

December 7, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 7th day of December, 2010 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, at 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided; Colleen Condon; Curtis B. Inabinett; Sr.; A. Victor Rawl; J. Elliott Summey; Paul R. Thurmond and Dickie Schweers. Council Member Joe McKeown was out of town and absent. Council Member Henry E. Darby was still recovering from injuries received when he was struck by a car and suffered a concussion.

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

Rev. Reid gave the invocation. County Member 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. Summey moved approval of the minutes of November 23, 2010, seconded by Ms. Condon, and carried.

An Ordinance amending the Charleston County Zoning and Land Development Regulations Ordinance Number 1202 was given third reading by title only.

Ashley
River
Scenic
Overlay
District
Ordinance
3rd
Reading

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE NUMBER 1202, AS AMENDED, CHAPER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISRICTS), ARTICLE 5.7, DRC-O, DORCHESTER ROAD CORRIDOR OVERLAY ZONING DISTRICT.

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed text and map amendments of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures

December 7, 2010

established in State law and the ZLDR, and has recommended that the Charleston County Council adopt the proposed amendments of the text and maps of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing, and after close of the public hearing, County Council approves the proposed text and map amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, the County Council has determined the proposed text and maps amendments meet the following criteria:

- A. The proposed amendments correct an error or inconsistency or meet the challenge of a changing condition; and
- B. The proposed amendments are consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendments are to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meeting 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. AMENDMENTS OF THE TEXT AND MAPS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

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 following third reading by the County Council.

December 7, 2010

ADOPTED and APPROVED in meeting duly assembled this 7TH day of December, 2010.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

Beverly T. Craven
Clerk to County Council

First Reading: November 9, 2010
Second Reading: November 23, 2010
Third Reading: December 7, 2010

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

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

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance authorizing the execution and delivery of a Fee Agreement between Charleston County and ODFJELL Holdings (formerly Project JENA) was given third reading by title only.

**ODFJELL
Holdings
(formerly
Project Jena)
Financial
Incentives
Ordinance
3rd Reading**

AN ORDINANCE

AUTHORIZING PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND ODFJELL TERMINALS (CHARLESTON) LLC; AND MATTERS RELATING THERETO.

WHEREAS, Charleston County (the "County"), a public body corporate and politic under the laws of the State of South Carolina has, by an Inducement Resolution adopted on November 9, 2010 (the "Resolution"), taken official action to

December 7, 2010

identify the project (as defined below) (referring to the Project as Project Jena) for purposes of applicable fee-in-lieu of taxes statutes and otherwise;

WHEREAS, the County desires to enter into a fee agreement (the "Fee Agreement") with Odfjell Terminals (Charleston) LLC (the "Company"), which shall provide for payments of fees-in-lieu of taxes for a project qualifying under the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act");

WHEREAS, the County and the Company desire to enter into a Fee Agreement as defined in the Act concerning the establishment of a facility in the County which will consist of certain land, buildings, or other improvements thereon and all machinery, apparatus, equipment, office facilities, furnishings and other personal property required by the Company, for the purpose of operating a shipping terminal, and any and all activities relating thereto (which properties and facilities constitute a project under the Act and are referred to hereinafter as the "Project");

WHEREAS, to the maximum extent allowed under Section 12-44-110(3) of the Act, the Company's investment in the County will include the Company's property at the Project that has previously been subject to regular ad valorem taxes;

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

WHEREAS, as further inducement to the Company, the County will amend a Multi-County Industrial Park Agreement which includes the site of the Project (the "MCIP") so that the Project will be included in the MCIP under the provisions of Article VIII, Section 13 of the Constitution of the State of South Carolina of 1895, as amended (the "State Constitution"), and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "MCIP Law");

WHEREAS, under the provisions of Sections 4-1-175 of the Code of Laws of South Carolina, 1976, as amended, and Section 12-44-70 of the Act (collectively, the "Infrastructure Law"), the County is authorized to use revenues received from payments of fees-in-lieu of taxes under the Infrastructure Law, the Act and/or the MCIP Law for the purpose of defraying a portion of the cost of designing, acquiring, constructing, improving or expanding the infrastructure serving the Project;

WHEREAS, the Company has requested the County to use a portion of the above aforementioned payments for the purpose of defraying the costs of designing, acquiring, constructing, improving or expanding the infrastructure serving the Project as permitted by the Infrastructure Law (the "Infrastructure");

WHEREAS, the County Council, having found that the Infrastructure will serve the County and, as a direct result of the acquisition thereof, assist the County in its economic development efforts by inducing the Company to locate the Project in the

