

June 2, 2015
Charleston, SC

A meeting of County Council of Charleston County was held on the 2nd day of June, 2015, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, North Charleston, South Carolina.

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

Also present were Interim County Administrator Keith Bustraan and County Attorney Joseph Dawson.

Chairman Summey stated that he was calling the meeting to order before the public hearings and public comments to allow Mr. Darby to vote on several items as Mr. Darby had to leave early to attend his daughter's wedding rehearsal.

Rev. Robert Reid delivered the invocation and Mr. Qualey 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. Johnson moved approval of the minutes of May 19 & 28, 2015, seconded by Mr. Pryor, and carried.

Ms. Condon moved approval of the recognition of Carl Moore on his retirement, seconded by Mr. Schweers, and carried.

The Chairman introduced Contracts and Procurement Director Barrett Tolbert who recognized DBE Program Manager Carl Moore who was retiring after 38 years of service to Charleston County Government. Ms. Johnson stated that Mr. Moore was a product of the Honey Hill community on James Island and that the entire community looked up to and respected Mr. Moore for his work with the County. Mr. Moore stated that working for the County had been one of the greatest pleasures of his life. Mr. Tolbert presented Mr. Moore with a plaque and a County Seal lapel pin. Mr. Moore's wife and extended family were also present and were invited to come forward to be included in a picture.

A report was furnished by the Finance Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith

**Carl Moore
Retirement
Recognition**

Charleston
Pride Week
Resolution

Request to
Adopt

Bustraan and the request of Chase Glenn, CEO of Charleston Pride Festival, regarding a proposed resolution to proclaim July 25-August 1, 2015 Charleston Pride Festival Week.

Committee recommended that Council adopt the proposed resolution.

Ms. Condon moved approval of the committee recommendation, seconded by Mr. Darby and carried. Messrs. Schweers, Pryor, and Qualey abstained from voting on the item.

The resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

Proclaiming July 25- August 1, 2015, Charleston Pride Festival Week

WHEREAS, the Lesbian, Gay, Bisexual, and Transgender (LGBT) communities of Charleston County are an integral part of the vibrant culture of Charleston County; **and**,

WHEREAS, the LGBT community continues to contribute to academic, economic, artistic and social spheres within and around our greater community; **and**,

WHEREAS, Charleston County has a diverse LGBT community that includes people of all ethnicities, religions and professions; **and**,

WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence or hatred based on gender identity or sexual orientation.

NOW THEREFORE BE IT RESOLVED, that **Charleston County Council**, on behalf of all residents of Charleston County, does hereby proclaim July 25-August 1, 2015, as

Charleston Pride Festival Week

in Charleston County, congratulates Charleston Pride on its 6th Annual Charleston Pride Festival and urges all citizens to respect and honor our diverse community and celebrate and build a culture of inclusiveness and acceptance.

CHARLESTON COUNTY COUNCIL

**J. Elliott Summey, Chairman
June 2, 2015**

The Chairman recognized Chase Glenn and other representatives of Charleston Pride Festival. Ms. Condon presented the resolution.

Chairman Summey recognized State Senator Paul Thurmond in the audience. Senator Thurmond stated that Charleston County and several other municipalities and counties across South Carolina had engaged his law firm to pursue accommodations tax funding which the County believed was owed to it by various online travel websites which would purchase a number of hotel rooms at a discounted rate, pay the accommodations tax for that discounted rate, and then sell the rooms to customers at a much higher rate. The courts found in favor of the counties and municipalities and awarded over \$3.5 million to the litigants. Charleston County's portion of that was \$1.16 million and Senator Thurmond delivered a check to the County in that amount. The Chairman thanked Senator Thurmond for his assistance in this matter.

Senator
Thurmond/
Accommodation
Tax Settlement

Chairman Summey suspended the Council meeting.

Following public hearings on FY 2016 budgets, E-911 fee, Solid Waste User Fee, and Roper St. Francis JEDA bonds, and public comments, the Chairman called the meeting back to order.

An ordinance rezoning the property located at 768 Main Road was given second reading by title only.

