

September 1, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 1st day of September, 2009 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 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; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; J. Elliott Summey; Dickie Schweers, and Paul R. Thurmond.

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

Mr. Inabinett gave the invocation. Mr. Summey led in the pledge to the flag.

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

Mr. McKeown moved approval of the Minutes of August 11, 2009, seconded by Mr. Summey, and carried.

An Ordinance regarding a right of way easement on the Charleston County Detention Center addition was given third reading by title only.

Detention
Center
Water
Easement
Ordinance
3rd Reading

AN ORDINANCE

APPROVING AND AUTHORIZING THE OPERATION AND MAINTENANCE OF THE WATER SYSTEM AND GRANTING A RIGHT OF WAY EASEMENT TO CHARLESTON WATER SYSTEM ON A PORTION OF COUNTY PROPERTY KNOWN AS THE CHARLESTON COUNTY DETENTION CENTER ADDITION.

WHEREAS, Charleston County installed a 6 inch water line on the east side of Charleston County property known as TMS 412-00-00-011, known as the Charleston County Detention Center Addition ("Addition"), located on Leeds Avenue and Bridgeview Drive in North Charleston, South Carolina; and

WHEREAS, the County desires to grant a right of way easement for the Addition to Commissioners of Public Works of the City of Charleston ("CPW") so it can operate and maintain the water system; and

WHEREAS, CPW has requested the grant of a 15 feet x 1,616 feet easement across a portion of the Addition in order to operate and maintain the water system; and

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WHEREAS, Charleston County Council finds the easement is an appropriate public uses for this property; and

NOW, THEREFORE, be it ordained by Charleston County Council, in meetings duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. OWNERSHIP TRANSFERRED; EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants a 15 feet x 1,616 feet right of way easement across a portion of Charleston County's real property identified by parcel identification number 412-00-00-011 known as site of the Charleston County Detention Center Addition, located at Leeds Avenue and Bridgeview Drive in North Charleston, South Carolina, to allow CPW to operate and maintain the water system at this facility. The location of the utility easement is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the transfer of ownership of the piping system and for the grant of this easement.

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 following third reading.

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

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

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

**ZREZ-6-09-4372. 2398
Highway
174
Request to
Approve**

The next item on Council's Agenda was a request to approve a rezoning of property located in Charleston County on Edisto.

Information had been furnished to Council Members by Edisto residents that the sign posted by the Zoning/Planning Department had been removed and it could not be determined as to how long the sign had remain posted.

After a lengthy discussion among Council Members, Mr. Summey moved to have a second public hearing on the rezoning issue.

This motion was seconded by Mr. Thurmond and carried.

The Chairman stated that a second public hearing on the question of the re-zoning issue would be held at 5:00 p.m. on Tuesday, September 15, 2009 for the purpose of insuring that sufficient notice would be given to everyone interested in the proposed zoning change.

**National
Starch
Financial
Incentives
Request
Resolution**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, regarding a requested Five Year Abatement; It was shown that the Economic Development Department is focused on three important activities as part of its mission to recruit new jobs and investments to the County and that one financial incentive program which the State has made available to Counties and their manufactures and selected other businesses in South Carolina is a Five Year Abatement Program (5YA). It was further shown that on January 2, 2008, Akso Nobel N.V., a Netherlands-based Company) purchased all of the assets of Imperial Chemical Industries PLC, which included the National Starch and Chemical Company manufacturing operations at 7680 Southrail Road in North Charleston and the new owners are requesting the 5YA. It was stated that the new Company has added \$1.28 million in new machinery, equipment, real property improvements, safety upgrades and environmental equipment, as well as retaining the nine member staff and adding an additional 10 members. It was further stated that from a financial standpoint use of 5YA will exempt the county portion of property taxes on eligible real property, machinery and equipment from 2010 through 2014, equating to approximately \$73,833 or approximately \$15,000 per year.

Committee recommended that Council approve a Resolution granting a five year Abatement of the County portion of property taxes to National Starch, LLC during a period commencing in tax year 2009 and running through tax year 2013, with the understanding that Council approval will authorize the Chairman to execute all necessary S. C. Department of Revenue Form PT-444 on behalf of the Company.

