY LOCATED AT 1237 CAMP ROAD, PARCEL IDENTIFICATION NUMBER 425-16-00-152, FROM THE NEIGHBORHOOD COMMERCIAL (CN) DISTRICT TO THE COMMUNITY COMMERCIAL (CC) DISTRICT**

WHEREAS, the property identified as parcel identification number 425-16-00-152 is currently zoned Neighborhood Commercial (CN) District; and,

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from the Neighborhood Commercial (CN) District to Community Commercial (CC) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and,

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and,

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and

- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds 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. REZONING OF PROPERTY

The property identified as parcel identification number 425-16-00-152 is hereby rezoned from the Neighborhood Commercial District (CN) to the Community Commercial District (CC). The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

#### 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 approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 22<sup>nd</sup> day of May, 2012

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr., Chairman  
Charleston County Council

ATTEST:

Beverly T. Craven, Clerk  
Charleston County Council

**Permission to  
travel  
Request to  
Approve**

A report was read from the Administrative Policy/Rules Committee under date of May 22<sup>nd</sup>, 2012 that it considered the information provided by W. Kurt Taylor, County Administrator, and Joe Dawson, County Attorney, regarding permission for Members of Council to travel to various locations to observe state of the art Environmental Management facilities and operations. It was stated that with the

exception of attendance at the National Association of Counties and the State Association of Counties sponsored functions, the rules of Council require approval for any other travel by Council Members.

Committee recommended that Council authorize the Chairman of Council to appoint various Council Members to travel to other locations to observe state of the art Environmental Management facilities and operations.

Ms. Johnson moved approval of Committee recommendation, seconded by Mr. Summey, and carried. Mr. Rawl voted nay.

**ZREZ-8-11-11850**  
**A) Request to Approve**  
**B) Ordinance 1<sup>st</sup> Reading**

A report was read from the Planning/Public Works Committee regarding a request for a zoning change of property located in the St. Andrews Area at 2435 Etiwan Avenue from a Mixed Style Residential 12 (M-12) Zoning District to a Community Commercial (CC) District. It was stated that Staff recommends approval of the requested change.

Committee recommended that Council approve the requested Zoning Change.

Ms. Condon moved approval of the requested Zoning Change, seconded by Mr. Sass, and carried.

An Ordinance rezoning the 2435 Etiwan Avenue Property was given first reading by title only.

#### AN ORDINANCE

REZONING THE REAL PROPERTTY LOCATED AT 2435 ETIWAN AVENUE, PARCEL IDENTIFICATION NUMBER 310-06-00-029, FROM THE MIXED SYTLE RESIDENTIAL 12(M-12) DISTRICT TO THE COMMUNITY COMMERCIAL (CC) DISTRICT.

**The Ordinance in its entirety will appear in the Minutes of Charleston County Council at the time of third reading.**

The Chairman announced that the next item on Council's agenda was the Consent Agenda.

Ms. Condon moved approval of the Consent Agenda, seconded by Mr. Summey. Mr. Darby voted nay on item C.

The Chairman declared all four items on this agenda to have passed and instructed the Clerk to show that Mr. Darby had voted nay on Item C.

The consent agenda is as follows:

A report was read from the Finance Committee meeting under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, regarding the Emergency Management Department's request to submit an application

**CONSENT  
 AGENDA  
 A) FY 2012  
 Local  
 Emergency  
 Management  
 Performance  
 Grant  
 B) 2008  
 Homeland  
 Security  
 C) Rivers  
 Avenue @  
 Northwoods  
 Sidewalk  
 Improvement  
 D) Charleston  
 Center/Medical  
 University Lease**

through the Federal Emergency Management Agency’s Local Emergency Management Performance Grant in the amount of \$75,495. If awarded, grant funding would be utilized to accomplish the following:

1. Offset annual personnel cost.
2. Funding for Emergency Management Special Project, including but not limited to department accreditation, emergency operations center enhancements, emergency management program enhancements, and training.

ITEM	COST
Personnel	\$39,549
Emergency Management Special Project	\$35,946
Total	\$75,495

It was shown that an in-kind or “soft” match on behalf of the division would be required. Salaries of department personnel associated with the completion of projects identified in the grant scope of work would be used to satisfy the match requirement. There are no FTE’s or vehicles associated with the above referenced grant program.

Committee recommended that Council approve the Emergency Management Department’s request to apply for grant funding in the amount of \$75,495 through the 2012 Local Emergency Management Performance Grant program, with the understanding that the grant performance period is July 1, 2012 through June 30, 2013, and that the required soft match will be handled by the Emergency Management Department. It is also understood that FTE’s or vehicles are associated with the above referenced grant program.