Rezoning 768
Main Road

Ordinance 2nd
Reading

**AN ORDINANCE
REZONING THE FOLLOWING PORTIONS OF REAL PROPERTY
LOCATED AT 768 MAIN ROAD, PARCEL IDENTIFICATION
NUMBER 283-00-00-294: 0.471 ACRES FROM THE
AGRICULTURAL/RESIDENTIAL (AGR) ZONING DISTRICT TO
THE INDUSTRIAL (I) ZONING DISTRICT AND 0.497 ACRES
FROM THE INDUSTRIAL (I) ZONING DISTRICT TO THE
AGRICULTURAL/RESIDENTIAL (AGR) ZONING DISTRICT**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

- | | |
|--------|----------------------------|
| Condon | - aye |
| Darby | - absent at time of voting |

Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance rezoning the property located at 805 South Santee Road was given second reading by title only.

Rezoning 805 South Santee Road

Ordinance 2nd Reading

**AN ORDINANCE
 REZONING THE REAL PROPERTY LOCATED AT 805 SOUTH SANTEE ROAD, PARCEL IDENTIFICATION NUMBER 802-00-00-068, FROM THE AGRICULTURAL/RESIDENTIAL (AGR) ZONING DISTRICT TO THE RURAL COMMERCIAL (CR) ZONING DISTRICT.**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 Transportation Sales Tax budget was given second reading by title only.

FY 2016 TST Budget

Ordinance 2nd Reading

AN ORDINANCE TO ESTABLISH AND MAKE APPROPRIATIONS FOR FISCAL YEAR 2016 FROM THE TRANSPORTATION SALES TAX SPECIAL REVENUE FUND

FOR PROJECTS AND PURPOSES PERMITTED BY LAW; TO PROVIDE FOR BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; AND OTHER MATTERS RELATED THERETO

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

- Condon - aye
- Darby - absent at time of voting
- Johnson - aye
- Pryor - aye
- Qualey - aye
- Rawl - absent
- Sass - aye
- Schweers - aye
- Summey - aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance relating to the imposition of annual Solid Waste Recycling and Disposal Fees was given second reading by title only.

AN ORDINANCE RELATING TO THE IMPOSITION OF ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES FOR THE DISPOSITION OF SOLID WASTE AND RECYCLING; PROVIDING FOR CLASSIFICATIONS OF REAL PROPERTY SUBJECT TO ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES; AND ESTABLISHING THE AMOUNT OF THE ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES.

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

- Condon - aye
- Darby - absent at time of voting
- Johnson - aye
- Pryor - aye
- Qualey - aye
- Rawl - absent
- Sass - aye

FY 2016 Solid Waste User Fee

Ordinance 2nd Reading

Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance amending the Charleston County Fee Ordinance regarding the 9-1-1 emergency fee was given second reading by title only.

E-911 Fee Ordinance

Ordinance 2nd Reading

**AN ORDINANCE
AMENDING THOSE PORTIONS OF
CHAPTER 2 / ARTICLE V / DIVISION 2 / SECTION 2 - 137
DEALING WITH FEES**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 Charleston County Park and Recreation Commission budget was given second reading by title only.

FY 2016 PRC Budget

Ordinance 2nd Reading

**AN ORDINANCE
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE CHARLESTON COUNTY PARK AND RECREATION
COMMISSION
FOR FISCAL YEAR 2015-2016,**

**AND AUTHORIZING THE ISSUANCE OF A
TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$3,000,000.**

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

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- nay
Rawl	- absent
Sass	- aye
Schweers	- nay
Summey	- aye

The vote being five (5) ayes, two (2) nays, and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 Cooper River Park and Playground Commission budget was given second reading by title only.

FY 2016 Cooper
River Park and
Playground
Commission
Budget

Ordinance 2nd
Reading

**AN ORDINANCE
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE COOPER RIVER PARK AND PLAYGROUND COMMISSION
FOR FISCAL YEAR 2015-2016**

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

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- absent

Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 North Charleston District budget was given second reading by title only.

FY 2016 North Charleston District Budget

Ordinance 2nd Reading

**AN ORDINANCE
 APPROVING THE BUDGET AND DIRECTING
 THE AUDITOR OF CHARLESTON COUNTY
 TO LEVY THE NECESSARY MILLAGE AND
 THE TREASURER TO COLLECT TAXES
 FOR
 THE NORTH CHARLESTON DISTRICT
 FOR FISCAL YEAR 2015-2016**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 St. Andrew's Parish Parks and Playground Commission budget was given second reading by title only.