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

The Resolution is as follows:

A RESOLUTION**APPROVING THE EXTENSION OF A PARTIAL EXEMPTION FROM PROPERTY TAXES FOR NATIONAL STARCH LLC; AND OTHER MATTERS RELATED THERETO.**

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 Sections 12-37-220(A)(7) and (C) of the Code of Laws of South Carolina 1976, as amended (the "Act"), to approve a five-year partial exemption from property taxes (the "Five Year Abatement") for a project qualifying under Act; and

WHEREAS, the Act provides that the Five Year Abatement is available (1) for manufacturing facilities that have previously received the abatement from property taxes provided by Section 12-37-220(A)(7) of the Code of Laws of South Carolina 1976, as amended; (2) which are sold to an unrelated purchaser who acquires the facilities in an arms-length transaction; (3) where there is an investment in such facilities at a cost of at least \$50,000; (4) which purchaser preserves the existing number of jobs at the facilities; and (5) which purchaser preserves the existing facilities; and

WHEREAS, Akzo Nobel N.V., a Netherlands based company, has acquired all the stock of Imperial Chemical Industries, PLC, through an arms-length purchase, including the assets of Indopco Inc. DBA National Starch and Chemical Company that operated a starch manufacturing facility located at 7680 Southrail Road, North Charleston, South Carolina (the "Project"), with an appraised value of approximately \$3,500,000, and National Starch LLC (the "Company"), a related party to the purchaser, as the new owner of the Project has invested in additional machinery and equipment, real property improvements, safety upgrades, and environmental equipment at a cost of approximately \$1,280,000; and

WHEREAS, the Company has informed the County that the Company has continued employment for the Company's existing 9 employees; and

WHEREAS, the Company has requested assistance of the County under the Act in order to maintain the existing employees and to continue to invest in the preservation of the Project; and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the Act that the County Council provide approval for qualifying the Project under the Act;

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

Section 1. Findings by County Council. Based upon information provided by the Company, County Council hereby find that:

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- (a) The Project is a manufacturing facility that has previously received the abatement from property taxes provided by Section 12-37-220(A)(7) of the Code of Laws of South Carolina 1976, as amended;
- (b) The Project has been sold to an unrelated purchaser who acquired the Project in an arms-length transaction;
- (c) The Company has invested at a cost of approximately \$1,280,000 in the Project;
- (d) The Company has preserved the existing jobs at the Project; and
- (e) The Company has preserved the existing manufacturing facility.

Section 3. Five Year Abatement. Pursuant to the authority of the Act, the County hereby extends the five-year partial exemption provided thereunder to the Company for the Project, subject to continuing compliance by the Company with the requirements of the Act.

Section 4. Approval of Form PT-444. The Chairman is hereby authorized and directed, in the name and on behalf of the County, to sign the Company's S.C. Department of Revenue Form PT-444 to assist the Company in obtaining the Five Year Abatement as provided herein.

Section 5. Miscellaneous. All 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 upon its adoption by the County Council.

Adopted this 1st day of September 2009.

CHARLESTON COUNTY, SOUTH CAROLINA
 Teddie E. Pryor, Sr., Chairman,
 Charleston County Council

ATTEST:
 Beverly T. Craven, Clerk
 Charleston County Council

Consent Agenda

A) Roper St.

Francis JEDA Bonds

B) East Cooper Montessori JEDA Bonds

C) Ashley Hall

Sidewalks/1 cent Sales Tax

D) Byrnes Down Sidewalks/CTC

E) EMS FY 2010 Grant in Aid

F) Planning Commission/

Summey

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

Ms. Condon moved approval of Committee recommendations of the Consent agenda, seconded by Mr. Summey, and carried.

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, Joe Dawson, regarding a request from CareAlliance Health Services D/B/A Roper St. Francis Health for Council to hold a public hearing and approve a Resolution supporting the issuance by the South Carolina Job Economic Development Authority of its Hospital Revenue Bonds in the aggregate principal amount of not exceeding \$12,500,000.

Committee recommended that Council, following a public hearing to be held on September 1, 2009, approve the requested Resolution.

The Resolution is as follows:

RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HOSPITAL REVENUE BONDS (CAREALLIANCE HEALTH SERVICES D/B/A ROPER ST. FRANCIS HEALTHCARE) SERIES 2009, 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 \$12,500,000.

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 July 20, 2009 (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 in one or more series not exceeding \$12,500,000 aggregate principal amount of its Hospital Revenue Bonds (CareAlliance Health Services D/B/A Roper St. Francis Healthcare) Series 2009 (the "**Bonds**"), under and pursuant to Section 41-43-110 of the Act. The proceeds of the Bonds will be used by the Borrower to (i) defray the costs of expanding the Roper St. Francis Physicians Network through the acquisition of the assets of Lowcountry Medical Associates located throughout Charleston County, South Carolina (as further described in Exhibit A attached hereto, the "**Project**"); and (ii) pay costs of issuance and other expenses related to the Bonds. The Project will initially be owned by Roper

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St. Francis Physicians Network, a South Carolina corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a related entity; and

WHEREAS, the Borrower is projecting that the assistance of the Authority by the issuance of the Bonds will result in the creation or maintenance of employment for approximately 3,900 full-time employees and creating or maintaining additional employment for approximately 400 full-time employees within 24 months from Charleston County and adjacent areas; 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 \$12,500,000; 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 1st day of September, 2009.