December 7, 2010

County, proposes to provide an Annual Special Source Revenue Credit (as defined in the Fee Agreement) against payments of fees-in-lieu of taxes to be made concerning the Project pursuant to the Infrastructure Law, the Act and/or the MCIP Law; and

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

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

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

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

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

(d) It is anticipated that the cost of planning, designing, constructing and expanding the Project will require expenditures of not less than \$30 million during the first phase of the Project and expenditures of not less than \$40 million during the second phase of the Project;

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

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

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

Section 2. In order to promote industry, develop trade and utilize the manpower, agricultural products and natural resources of the State, the form, terms and provisions of the Fee Agreement which is before this meeting and filed with the Clerk to County Council is hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Fee Agreement provides for an assessment ratio of 6% and a fixed millage rate of 278.3 mills, both for a period of 20 years. The Fee Agreement includes, to the maximum extent allowed under Section 12-44-110(3) of the FILOT Act, the Company's previously taxed property at the

December 7, 2010

Project. The Fee Agreement also provides for a special source revenue credit of up to \$132,000, provided the company invests a total of \$70 million and creates 40 jobs at the Project all according to the terms more fully set forth in the Fee Agreement. The Chair of the County Council and the Clerk to County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

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

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

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

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

Section 7. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

DONE, RATIFIED AND ADOPTED this 7th day of December, 2010.

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

Beverly T. Craven, Clerk to
Charleston County Council

First Reading: November 9, 2010
Second Reading: November 23, 2010
Third Reading: December 7, 2010
Public Hearing: December 7, 2010

December 7, 2010

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

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

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance amending the Joint County Industrial Park was given third reading by title only.

**Multi County
Industrial
Park
Amendments
Ordinance
3rd Reading**

AN ORDINANCE

TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

WHEREAS, Charleston County, South Carolina (the "County") and Colleton County, South Carolina (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park effective as of September 1, 1995 (the "Original Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

WHEREAS, the Original Agreement was initially approved by Charleston County Council Ordinance 972, adopted September 19, 1995; was further amended from time-to-time to add or remove property to the Park; and, in particular, was substantively amended by that First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the "First Modification"),

December 7, 2010

which First Modification was approved by Charleston County Council Ordinance 1475, adopted December 5, 2006; and by Colleton County Council Ordinance 06-R-20 adopted January 2, 2007; and

WHEREAS, the Original Agreement, as amended, is referred to herein as the "Agreement," and

WHEREAS, the Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

WHEREAS, the Counties desire to amend the Agreement to include certain additional parcels in order to fulfill commitments made to companies which are considering expansion or location decisions;

NOW, THEREFORE, BE IT ORDAINED BY THE CHARLESTON COUNTY COUNCIL:

SECTION 1. The Agreement is hereby amended so as to expand the Park premises located within Charleston County. Attached hereto as **Exhibit A** is the property description of the parcels to be added to the Park premises within Charleston County.

SECTION 2. All resolutions, ordinances, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. This amendment to the Agreement shall become effective on the date of upon adoption of this Ordinance by the County, after third and final reading and public hearing. The City of North Charleston and Colleton County Council have been requested to give their respective approvals to the amendment by resolution.

SECTION 4. Should any part of this ordinance be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect and shall not render any other section herein, nor this ordinance as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination or expiration hereof shall be deemed to survive.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.
Chairman, County Council

ATTEST:

Beverly T. Craven
Clerk to County Council

First Reading: November 9, 2010
Public Hearing: December 7, 2010

Second Reading: November 23, 2010

Third Reading: December 7, 2010

EXHIBIT A

PROPERTY DESCRIPTION CHARLESTON COUNTY ADDITIONAL PARCELS

PROPERTY DESCRIPTION FOR EACH PARCEL ADDED TO THE PARK BY THIS AMENDMENT AND INITIAL TAX YEAR (FOR TAXES WHICH WILL BE LEVIED ON PROPERTY OWNED ON DECEMBER 31 OF THE PRIOR CALENDAR YEAR).

<u>Parcels to be Added</u>	<u>Legal Description</u>	<u>Initial Tax Year</u>
SCE&G	Tract A, Tract C, Residual G, and Lot A (being approximately 54.724 acres), as more particularly described in Schedule 1 attached hereto (located in City of North Charleston)	2011
Scientific Research Corporation Inc.	New Parcel "B-8" (being approximately 18.68 acres), as more particularly described in Schedule 1 attached hereto (located in City of North Charleston)	2011
Remount Ventures, LLC	Parcels B-7, B-8, B-7A, C1, B-4, and B-5 as more particularly described in Schedule 1 attached hereto (located in City of North Charleston)	2011

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

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

Mr. Thurmond - aye
 Mr. Pryor - aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance amending the Charleston County Zoning and Land Development Regulations was given second reading by title only.