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Jason Patno, Director of Emergency Management regarding Emergency Management’s request to received reverted grant funding from the U. S. Department of Homeland Security Grant Program. It was stated that through the above referenced program, reverted grant funding in the amount of \$43,402.75 has been made available to Charleston County and if approved, grant funds will be used to purchase weapons of mass destruction/hazardous materials response equipment that will aid first responders with the ability to more effectively respond to incidents involving weapons of mass destruction/hazardous materials.

Committee recommended that Council approve the Emergency Management Department’s request to receive reverted grant funding in the amount of \$43,402.75 through the 2008 U.S. Department of Homeland Security Grant Program, allowing for the purchase of weapons of mass destruction/hazardous materials response equipment and recognize that matching funds on behalf of Charleston County are not required and that there are no FTE’s, vehicles, or reoccurring costs associated with the acceptance of the above referenced grant program, which runs from April 1, 2012 until July 31, 2012.

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding the Rivers Avenue at Northwoods Sidewalk Project in North Charleston, which is a Transportation Sales Tax (TST) funded project. It was stated that this Project consists of sidewalks, traffic control and pedestrian signalization improvements along the West and East of Rivers Avenue US-52 from Ashley Phosphate Road to Northbrook Boulevard, and include, but is not limited to new sidewalks, new traffic control and pedestrian signalization, drainage improvements, paving, erosion and sedimentation control, and traffic control during construction.

Bids were received in accordance with the terms and conditions of IFB No. 4647-12C. The mandatory SBE utilization for this solicitation is 12.2% and the DBE goal is 20%.

<b>Bidder</b>	<b>Bid Price</b>	<b>SBE Percentage</b>	<b>DBE Percentage</b>
AOS Specialty Contractors, Inc. Lexington, SC Principal: Dianne Rushing	\$418,029.46	100%	69.98%
*Gulf Stream Construction Company, Inc. North Charleston, SC Principal: Kenneth A. Hulseberg	\$429,707.05	17.8%	0.00% Not Met
L-J, Inc. Columbia, SC Principal: Richard Goodwin	\$444,424.59	27.1%	50.75%
L&L Contractors, Inc. Andrews, SC Principal: Ervin W. Lambert, Jr.	\$447,631.96	0% Not Met	26.74%

\* The lowest bid received was from AOS Specialty Contractors, Inc., in the amount of \$418,029.46. The second lowest bid was received from Gulf Stream Construction Company, Inc., in the amount of \$429,707.05, a local vendor. Since, AOS Specialty Contractors, Inc. is a non-local vendor and the next lowest bid received was within 5% or \$10,000 of their bid, Gulf Stream Construction Company, Inc. was contacted to accept the contract for \$418,029.46, upon compliance with the qualification defined in the IFB for the local preference status. Although, Gulf Stream Construction Company, Inc. may have met the qualifications for the local vendor preference they could not verify documentation that a good faith effort was made to obtain the 20% M/W/DBE Goal. Therefore, Gulf Stream Construction Company, Inc. bid was considered non responsive.

Committee recommended that Council authorize award of a contract for Rivers Avenue at Northwoods Sidewalk Improvement Project to AOS Specialty Contractors, Inc., the lowest responsive and responsible bidder, in the amount of \$418,029.46, with the understanding that Funds are available in the roads portion of the Transportation Sales Tax.

A report was read from the Finance Committee under date of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Daniel Chandler, Facilities Director, regarding The Medical University of South Carolina (MUSC) desire to lease additional space on the second floor of the Charleston Center. It was stated that MUSC currently leases 5,047 square feet on two floors at the Charleston Center and has requested to lease additional space on the second floor containing approximately 3,048 S.F for general office use. It was shown that Charleston County will build out the space, for an estimated cost of \$60 per square foot (not to exceed \$182,880) and any overages will be the responsibility of MUSC Hospital Authority. It was further shown that the Department of Alcohol and Other Drug Abuse Services (DAODAS) is requesting to pay for the expenses to build out the space using their Fund Balance. It was further stated that final plans will be reviewed by the County prior to construction, which should be completed on or before October 1, 2012; and that the lease will be for five years, with the option to renew the Lease Agreement for an additional five year period, with the rental amount to be \$68,976.24 annually, or \$5,748.02 per month, for a full service lease, to be increased by the CPI annually.