FY 2016 St. Andrew's Parks and Playground Commission Budget

Ordinance 2nd Reading

**AN ORDINANCE
 APPROVING THE BUDGET AND DIRECTING
 THE AUDITOR OF CHARLESTON COUNTY
 TO LEVY THE NECESSARY MILLAGE AND
 THE TREASURER TO COLLECT TAXES**

**FOR
 THE ST. ANDREW’S PARISH PARKS & PLAYGROUND
 COMMISSION
 FOR FISCAL YEAR 2015-2016,
 AND AUTHORIZING THE ISSUANCE OF A
 TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$400,000**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

- | | |
|----------|----------------------------|
| Condon | - aye |
| Darby | - absent at time of voting |
| Johnson | - aye |
| Pryor | - aye |
| Qualey | - nay |
| Rawl | - absent |
| Sass | - aye |
| Schweers | - nay |
| Summey | - aye |

The vote being five (5) ayes, two (2) nays, and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 St. John’s Fire District budget was given second reading by title only.

FY 2016 St.
 John’s Fire
 District Budget

Ordinance 2nd
 Reading

**AN ORDINANCE
 APPROVING THE BUDGET AND DIRECTING
 THE AUDITOR OF CHARLESTON COUNTY
 TO LEVY THE NECESSARY MILLAGE AND
 THE TREASURER TO COLLECT TAXES
 FOR
 THE ST. JOHN’S FIRE DISTRICT
 FOR FISCAL YEAR 2015-2016,
 AND AUTHORIZING THE ISSUANCE OF A
 TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$2,500,000.**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- nay

The vote being six (6) ayes, one (1) nay, and two (2) absent, the Chairman declared the ordinance to have passed second reading.

An ordinance establishing the FY 2016 St. Paul's Fire District budget was given second reading by title only.

FY 2016 St.
Paul's Fire
District Budget

Ordinance 2nd
Reading

**AN ORDINANCE
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE ST. PAUL'S FIRE DISTRICT
FOR FISCAL YEAR 2015-2016,
AND AUTHORIZING THE ISSUANCE OF A
TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$2,500,000.**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- nay
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- nay

The vote being five (5) ayes, two (2) nays, and two (2) absent, the Chairman declared the ordinance to have passed second reading.

Prior to second reading of the County budget ordinance, Mr. Schweers stated that there were some line items in the budget which addressed the salaries of elected officials and he wondered if Council needed to address that prior to third reading.

FY 2016
County
Budget
Ordinance

Ordinance
2nd Reading

Mr. Pryor stated that in the fall of 2014, Council had addressed the implementation of the salary recommendations for all employees except elected officials and asked staff to do a market-based analysis of the elected officials salaries and bring those back to Council so it did need to be presented before third reading.

Mr. Qualey stated he would also like a presentation on this item.

The Chairman stated that since Council had voted to allow itself to make amendments on third reading, it would be his suggestion to give the budget ordinance second reading and have a presentation at the next Finance Committee, which would give Council the opportunity to vote on this item and incorporate any needed budget amendments into the budget at third reading.

An ordinance establishing the FY 2016 Charleston County budget was given second reading by title only.

AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR CORPORATE PURPOSES OF CHARLESTON COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, HEREINAFTER REFERRED TO AS FISCAL YEAR 2016; MAKING APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDS OF CHARLESTON COUNTY FOR SUCH PURPOSES; AND FURTHER PROVIDING FOR THE LEVY OF TAXES FOR CORPORATE PURPOSES OF CHARLESTON COUNTY, INCLUDING THE AWENDAW MCCLELLANVILLE CONSOLIDATED FIRE PROTECTION DISTRICT, EAST COOPER FIRE DISTRICT, NORTHERN CHARLESTON COUNTY FIRE DISTRICT, WEST ST. ANDREW'S FIRE DISTRICT, AND TRIDENT TECHNICAL COLLEGE FOR FISCAL YEAR 2016; PROVIDING FOR APPROPRIATIONS FROM SUCH SPECIAL FUNDS CREATED FOR THE PURPOSES OF THE AWENDAW MCCLELLANVILLE CONSOLIDATED FIRE PROTECTION DISTRICT, EAST COOPER FIRE DISTRICT, NORTHERN CHARLESTON COUNTY FIRE DISTRICT, WEST ST. ANDREW'S FIRE DISTRICT, AND TRIDENT TECHNICAL COLLEGE IN ORDER TO SUPPLY THE NECESSARY FUNCTIONS OF THE UNITS; PROVIDING FOR BUDGET CONTROL OF THE APPROPRIATIONS BY THE CHARLESTON COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; MAKING PROVISIONS FOR THE FISCAL AFFAIRS OF CHARLESTON COUNTY; AND PROVIDING FOR THE ISSUANCE OF TAX ANTICIPATION NOTES IN AN AMOUNT UP TO \$25,000,000 FOR CHARLESTON COUNTY AND UP TO \$400,000 FOR THE AWENDAW MCCLELLANVILLE CONSOLIDATED FIRE PROTECTION DISTRICT.