CHARLESTON COUNTY, SOUTH CAROLINA
Teddie E. Pryor, Sr., Chairman, County Council

ATTEST:
Beverly T. Craven, Clerk to County Council

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A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, regarding a request from East Cooper Montessori Charter School for Council to hold a public hearing and approve a Resolution supporting the issuance by the South Carolina

Job Economic Development Authority of its Economic Development Revenue Bonds in the aggregate principal amount of not exceeding \$2,700,000.

Committee recommended that Council, following a public hearing to be held on September 1, 2009, approve the requested Resolution.

The Resolution is as follows:

RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS TAX-EXEMPT ECONOMIC DEVELOPMENT REVENUE BONDS, (EAST COOPER MONTESSORI CHARTER SCHOOL PROJECT), 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 \$2,700,000.

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 or project and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

WHEREAS, the Authority and East Cooper Montessori Charter School Booster Club, Inc. (the "Borrower"), a South Carolina non-profit corporation, entered into an Inducement Agreement (the "Inducement Agreement") pursuant to which and in order to implement the public purposes enumerated in the Act, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina and the County Council of Charleston County as may be required by law, to issue not exceeding \$2,700,000 aggregate principal amount of its Tax-Exempt Economic Development Revenue Bonds (East Cooper Montessori Charter School Project) (the "Bonds") pursuant to Section 41-43-110 of the Act and to loan the proceeds thereof to the Borrower in order to provide permanent financing to the Borrower for the construction and equipping of an approximately 13,000 square foot

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school facility (the "Project") in the Town of Mt. Pleasant, South Carolina, to be leased to the East Cooper Montessori Charter School (the "School"), to be operated as a public charter school; and

WHEREAS, the Borrower is projecting that the assistance of the Authority by the issuance of the Bonds and loaning the proceeds thereof to the Borrower will result in the creation or maintenance of employment by maintaining 21 existing jobs and creating employment for 8 new employees within 12 months of completion of the Project, and the Project will stimulate the economy of Charleston County and surrounding areas by increased payrolls, by improving the quality of education available in the community, and other public benefits incident to such business; and

WHEREAS, the County Council of Charleston County and the Authority jointly held a public hearing on September 1, 2009, 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 the Project is anticipated to benefit the general public welfare of Charleston County by providing services, employment, or other public benefits not otherwise provided locally.

SECTION 2. The County Council of Charleston County support the Authority in its determination to issue the Bonds the proceeds of which will be used to defray a portion of the costs of the Project.

SECTION 3. All 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 and effect from and after its adoption.

Adopted this 1st day of September, 2009.

COUNTY COUNCIL OF CHARLESTON
COUNTY, SOUTH CAROLINA
Teddie E. Pryor, Sr., Chairman

ATTEST:
Beverly T. Craven, Clerk

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, Steve Taylor, Director of Procurement, regarding bids received for Phase I of the Ashley Hall Road project. It was stated that the project consists of adding approximately 3,400 feet of sidewalk and a signalized pedestrian crosswalk at the intersection of Sam Rittenburg Boulevard. It was stated that the lowest bid was \$222,840, and that the Local Preference Option of the Procure Ordinance was exercised, which allowed the lowest

local bidder who is within 5% or \$10,000 of the lowest non local bidder to match the bid submitted by the lowest non local bidder. It was shown that the lowest local bidder was within \$10,000 of the lowest bidder and that they had opted to match the lowest responsive and responsible bid of \$222,840.

Committee recommended that Council award the contract to the lowest responsive and responsible local bidder, Landscape Pavers, LLC of Charleston, South Carolina for the sum of \$222,840 in accordance with the Local Preference Option of the Charleston County Procurement Ordinance, and with the understanding that funding is available through the Transportation Sales Tax annual allocations.

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding bids received for the Byrnes Down Sidewalk project. It was stated that this project consists of sidewalk construction on both side of Campbell and Nicholson Drive, and that the new sidewalks will cross the West Ashley Greenway and connect to sidewalks on both sides of the Greenway.

Committee recommended that Council, acting as agent for the Charleston County Transportation (CTC) authorize award of a contract for the Byrnes Down sidewalks to the lowest responsive and responsible bidder meeting specifications, Landscape Pavers, LLC in the amount of \$42,222.00, with the understanding that funding is available through the State "C" Fund for road improvements.