Committee recommended that Council authorize the Chairman of Council to:

1. Execute a five year Lease Agreement with the Medical University of South Carolina Hospital Authority, for approximately 3,048 square feet, with the option to renew for an additional five year period, for a full service lease in the Charleston Center. The annual rental amount will be Sixty Eight Thousand Nine Hundred Seventy Six Dollars and Twenty Four Cents (\$68,976.24), paid monthly in the amount of Five Thousand Seven Hundred Forty Eight Dollars and Two Cents (\$5,748.02), to be increased by the CPI annually.
2. Approve the use of the DAODAS Fund Balance to pay for the build out expenses.
3. Have the Lease Agreement reviewed by Legal, and, if approved, the County Administrator is authorized to approve the exercise of future options and all other matters related hereto.

**Project Aries**  
**A) Inducement**  
**Resolution**  
**B) Ordinances**  
**1 Fee in Lieu**  
**2 Special Source**  
**Credit**

A report was read from the Finance Committee under date of May 22, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Steve Dykes, Director of Economic Development, regarding financial incentives extended to Project Aries. It was stated that Project Aries is the code name for an existing Charleston County-based manufacturer contemplating an expansion of their local facility, which for competitive and timing reasons wishes to keep its identity confidential as it reaches its final decision, but will reveal its name prior to third reading of the ordinances. It was shown that the company has plans to create 76 new jobs and invest an additional \$20 million with an added annual payroll which is projected to be approximately \$2.25 million. It was also shown that in order to facilitate this expansion, the Economic Development Director committed to the use of fee-in-lieu-of-taxes (FILOT) on the company's new investment, as well as a Special Source Revenue Credit (SSRC) equal to 5% of the projected 20-year FILOT

revenues, which would feature a standard assessment rate of 6% and millage locked at the current tax rate for Tax District 4-3 (City of North Charleston) of 269.5 over the twenty year term and that during that term, FILOT revenues (net of SSRC) will approximate \$4.8 million, with the County share being approximately \$731,000.

Committee recommended that Council:

1. Adopt an Inducement Resolution authorizing the use of fee-in-lieu-of-taxes (FILOT) with terms to include 6% assessment rate, with millage fixed at the current rate of 269.5 over the twenty year term.
2. Approve and give first reading to an Ordinance authorizing the execution and delivery of FILOT.
3. Approve and give first reading to an Ordinance authorizing the execution and delivery of a special source revenue credit (SSRC) equivalent to 5% of the projected twenty year revenues will be offered, subject to capital investment and payroll claw backs, not to exceed a total of \$250,000, to facilitate the \$20 million, 76-person expansion by "Project Aries."

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

The Resolution is as follows:

A RESOLUTION PROVIDING THAT UNDER CERTAIN CONDITIONS, CHARLESTON COUNTY WILL ENTER INTO AN AGREEMENT PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA WITH PROJECT ARIES FOR A PROJECT INVOLVING AN INVESTMENT OF APPROXIMATELY NINETEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$19,500,000)

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 and Title 4, Chapters 1 and 29, Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute a "project" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such a project; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers 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 and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, subject to compliance with the Home Rule Act, the County is authorized by the Act to execute a fee agreement, as defined in the Act, with respect to such project; and

WHEREAS, Project Aries together with one or more sponsors, or their assignees (the "Company") has requested the County participate in executing a fee-in-lieu of tax agreement pursuant to the Act for the purpose of authorizing and of acquiring by purchase, lease and construction certain real and personal property for the purpose of a distribution facility to serve its current manufacturing facility in the County (the "Project"); and

WHEREAS, based on the information provided to it by the Company, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs and that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the County Council as follows:

Section 1. Pursuant to the authority of the Act, the County intends to authorize and execute a fee agreement between the County and the Company pertaining to the Project which involves an investment of approximately Nineteen Million Five Hundred Thousand Dollars (\$19,500,000) and the creation of approximately 76 new jobs (the "Fee Agreement").

Section 2. The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of up to twenty (20) years from the date of each of the annual capital investments made under the Fee Agreement for the first five years and any extension of such investment period. The amounts of such payments shall be determined by using an assessment ratio of 6%, a millage rate of 269.5, which millage rate shall be a fixed rate for the duration of the Fee Agreement, and the fair market value as determined pursuant to the Act and Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended. The Fee Agreement shall also contain provisions relating to the providing of special source revenue credits in the amount equal to five (5%) percent of the payments in lieu of taxes made by the Company pursuant to the Fee Agreement on such terms and conditions as may be determined by the County; provided that the maximum aggregate value of the special source revenue credits may not exceed \$250,000.

Section 3. Notwithstanding anything in this Resolution to the contrary, the execution and delivery by the County of the Fee Agreement are subject to

compliance by the County with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions, and to the actual adoption of such ordinances and resolutions.

Section 4. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This Resolution shall take effect and be in full force from and after its passage by the County Council.