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- absent at time of voting
Johnson	- aye
Pryor	- aye
Qualey	- nay
Rawl	- absent
Sass	- aye
Schweers	- nay
Summey	- aye

The vote being five (5) ayes, two (2) nays, and two (2) absent, the Chairman declared the ordinance to have passed second reading.

A report was furnished by the Planning and Public Works Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith Bustraan and Zoning and Planning Director Dan Pennick regarding proposed amendments to the Zoning and Land Development Regulations. It was stated that the proposed amendments would clarify that the following are required for Preliminary and Final Plats: (1) a preliminary wetlands determination review letter from the US Army Corps of Engineers must be submitted; and (2) the SAC (Corps of Engineers review designation) must be shown on the plat. These amendments also clarify that a full approved jurisdictional wetlands delineation is not required.

ZLDR
Amendments/
Requirements
for Preliminary
and Final Plats

A) Request to
Approve
B) Ordinance 1st
Reading

It was shown that on March 9, 2015, Planning Commission unanimously recommended approval of the proposed amendments. At the subsequent Planning and Public Works Committee of April 30, 2015, staff recommended that Council table any action and refer the amendments back to staff and Planning Commission for additional review. Planning Department staff then met with representatives of the US Army Corps of Engineers to ensure the proposed amendments were consistent with their processes and applications. At their May 11, 2015 meeting, the Planning Commission discussed the proposed amendments and heard a presentation from ACOE representatives regarding the four types of jurisdictional determinations for wetlands.

The Planning Commission unanimously recommended approval for revising the amendments to include a change in terminology to reflect recent updates to the ACOE procedures, changing the terminology to “approximate-preliminary

jurisdictional determination letter” rather than merely “preliminary jurisdictional wetland review.”

Committee recommended that Council approve the proposed amendments.

Mr. Pryor moved approval of the Committee recommendation. Ms. Johnson seconded the motion.

Mr. Qualey stated that he thought these amendments would invite more federal regulation and he thought Council should not approve the amendments.

Mr. Pennick stated that he wanted to clarify that more stringent language currently exists in the ordinance so if Council voted against these amendments, the more stringent language would remain in place until new amendments could be drafted.

The Chairman called for a vote on the motion. The motion to approve the amendments passed. Ms. Condon and Messrs. Qualey and Summey voted against the motion.

An ordinance amending the Charleston County Zoning and Land Development Regulations regarding wetland delineation for Preliminary and Final Plats was given second reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202,
AS AMENDED: CHAPTER 8, SUBDIVISION REGULATIONS.**

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

A report was furnished by the Planning and Public Works Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith Bustraan and Public Works Director James Neal regarding the proposed Kiawah River Plantation Wastewater Management Plan. It was stated that the engineering consultant for the Kiawah River Plantation (KRP) Project issued their Preliminary Engineering Report (PER) for the proposed wastewater treatment facility. The County Designated Management Agency (DMA) 208 Advisory Team met with the developer’s team, reviewed all submitted information, and found the proposal acceptable.

**Kiawah River
Plantation
Wastewater
Treatment Facility
208 Amendment
Recommendation**

The proposed wastewater treatment facility for the KRP Project is capable of meeting the DHEC wastewater effluent standards and meets the financial requirements for inclusion as an amendment to the 208 Water Quality Plan. KRP will also add Charleston County as an additional named obligee on the performance bond that it will provide annually to the South Carolina Public Service Commission to secure the wastewater treatment plant operating deficit.