A report was read from the Finance Committee under date of August 28, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding bids received for the Byrnes Down Sidewalk project. It was stated that this project consists of sidewalk construction on both side of Campbell and Nicholson Drive, and that the new sidewalks will cross the West Ashley Greenway and connect to sidewalks on both sides of the Greenway.

Committee recommended that Council, acting as agent for the Charleston County Transportation (CTC) authorize award of a contract for the Byrnes Down sidewalks to the lowest responsive and responsible bidder meeting specifications, Landscape Pavers, LLC in the amount of \$42,222.00, with the understanding that funding is available through the State "C" Fund for road improvements.

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, regarding Charleston County EMS's request to apply for grant in aid funds offered by the South Carolina Department of Health and Environmental Control. It was stated that allocations for each County are based on populations and EMS call volume.

Committee recommended that Council approve the Emergency Medical Services Contract between South Carolina Department of Health and Environmental Control and Charleston County for an application of grant in aid funds for the period of July 1, 2009 through June 30, 2010 and approve the expenditure of budgeted grant funds in the EMS FY 2010 budget for Rosetta-DS Date Translators (12-lead EKG transmission to hospitals), with the understanding that Charleston County's contract for reimbursement is for \$45,081.00

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A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member Elliott Summey, regarding a vacancy on the Planning Commission. It was shown that Mr. Jerome Murray, County Council Member Summey's appointment to the Planning Commission has submitted a letter of resignation.

Committee recommended that Council approve the appointment of Mr. Eric Meyer to replace Mr. Jerome Murray on the Charleston County Planning Commission as Mr. Summey's appointee, for a term ending in December 2012.

**Consolidated
Dispatch Leed
Certification
Request to
Approve**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, Jeff Chandler, Capital Projects Director, regarding an opportunity for Charleston County to publicly demonstrate its commitment to energy conservation, sustainability and good stewardship of natural resources. It was stated that the consulting Architect has provided an estimate of \$223,950 additional for design of a Leadership in Energy and Environmental Design and that the cost to obtain the "Certified Level" should be minimal (1%-3%), since many of the LEED features incorporated would be part of the normal construction of the facility. It was further stated that final design fee negotiations will be conducted upon completion of the programming phase of the project, and if the pursuit of LEED Certification is authorized, the additional Design Fees will be addressed during these negotiations.

Committee recommended that Council authorize Staff to pursue LEED Certification on the Charleston County Consolidated 9-1-1 Dispatch Center.

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

**City of
Charleston
Consolidated
Dispatch IGA
Request to
Authorize**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Lori Lambert, County Project Officer, regarding the City of Charleston's readiness to go through the process to become full participants in the Intergovernmental Agreement for the Charleston County Consolidated 9-1-1 Center. It was stated that a Memorandum was sent by Mayor Joseph P. Riley of the City of Charleston on August 18, 2009 communicating the intent to enter into an Intergovernmental agreement, and following County Council's authorization to move forward, the City of Charleston's request to be added to the agreement will go through the process of approval by the majority of participating jurisdictions as set forth in the Intergovernmental Agreement. It was further stated that with the addition of the City of Charleston to the Intergovernmental Agreement, the County's 9-1-1 Center will meet the original goal of consolidating all 9-1-1 and emergency dispatch centers in Charleston County.

Committee recommended that Council authorize the Chairman to sign an addendum to the Intergovernmental Agreement for the Charleston County Consolidated 9-1-1 Center that will add the City of Charleston as a full participant, following the required approval by a majority of participating jurisdictions to the Agreement and with the understanding that this addendum will expand the Consolidated Dispatch Board to

include the City of Charleston police chief and fire chief and will revise Attachment A to the agreement for the City of Charleston operational costs.

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

**ARRA Tiger
Grant
Request to
Apply**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding the Transportation Sales Tax Staff's request to submit an application to the U. S. Department of Transportation for funding to be utilized on the Johnnie Dodd's Boulevard Improvement project. It was stated that under the American Recovery and Reinvestment Act of 2009 (ARRA) \$1.5 billion of discretionary grant funds are to be awarded by the Department for capital investments in surface transportation infrastructure.

Committee recommended that Council approve submission of the TIGER Grant Application for \$40 million in funding from the U. S. Department of Transportation to be applied to the Johnnie Dodd's Boulevard Improve project, with the understanding that no FTE's or match are associated with this submission and that maintenance of the roadway will continue to be provided by the South Carolina Department of Transportation.

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

**Johns
Island
Roads
Request to
Authorize**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding an Overview of Johns Island Projects.