Section 5. It is the intention of the County Council that this Resolution shall constitute an official action on the part of the County relating to the inducement of the Project.

Done in meeting duly assembled this 22<sup>nd</sup> day of May, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

Beverly T. Craven, Clerk  
Charleston County Council

An Ordinance authorizing a FILOT Agreement between Charleston County and Project Aries was given first reading by title only.

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND PROJECT ARIES, AND OTHER MATTERS RELATING THERETO INCLUDING WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.

**The Ordinance in its entirety will appear in the Minutes of Charleston County at the time of third reading.**

An Ordinance authorizing Special Source Credits to Project Aries was given first reading by title only.

AN ORDINANCE

AN ORDINANCE AUTHORIZING THE GRANTING OF CERTAIN SPECIAL SOURCE CREDITS BY CHARLESTON COUNTY, SOUTH CAROLINA TO PROJECT ARIES

**The Ordinance in its entirety will appear in the Minutes of Charleston County at the time of third reading.**

**Kiawah River  
Plantation TIF  
Request to  
Proceed**

A report was read from the Finance Committee under date of May 22, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, Joe Dawson, County Attorney, Dan Pennick, Director of Zoning and Planning, and James Neal, Director of Public Works, as well as the analysis of MuniCap, Inc., and representatives of the Kiawah River Plantation, LP, regarding Kiawah River Plantation's request for Council to approve a Tax Increment Financing (TIF) District. It was stated that Kiawah River Plantation is a proposed development located on 2004 acres at the southern end of Johns Island with frontage, and public access to the Kiawah River, which includes up to 1,285 residential units (including 117 workforce housing units), a hotel and cottages totaling 450 guest rooms, 80,000 square feet of commercial space and various recreation uses and is projected to create 636 permanent jobs in addition to the jobs created during construction.

It was shown that the developer of Kiawah River Plantation has proposed that the County utilize tax increment revenues from County millage to fund a portion of the proposed \$84,500,000 in public improvements scheduled for the project in which up to 44.3% of the incremental tax revenue from County millage would be used to reimburse the cost, currently estimated at \$11,569,000, for the wastewater treatment facility and pump stations. It was also shown that the County would not issue any tax increment finance debt until the debt is sufficiently supported by existing tax increment revenues and that according to financial projections prepared by the Developer's engineers, the wastewater treatment system should generate significant net income for the County; to the extent that the projected net income is realized, it will offset the tax increment revenue contributed by the County to some degree. Generally, the tax increment revenues from the other taxing entities would support the larger amount of other public improvements, including the sewer conveyance improvements.

Committee recommended that Council authorize staff to proceed to the next step in the TIF approval process by authorizing the Administrator to negotiate a TIF Agreement, by engaging Bond Counsel to prepare the TIF agreement ordinance in conjunction with Kiawah River Plantation, LP; and that a third party engineering review of the proposed wastewater treatment facility, conveyance and effluent discharge systems and its costs confirm the amount to be funded by the TIF with the understanding that cost and revenue projections must in particular address the operational and ownership costs of the systems as a whole so that the county as whole is not negatively affected.

**Folly Beach  
Accommodation  
tax request  
A)  
Renourishment  
Project Match  
B) Police  
Protection**

A report was read from the Finance Committee meeting of May 17, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Folly Beach Mayor Tim Goodwin regarding the City of Folly Beach's two applications for funding from Accommodations Tax funds. It was stated that one application was in the amount of \$50,000 to serve as a local match for the City of Folly Beach's federal beach renourishment project and that the second application was in the amount of \$40,000 to allow the City of Folly Beach to hire off-duty police officers to provide police protection on the beach during the high tourist season.

Committee recommended that Council approve the City of Folly Beach's two applications for FY 2012 Accommodations Tax funding as follows:

1. \$50,000 to serve as a local cash match for the City of Folly Beach's federal beach renourishment project.
2. \$40,000 to allow the City of Folly Beach to hire off-duty police officers to provide law enforcement on the beach during the high tourist season.

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

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

Mr. Schweers stated that he wanted the Chairman to place on an upcoming Finance Committee meeting for Council's deliberation the question of making all Committees of Council, "Committees of the Whole". He said that since the Court had ruled that only members of a Committee could participate in discussions of that Committee, which differed from Council's previous actions, where Council Members who were not Members of a Committee could participate by asking questions, securing information, etc., and were only prohibited from making motions and voting.

A lengthy discussion on Committees and Council Members' rights of participation on Committees followed and Council Member Johnson moved to adjourned, seconded by Council Member Rawl.

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

Beverly T. Craven  
Clerk of Council