Committee recommended that Council submit recommendation to the BCDCOG to accept the KRP proposed wastewater treatment facility as an amendment to the 208 Water Quality Plan.

Mr. Pryor moved approval of the Committee recommendation. The motion was seconded by Ms. Johnson.

Mr. Schweers stated that he had spoken with County Attorney Dawson earlier to get a better understanding of the bond and how the County would be related to the bond and asked Mr. Dawson to share his comments with the entire Council.

Mr. Dawson stated, "If you will recall, probably back in 2008 or 2009, you approved a development agreement and one of the obligations you imposed on the developer was to agree to provide financial assurances to the County so that was one process, but we have not finalized that component to identify those financial assurances you would need in order for the project to move forward. This is a part of a separate process that needs to go to COG. In that process, DHEC requires a performance bond on behalf of the developer as part of its approval process. What we decided to do was recognize that there is still another component to this process, we thought it would be wise to equally be an additional insured as part of that performance bond that DHEC is going to require as part of their review, so it's not necessarily suggesting that the County has liability here, but it is a recognition that if there is going to be an obligation for a performance bond, the County should have additional protection as part of that process. Obviously when the developer moves forward to actually implement the wastewater treatment facility, we will make sure those other requirements County Council imposed as part of the development agreement are also addressed."

Mr. Schweers asked if the bond actually puts more responsibility on the developer and removes some of the risk from the County.

Mr. Dawson stated, "It does, but it is an obligation that he otherwise would have had even if you didn't address this because DHEC, as part of its review and permitting process, requires a performance bond so that it is looking for protection from the developer if it fails. We said, well why not jump on that same performance bond so that it is additional protection for us, so to the extent that there is liability or to the extent that there is a potential for failure, DHEC is covering it on its side. Equally, County Council did the same thing back in 2009

as part of its process in approving a development agreement. That is to be determined at a later date. This process is only the process going to COG so to the extent there is liability you have basically said that you want protections for the County and this was step one in that process by becoming an additional insured.”

Mr. Schweers stated that he didn't expect failure would be a possibility for this development, but this process would serve the County well for future projects so we may as well get the process right the first time.

Ms. Condon asked if there were any negatives to being an additional insured. Mr. Dawson stated that he was not aware of any negatives, but he wanted Council to be aware that this process does not end the development agreement requirements and that there are still additional steps to be taken in light of the development agreement.

Ms. Condon asked why the bond was only for 12 months when we knew the project would be a long term obligation for wastewater.

Mr. Dawson stated, “It is kind of a double-barreled approach. This is the DHEC process that they need to complete in order for DHEC to approve their facility, and I wanted to park that. We tried to make it a little less complicated at this stage. You have imposed additional obligations under contract with them when you approved your development agreement so what we tried not to do was to convolute DHEC's process with our requirements. We simply decided since they were going to have to have a performance bond that would be one layer of protection in an effort to maybe make you more comfortable with the process with full recognition that there is still work to do.”

The Chairman called for a vote on the motion and the motion passed unanimously.

The next item on the agenda was the Consent Agenda. Ms. Condon moved approval of the Consent Agenda, seconded by Mr. Sass, and carried.

Consent Agenda items are as follows:

A report was furnished by the Finance Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith Bustraan and Jason Patno, Emergency Management Director, regarding permission for the Emergency Management Department to apply for grant funding from the 2015 Local Emergency Management Department in the amount of \$95,360.00 to be used, if awarded, for personnel costs, Emergency Management Special Projects and the Community Emergency Response Team Program. It was stated that an in-kind or “soft” match of the Emergency

Management Department, and no FTE's or vehicles are associated with this grant program.

Committee recommended that Council approve the Emergency Management Department request to apply for grant funding in the amount of \$95,360 through the 2015 Local Emergency Management Performance Grant Program, with the understanding that the grant performance period is July 1, 2015 through June 30, 2016; that an in-kind or soft match on behalf of the Emergency Management Department is required and that no additional FTEs or vehicles are associated with this grant.