Committee recommended that Council approve the following:

Maybank Highway Improvements

- A preliminary design will be developed and an evaluation of environmental impacts performed. Public Input will be solicited through Public Information Meetings and a Public Hearing.
- SCDOT would review all proposed design exceptions on Maybank. If SCDOT will not approve design exceptions, the City of Charleston has confirmed it would request the State to transfer Maybank Highway into the City system for ownership and maintenance. The CHATS Long Range Transportation Plan would need to be revised to accommodate the revised Maybank project, to retain eligibility for federal funding.
- Right of Way location and donation terms for the pitchfork elements will be negotiated with the property owners.
- An access control plan for the new roads will be developed with the City of Charleston.
- Coordination with the I-526 development plans.

- Coordination with the City of Charleston on the preliminary design of the road sections, land use and road access plans.
- Utility coordination to minimize utility relocations and impacts.
- Development of cost estimates.

Sea Islands Greenway

- An alignment study is necessary, which will include environmental analysis performed along with the Maybank Highway environmental studies. Public Input will be solicited through Public Information Meetings and a Public Hearing, all with the understanding that there is no commitment for use of public money to build.
- All necessary environmental permits would be applied for at the appropriate times as the project advances.
- Approach SCDOT to discuss opportunities for assistance with the project and ultimate ownership and maintenance.
- Along with Maybank Highway modifications, add project to the CHATS TIP to be integrated with the other highways in the area.
- As environmental and alignment study progresses, develop and release an RFP seeking proposals for public-private financing and design/build construction of the project.
- Bring results of RFP(s) to council for action.
- Return to council through periodic updates and action requests where obstacles are encountered.

Intersection Improvements

- Preliminary analysis and costs estimates have been developed for intersection improvements which could be implemented while study and design progresses for the Maybank and Sea Islands projects, to the extent funding is available. These include widening Main Road from Brownswood to Maybank; adding two right turn lanes at the intersection of Brownswood and Murraywood; adding a left turn lane from River Road onto Murraywood; adding a right turn lane onto Maybank from River Road along with traffic light timing adjustments; adding a right turn lane onto Plowground Road at River Road; and adding a right turn onto Bohicket from Plowground and a left turn lane onto Plowground from Bohicket.

Contracts and Funding

- Funding for conceptual design, environmental analysis and alignment study recommended to come from Maybank Highway funds and Allocations appropriations from unused 2007 and 2009 local paving funds for Kiawah Island Parkway Improvements. The Town may request these funds in future allocations budgets.

- Staff will negotiate with firms under contract for program management (LPA) and Maybank Highway design (Florence & Hutcheson) for the scope of work and fees to undertake the above efforts.

Mr. Summey moved approval of Committee recommendation, seconded by Mr. Pryor.

After much discussion regarding the proposed projects, Mr. Rawl offered an amendment stating that in addition to the recommendation of the Finance Committee that Council approve a study of the widening of Bohicket and Main Roads as an alternative to the Sea Islands Greenway, including a valuation of trees and tree impacts.

This amendment was accepted by Mr. Summey and Mr. Pryor, and the motion as amended carried.

Right of Way
 Authority Eminent
 Domain
 A) Johnnie Dodds
 B) Bees Ferry
 C) Future Drive
 Northside Drive
 Southrail Road
 Request
 Resolution

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding a request to approve a Resolution authorizing the exercise of Eminent Domain to acquire title to or interest in real property for the purpose of constructing road improvements for the Johnnie Dodds Boulevard Improvement project.

Committee recommended that Council approve the requested Resolution authorizing the exercise of Eminent Domain to acquire title to or interest in real property for the purpose of constructing road improvements for the Johnnie Dodds Boulevard Improvement project.

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

The Resolution is as follows:

A RESOLUTION

AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING ROAD IMPROVEMENTS FOR THE JOHNNIE DODDS BOULEVARD IMPROVEMENTS PROJECT

SECTION I. FINDINGS

THE COUNTY COUNCIL OF CHARLESTON COUNTY, IN MEETING DULY ASSEMBLED, HEREBY FINDS AS FOLLOWS:

WHEREAS, as a project being undertaken as part of its Transportation Sales Tax Program, Charleston County intends to construct certain improvements to US Route 17, a/k/a Johnnie Dodds Boulevard in Mount Pleasant, SC (the “Project”); and

WHEREAS, the plans for the improvements are shown on the technical drawings of Transystems entitled “Proposed Plans for US 17 (Johnnie Dodds Boulevard)” and

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dated April 1, 2009, and of Wilbur Smith Associates entitled "Proposed Plan for Charleston County US 17 (Johnnie Dodds Boulevard)" and dated April 3, 2009 (the "Plans"); and