University
 Boulevard
 Overlay
 District
 Ordinance
 2nd Reading

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE NUMBER 1202, AS AMENDED CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS), ARTICLE 5.9 SECTION 5.9.14, UB-0, UNIVERSITY BOULEVARD OVERLAY 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 second reading of the Ordinance. The roll was called and votes recorded as follows:

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

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

An Ordinance approving a Fee in Lieu of Taxes Agreement for Interwrap Corporation was given second reading by title only.

Interwrap
 Corp Financial
 Incentives
 Ordinance
 2nd Reading

AN ORDINANCE

AUTHORIZING: (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA (“CHARLESTON COUNTY”) AND INTERWRAP CORP. ACTING ON BEHALF OF ITSELF OR ANY AFFILIATE OR OTHER PROJECT SPONSOR (THE “COMPANY”), PURSUANT TO WHICH CHARLESTON COUNTY SHALL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF AD VALORUM TAXES WITH

RESPECT TO THE EXPANSION AND ESTABLISHMENT OF CERTAIN DISTRIBUTION AND/OR MANUFACTURING FACILITIES IN ONE OR MORE LOCATIONS IN THE COUNTY (“THE PROJECT”) (2) THE BENEFITS OF A MULTI-COUNTY PARK TO BE MADE AVAILABLE TO COMPANY; AND (3) OTHER MATTERS RELATING 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 second reading of the Ordinance. The roll was called and votes recorded as follows:

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

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

**Multi-County
Industrial Park
Ordinance
Boeing
Amendments
2nd Reading**

An Ordinance adding real and business property owned by the Boeing Company was given second reading by title only.

AN ORDINANCE

TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

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

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

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- absent

Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

An Ordinance adding real and business property owned by Interwrap and Odfjell was given second reading by title only.

**Multi-County
Industrial Park
Interwrap &
Odfjell
Amendments
Ordinance
2nd Reading**

AN ORDINANCE

TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

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

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

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

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

**Development
Agreement
Process
Request to
Approve**

A report was read from the Planning/Public Works Committee under date of December 2, 2010 that it considered the information furnished by Allen O'Neal County Administrator, and Dan Pennick, Zoning and Planning Director, regarding the need to establish a process for negotiating development agreements and associated rezoning requests and Comprehensive Plan amendments. It was stated that the process developed by staff will allow for more public input and will provide Council a draft Development Agreement prior to the first public hearing.

Committee recommended that Council approve the Development Agreement process presented to the Planning/Public Works Committee on December 2, 2010, with the understanding that for each Development Agreement the Chairman of County Council will appoint a Council Review Team of at least three members of Council including the Chairman or his designee, the member or members of Council in whose district the requested development is located in, and at least one other member of Council.

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

**Rules of
Council
Recommendation**

A report was read from the Finance Committee under date of December 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Kristen L. Salisbury, Deputy Clerk to Council, regarding the need to amend section 1.4 of the Rules of Council to read as follows:

Regular meetings of Council are routinely held twice a month on Tuesdays in the months of January, February, March, April, May, June, September, October, November and December. During the months of July and August, only one monthly Council meeting is held. Special meeting may be called by the Chairman of Council or a majority of the Members of Council, provided that 24 hours notice has been given to the public, unless the meeting is deemed an emergency meeting, as provided for in State law.

Committee recommended that Council consider the requested change to section 1-4 of the Rules of Council and schedule this amendment request for the Administration Policy/Rules Committee meeting December 16, 2010.

Mr. Summey moved to accept the requested change to section 1-4 of the Rules of Council, seconded by Mr. Inabinett, and carried.

**Roper Saint
Francis JEDA
Bonds
Request
Resolution**

A report was read from the Finance Committee under date of December 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Jeremy L. Cook, Esquire, Attorney for Care Alliance Health Services D/B/A Roper/St. Francis Healthcare, regarding a request for certain amendments to the bond indenture, in order to add some variable rate mechanics to the variable care mode in their Series 2004-B Bonds. It was stated that in 2009 Council, by Resolution, approved and made effective a Restated and Amended Bond Indenture. It was further stated that Roper/St. Francis Healthcare is now preparing to convert the Bonds to a new mode, a bank rate mode and the bonds will be held by the bank and not offered to the public.