A report was furnished by the Finance Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith Bustraan and Roper St. Francis Healthcare Attorney Jeremy Cook regarding a proposed resolution in support of the issuance of JEDA Bonds by Roper St. Francis in the amount of \$36,500,000. It was stated that the proceeds of this JEDA bond issue, which will be issued in one or more series and in an aggregate principal amount of not exceeding \$36,500,000, will be used to (1) defray the cost of capital expenditures by Roper St. Francis Healthcare throughout its healthcare system in Charleston County and Berkeley County, including the acquisition of land to be used for the development of new healthcare facilities; and (2) defray the costs of issuance.

Roper St.
Francis JEDA
Bonds

Request
Resolution

It was shown that since this is a JEDA bond issue, there is no impact on any political subdivision's millage.

Roper St. Francis Healthcare and the South Carolina Jobs-Economic Development Authority ("JEDA") are requesting that Charleston County pursuant to JEDA's enabling legislation and federal tax law (1) hold a public hearing relating to JEDA's issuance of bonds on behalf of Roper St. Francis Healthcare for the above-described project and (2) adopt a resolution in support of the issuance of such bonds.

As with all JEDA bond issues, the issuer of the bonds is JEDA, and a county's sole role is to hold a public hearing and adopt a support resolution. There is no impact on a county's general obligation debt capacity, and no pecuniary liability for a county.

Committee recommended that Council, following a public hearing on June 2, 2015, adopt a resolution in support of the issuance of the bonds by the South Carolina Job-Economic Development Authority in the amount of \$36,500,000 for Roper St. Francis.

The resolution is as follows:

A RESOLUTION IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS REVENUE BONDS OR NOTES (CAREALLIANCE HEALTH SERVICES D/B/A ROPER ST. FRANCIS HEALTHCARE) IN ONE OR MORE SERIES AND IN ONE OR MORE YEARS, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$36,500,000.

WHEREAS, the South Carolina Jobs-Economic Development Authority (the "**Authority**") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "**Act**"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds, payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues, to defray the cost of a business enterprise as defined in the Act; and

WHEREAS, the Authority and CareAlliance Health Services D/B/A Roper St. Francis Healthcare, a South Carolina corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "**Borrower**"), entered into an Inducement Agreement dated May 21, 2015 (the "**Inducement Agreement**"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina and Charleston County, as may be required by law, to issue not exceeding \$36,500,000 aggregate principal amount of its revenue bonds or notes (CareAlliance Health Services D/B/A Roper St. Francis Healthcare) in one or more series and in one or more years (the "**Bonds**"), under and pursuant to Section 41-43-110 of the Act. The proceeds of the Bonds will be used by the Borrower for the purposes of (i) defraying the costs of acquiring approximately 123 acres of land located near the intersection of U.S. Highway 176 and U.S. Highway 17-A in Goose Creek, South Carolina to be used as the site for the development of healthcare facilities by the Borrower and defraying the cost of acquiring and renovating capital assets of the Borrower throughout its healthcare system in Charleston and Berkeley Counties, including but not limited to improvements to its information systems, human resources system, data center, cath labs, outpatient surgical centers, cancer center and

learning center (collectively, the "**Project**"), and (ii) paying certain fees and expenses incurred in connection with the issuance of the Bonds; and

WHEREAS, the County Council of Charleston County and the Authority have on this date jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in Charleston County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Charleston County, South Carolina, as follows:

SECTION 1. It is hereby found, determined and declared that (a) the Project will subserve the purposes of the Act, (b) the Project is anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Project will give rise to no pecuniary liability of Charleston County or a charge against its general credit or taxing power, (d) the amount of bonds required to finance the Project is not exceeding \$36,500,000; and (e) the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Project (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Project and carry all proper insurance with respect thereto.

SECTION 2. The County Council of Charleston County supports the Authority in its determination to issue the Bonds to defray the costs related to the Project.

SECTION 3. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 2nd day of June, 2015.

CHARLESTON COUNTY, SOUTH CAROLINA

(SEAL)

Chairman of County Council

ATTEST:

Clerk to County Council

The previous item was the last item on the Consent Agenda.