WHEREAS, the Plans depict, *inter alia*, the existing roadway, the proposed roadway and the privately-owned properties and portions of properties that the County seeks to acquire to complete the Project; and

WHEREAS, said plans are subject to refinement and revision as additional design efforts and investigations are undertaken regarding the roadway alignment and the project's components, including but not limited to sidewalks, utilities, drainage facilities and the traveling surface; and

WHEREAS, the acquisition of the privately-owned properties will be accomplished in accordance with the eminent domain laws of the State of South Carolina; and

WHEREAS, it is in the best interest of the citizens of Charleston County to acquire title to or an interest in the privately-owned properties in order to complete the Project; and

WHEREAS, public purposes, including but not limited to improved safety, the facilitation of commerce and the convenience of the traveling public will be served by acquiring the properties and completing the Project; and

WHEREAS, The properties acquired will be for a public use, including but not limited to, the improvement of a publicly-owned thoroughfare in Charleston County.

SECTION II. ACTIONS AUTHORIZED

As a result of the findings set forth above, and by virtue of the powers granted to the County under the constitution and statutes of the State of South Carolina, the Charleston County Council hereby authorizes and directs the following:

Charleston County Council hereby authorizes the exercise of eminent domain to acquire full title or a property interest in the privately-owned properties shown on the above-described Plans, as the same may be refined or revised from time to time, for the Project. The Parcel Identification Numbers of the properties involved are listed in attachment A, which is incorporated herein by reference. Council expressly authorizes the acquisition of the parcels identified, in whole or in part, as the needs of the project so require.

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergence Management, regarding, a request to approve a Resolution authorizing the exercise of Eminent Domain to acquire title to or interest in real property for the purpose of constructing road improvements for the Bees Ferry Road widening project.

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Council approve the requested Resolution authorizing the exercise of Eminent Domain to acquire title to or interest in real property for the purpose of constructing road improvements for the Bees Ferry Road widening project.

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

The Resolution is as follows:

A RESOLUTION

AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING ROAD IMPROVEMENTS FOR THE BEES FERRY ROAD WIDENING PROJECT

SECTION I. FINDINGS

THE COUNTY COUNCIL OF CHARLESTON COUNTY, IN MEETING DULY ASSEMBLED, HEREBY FINDS AS FOLLOWS:

WHEREAS, as a project being undertaken as part of its Transportation Sales Tax Program, Charleston County intends to construct certain improvements to S-10-57, a/k/a Bees Ferry Road in West Ashley (the "Project"); and

WHEREAS, the plans for the improvements are shown on the technical drawings of Transystems entitled "Plan and Profile of Proposed S-10-57 (Bees Ferry Road)" and dated June 21, 2009 (the "Plans"); and

WHEREAS, the Plans depict, *inter alia*, the existing roadway, the proposed roadway and the privately-owned properties and portions of properties that the County seeks to acquire to complete the Project; and

WHEREAS, said plans are subject to refinement and revision as additional design efforts and investigations are undertaken regarding the roadway alignment and the project's components, including but not limited to sidewalks, utilities, drainage facilities and the traveling surface; and

WHEREAS, the acquisition of the privately-owned properties will be accomplished in accordance with the eminent domain laws of the State of South Carolina; and

WHEREAS, it is in the best interest of the citizens of Charleston County to acquire title to or an interest in the privately-owned properties in order to complete the Project; and

WHEREAS, public purposes, including but not limited to improved safety, the facilitation of commerce and the convenience of the traveling public will be served by acquiring the properties and completing the Project; and

WHEREAS, The properties acquired will be for a public use, including but not limited

to, the improvement of a publicly-owned thoroughfare in Charleston County.

SECTION II. ACTIONS AUTHORIZED

As a result of the findings set forth above, and by virtue of the powers granted to the County under the constitution and statutes of the State of South Carolina, the Charleston County Council hereby authorizes and directs the following:

Charleston County Council hereby authorizes the exercise of eminent domain to acquire full title or a property interest in the privately-owned properties shown on the above-described Plans, as the same may be refined or revised from time to time, for the Project. The Parcel Identification Numbers of the properties involved are listed in attachment A, which is incorporated herein by reference. Council expressly authorizes the acquisition of the parcels identified, in whole or in part, as the needs of the project so require.

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding a request to approve a Resolution authorizing the exercise of Eminent Domain to acquire title to or interest in real property for the purpose of constructing road improvements for Future Drive, Northside Drive Extension and Southrail Road Relocation project.

Committee recommended that Council approve the requested Resolution authorizing the exercise of Eminent Domain to acquire title to or interest in real property for the purpose of constructing road improvements for the Future Drive, Northside Drive Extension and Southrail Road Relocation project.

Mr. McKeown moved approval of Committee recommendation, seconded by Ms. Condon, and carried. Mr. Summey abstained, citing a conflict of interest with this project.

The Resolution is as follows:

A RESOLUTION

AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING ROAD IMPROVEMENTS FOR THE FUTURE DRIVE, NORTHSIDE DRIVE EXTENSION, AND SOUTHRAIL ROAD RELOCATION PROJECT

SECTION I. FINDINGS

THE COUNTY COUNCIL OF CHARLESTON COUNTY, IN MEETING DULY ASSEMBLED, HEREBY FINDS AS FOLLOWS:

WHEREAS, as a project being undertaken as part of its Transportation Sales Tax Program, Charleston County intends to construct certain improvements to Future

Drive, Northside Drive, and Southrail Road in North Charleston, SC (the "Project"); and

WHEREAS, the plans for the improvements are shown on the technical drawings of Davis & Floyd entitled "Preliminary Plan and Profile of Proposed Highways Future Drive Northside Drive Extension" and dated January 9, 2009 and "Plan and Profile of Proposed Highway Southrail Road Relocation" and dated January 29, 2009 (the "Plans"); and

WHEREAS, the Plans depict, *inter alia*, the existing roadway, the proposed roadway and the privately-owned properties and portions of properties that the County seeks to acquire to complete the Project; and

WHEREAS, said plans are subject to refinement and revision as additional design efforts and investigations are undertaken regarding the roadway alignment and the project's components, including but not limited to sidewalks, utilities, drainage facilities and the traveling surface; and

WHEREAS, the acquisition of the privately-owned properties will be accomplished in accordance with the eminent domain laws of the State of South Carolina; and

WHEREAS, it is in the best interest of the citizens of Charleston County to acquire title to or an interest in the privately-owned properties in order to complete the Project; and

WHEREAS, public purposes, including but not limited to improved safety, the facilitation of commerce and the convenience of the traveling public will be served by acquiring the properties and completing the Project; and

WHEREAS, The properties acquired will be for a public use, including but not limited to, the improvement of a publicly-owned thoroughfare in Charleston County.

SECTION II. ACTIONS AUTHORIZED

As a result of the findings set forth above, and by virtue of the powers granted to the County under the constitution and statutes of the State of South Carolina, the Charleston County Council hereby authorizes and directs the following:

Charleston County Council hereby authorizes the exercise of eminent domain to acquire full title or a property interest in the privately-owned properties shown on the above-described Plans, as the same may be refined or revised from time to time, for the Project. The Parcel Identification Numbers of the properties involved are listed in attachment A, which is incorporated herein by reference. Council expressly authorizes the acquisition of the parcels identified, in whole or in part, as the needs of the project so require.

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, regarding requests for proposals solicited by the County for Construction Engineering

and Inspection Services. It was stated that these services are required by the South Carolina Department of Transportation to assure that the construction of the projects are carried out in accordance with the plans and specifications.

Committee also considered the recommendation of the technical evaluation committee who selected HDR as the most qualified firm based on the technical proposal in accordance with the RFP process, and that Staff has negotiated the contract scope and fee with HDR and reached mutually acceptable terms..

Committee recommended that authorized award of contracts to HDR for Construction Engineering and Inspection services for three Bonded Projects, to wit:

1. Johnnie Dodds Blvd., in the amount of \$9,373,741.53
2. Camp Road/Folly Road Intersection in the amount of \$908,549.06
3. US 17/SC61 Improvements near Wesley Drive in the amount of \$279,586.53

Mr. Summey moved approval of Committee recommendation, with the addition of project funding in the amount of 9,373,741.53 for the Johnnie Dodds Blvd. project; \$908,549.06 for the Camp Road/Folly Road Intersection and 279,586.53 for the US 17/SC61 Improvements near Wesley Drive.

This motion was seconded by Mr. Pryor, and carried.

The approved motion is as follows:

That Council authorize award of contracts to HDR for Construction Engineering and Inspection services for three Bonded Projects, to wit:

1. Johnnie Dodds Blvd. in the amount of \$9.373,741.53
2. Camp Road/Folly Road Intersection in the amount of 908,549.06
3. US 17/SC61 Improvements near Wesley Drive in the amount of 279,586.53.

**Budget
Work
Session
Request to
Approve**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, regarding the County's Fiscal Year 2011 budget. It was stated that Council passed a fair, reasonable and responsible Fiscal Year 2010 budget, which was \$4 million less than the previous year. Unfortunately it appears that next year's budget will be even more difficult, since Government revenues tend to be lagging indicators, meaning that even if the economy starts to approve immediately it would take quite a while before tax collections catch up. It was further stated that Budget Staff will begin preparation of the Fiscal Year 2011 Proposed Budget in October, and the Administrator is requesting a four hour facilitated, on-site strategic work session to review the coming year's financial forecast in order to determine budget priorities and provide Staff with the necessary direction.