A report was furnished by the Finance Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith Bustraan and Contracts and Procurement Director Barrett Tolbert regarding the need to award a contract for the purchase of an Emergency Services Internet Protocol Network (ESInet) system. It was stated that the internal 9-1-1 phone system hardware at the Charleston County Consolidated 9-1-1 Center requires utilizing an AT&T external connectivity infrastructure. Currently, AT&T is providing connectivity for receiving and transporting 9-1-1 calls outside the building through a legacy analog system for 9-1-1 Emergency Services. The Consolidated 9-1-1 Center is requesting a non-competitive procurement to upgrade the analog system to AT&T's Emergency Services Internet Protocol Network (ESInet). The upgrade will significantly improve call routing and provide the ability to receive text and multimedia messages. For continuity on a national basis, this upgrade is consistent with Next Generation 9-1-1 standards of the National Emergency Number Association.

The AT&T Emergency Service Internet Protocol Network (ESInet) upgrade is critical to the partnership underway between Charleston County's Consolidated 9-1-1 Center and Spartanburg County's Consolidated 9-1-1 Center, which will allow for each to be a back-up 9-1-1 Center for the other in the event of an emergency evacuation of either building. The development of ESInet connectivity between the two Counties is predicated on an AT&T ESInet.

Currently, the County pays monthly fees for the legacy analog system, at an annual service cost of approximately \$315,000 (total includes fees and taxes). Following the ESInet system installation and transition (12-18 months after contract signing the annual service cost will be \$474,475 per year plus fees and taxes (estimated total of \$535,682 per year). This is an approximate \$220,682 per year increase over the current annual cost. There is a separate non-recurring cost of \$79,080, plus fees and taxes (estimated total \$89,281) for network infrastructure.

Negotiations with AT&T for this ESInet contract have also involved updating the Master Agreement which is required to do business with AT&T. Both contracts are receiving legal review.

Committee recommended that Council:

1. Authorize this as a non-competitive Country Procurement Contract,

AT&T ESInet
Contract

Request to
Approve

2. Authorize Staff to complete negotiations and enter into a contract with AT&T, subject to review by the Legal Department, for the purchase, installation and provision of an Emergency Services Internet Protocol Network (ESinet) system.

3. Utilize available funds in the Emergency 9-1-1 Fund.

Mr. Pryor moved approval of the committee recommendation, seconded by Ms. Condon, and carried.

A report was furnished by the Finance Committee under date of May 28, 2015, that it considered the information furnished by Interim County Administrator Keith Bustraan and Zoning and Planning Director Dan Pennick regarding the proposed Riverland Drive Corridor Management Plan. It was stated that with funding from a grant from the Federal Highway Administration Scenic Byways Program, the BCD-COG led a community-based initiative in 2014 to prepare a Corridor Management Plan for Riverland Drive on James Island, which is a corridor that was designated a scenic byway by the SC Highways Committee in 1988. A Technical Advisory Committee was formed to provide input on the Corridor Management Plan to shape the vision, goals, and strategies for preserving and promoting the scenic byway.

It was shown that the Corridor Management Plan was finalized in October 2014 and the COG has created a Memorandum of Understanding to establish the Riverland Drive Scenic Byway Committee to coordinate implementation activities to protect and preserve the scenic byway. It was also shown that the MOU has been approved signed by the City of Charleston and Town of James Island and that the Planning Commission unanimously voted to recommend that Council approve the MOU.

Committee recommended that Council approve the Riverland Drive Corridor Management Plan Memorandum of Understanding as recommended by the Charleston County Planning Commission with the understanding that the County would agree to participate in the establishment of the Riverland Drive Scenic Byway Committee, as outlined in the MOU and that no financial obligations are associated with this MOU.

The Chairman asked if any member of Council wished to bring an item before the Body.

Ms. Johnson stated that she has been elected to Charleston County Council and until such time as she is not a member of Charleston County Council she will vote as she sees fit on all County Council matters.

Riverland Drive
Corridor
Management
Plan MOU

Request to
Approve

Council Member
Comments

**Executive
Session**

The Chairman stated that there was a need to have an Executive Session to discuss a contractual matter involving Sunoco Recycling.

Ms. Condon moved for Executive Session, seconded by Mr. Pryor, and carried.

At the conclusion of Executive Session, Chairman Summey stated that no action had been taken during Executive Session and that Council had discussed a contractual matter.

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

Kristen L. Salisbury
Deputy Clerk of Council