Committee recommended that Council hold a strategic work session on budget priorities on Saturday, September 26, from 9:00 a.m. until 1:00 p.m. in the Lonnie Hamilton, III Public Service Building, with the Administrator engaging a facilitator for the work session.

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

**Solid Waste
Issues
Recommendation**

A report was read from the Finance Committee under date of August 27, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Joseph Dawson, County Attorney, regarding the County's desire to advance its Green for Green Solid Waste Management program and its previous adopted 40% recycling goal.

Committee recommended that Council:

1. Authorize staff to:
 - a. Negotiate a contract for short-term solid waste transfer and disposal of municipal solid waste
 - b. Negotiate a contract for recyclable materials processing and/or marketing services
 - c. Provide a short list of companies interested in providing emerging waste conversion technologies that meet the County's needs
2. Fully utilize the existing composting facility at the Bees Ferry Landfill so that all yard waste is composted, resulting in a significant increase in the County's recyclable rate. Investigate the potential to compost commercial food waste and other organic feed stocks.
3. Implement a staff and operational department-wide efficiency and accountability program.
4. Identify and explore public-private partnerships for all appropriate County solid waste operations.
5. Identify the percentage of recyclable materials currently being disposed of that will provide necessary base-line data for planning and designing all collection, processing, marketing, and disposal systems.
6. Manage the transitional process and closure of Montenay incinerator.
7. Prepare ordinance(s) to implement a construction and demolition debris recycling program that may include, but not limited to, licensing or franchise fees, and sets a recycling requirement.
8. Provide Council periodic updates regarding the status of activities and accomplishments.
9. Continue seeking opportunities for regional solutions.

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

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

Mr. Schweers said he was glad that Council has taken a stand on the Solid Waste issue, and added that he was excited at the direction the program is headed but was being cautiously optimistic.

Mr. Thurmond said he was glad the ball was moving forward on the Johns Island traffic study, but that consistently it seems that there are efforts to distort or skew the facts by "special interest" groups.

Mr. Inabinett said that a lot of people are talking to him about the fact that property values are down, home prices are down, but tax assessments remain at the same level.

Ms. Condon said she has great expectations regarding the Solid Waste issues, and thanked Staff for their efforts in this behalf. Ms. Condon also expressed her appreciation for Staff's work on the Johns Island roads compromise.

Mr. Rawl stated that he appreciated the input received from those in the audience tonight.

County Administrator O'Neal advised Council that for the 21st year Charleston County has received the highest award of excellence for its accounting practices, and that Council will be presenting these awards to the Finance Staff in a couple of months when they are received.

Mr. Pryor expressed his appreciation to Charleston County Staff for all they do.

The Chairman asked if any Member of the Audience wished to address Council.

William Wert, Mayor of Kiawah Island; Frank McNulty, Mayor of Seabrook Island and Paul Roberts, Chairman of the Kiawah Community Association, thanked Council for deciding to include the Sea Island Greenway in their Johns Island traffic study.

Mr. Rich Thomas also spoke on the Johns Island traffic issue, but blamed the accidents on bad driver behavior and stated that it was his belief that what was needed was greater law enforcement.

Mrs. Louise Maybank said that she is a property owner on Johns Island and does not live there at the time. She stated that she feels that improving Bohicket and Main road is the property course to help the traffic problems on Johns Island and not the cross island road..

Mr. Thomas Legare said that he strongly supports Mr. Rawl's feelings on improving Bohicket and Main Road in preference to adding a new cross Island road. He said that if it is necessary to remove some trees for the benefit of the safety of Johns Island residents, then it should be done.

Ms. Wanda Ford of Chisolm Road supported Mr. Legare. She said that her granddaughter was injured when a large branch fell out of an oak tree into her car.

Ms. Kate Parks, representing the Charleston Conservation League said that a new road may or may not be the correct answer to the traffic issues on Johns Island and welcomed the approval of the study.

Mr. Harry Pollack said that Council should think carefully about a new road.

Dr. Greg Vanerwerke said there should be a comprehensive look at Johns Island and welcomed the study.

David Coe of Harbor View Road, James Island stated that boats are staying in Charleston well over 180 days and not paying property taxes. He added that the County recently passed an Ordinance changing the time a boat could remain in our harbor from 90 to 180 days, but there is no enforcement..

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

Beverly T. Craven
Clerk of Council