Committee recommended that Council approve the requested Resolution

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

The Resolution is as follows:

RESOLUTION OF THE COUNTY COUNCIL OF CHARLESTON COUNTY AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND RESTATED AND AMENDED BOND INDENTURE RELATING TO THAT CERTAIN BOND INDENTURE PREVIOUSLY ENTERED INTO BY CHARLESTON COUNTY WITH RESPECT TO ITS HOSPITAL REVENUE BONDS (CAREALLIANCE HEALTH SERVICES D/B/A ROPER ST. FRANCIS HEALTHCARE) SERIES 2004B.

WHEREAS, Charleston County, South Carolina (the "County") is authorized and empowered under and pursuant to the provisions of Title 44, Chapter 7 of the Code of Laws of South Carolina 1976, as amended (the "Act"), to issue its revenue bonds for the purpose of financing "hospital facilities," as such term is defined in the Act; and

WHEREAS, the County has, pursuant to the Act, previously issued its \$55,000,000 Hospital Revenue Bonds (CareAlliance Health Services D/B/A Roper St. Francis Healthcare), Series 2004B1 (the "Series 2004B1 Bonds") and its \$19,000,000 Hospital Revenue Bonds (CareAlliance Health Services D/B/A Roper St. Francis Healthcare), Series 2004B2 (the "Series 2004B2 Bonds" and, together with the Series 2004B1 Bonds, the "Series 2004B Bonds") for the benefit of CareAlliance Health Services D/B/A Roper St. Francis Healthcare, a South Carolina nonprofit corporation (the "Corporation"), to provide funds which were used to acquire, construct and equip certain hospital facilities of the Corporation (collectively, the "Project"); and finance certain costs of issuance, including a premium for a bond insurance policy issued by Financial Security Assurance Inc., the successor of which is Assured Guaranty Municipal Corp. (the "Bond Insurer"), incurred in connection with the issuance of the Series 2004B Bonds; and

WHEREAS, in connection with the issuance of the Series 2004B Bonds, the County executed and delivered the Bond Indenture dated as of July 1, 2004 (the "Indenture"), between the County and Wachovia Bank, National Association, as bond trustee; and

WHEREAS, at the request of the Corporation, the County and U.S. Bank National Association, as successor in trust to Wachovia Bank, National Association, as bond trustee (the "Trustee") in connection with the conversion of a portion of the Series 2004B Bonds from the PARS Mode to the Fixed Rate Mode (as such terms are defined in the Indenture) and in connection with the conversion of a portion of the Series 2004B Bonds from the PARS Mode to the Daily Mode or the Weekly Mode (as such terms are defined in the Indenture) have previously executed and delivered a Restated and Amended Bond Indenture (the "First Amended Indenture"); and

WHEREAS, in connection with the conversion of a portion of the Series 2004B Bonds to a Bank Rate Mode (as such term is defined in the Second Amended Indenture described below), the Corporation will execute and deliver a Continuing Covenant Agreement, between Wells Fargo Bank, National Association (the “Bank”) and the Corporation, on behalf of itself and the other Members of the Obligated Group named therein (the “Continuing Covenant Agreement”); and

WHEREAS, in connection with the delivery of the Continuing Covenant Agreement, the Bank has requested that certain amendments be made to the First Amended Indenture; and

WHEREAS, pursuant to the First Amended Indenture, the County has the right to enter into indentures supplemental to the First Amended Indenture, such as the Second Amended Indenture, as shall be deemed necessary and desirable by the County for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in the First Amended Indenture, with the consent of the holders of not less than 51% in aggregate principal amount of the Series 2004B Bonds which are outstanding under the First Amended Indenture at the time of the execution of such supplemental indenture, and with the written consent of the Bond Insurer; and

WHEREAS, pursuant to the First Amended Indenture, the Bond Insurer may consent to such amendments on behalf of the holders of the Series 2004B Bonds; and

WHEREAS, the Bond Insurer has consented to or will consent to such amendments to the First Amended Indenture;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY:

1. *Approval of Second Amended Indenture.* The execution and delivery of the Second Amended Indenture is hereby ratified and approved. The form and content of the Second Amended Indenture (the “Second Amended Indenture”), between the County and the Trustee, presented at this meeting is hereby authorized and approved by the County, and the Chairman of County Council (or, in his absence, the Vice Chairman) is hereby authorized to execute and deliver such document, including such changes, additions, and modifications thereto as such officer may deem necessary and appropriate, including any such changes, additions, and modifications thereto deemed necessary or desirable by such officer to conform the First Amended Indenture to the Continuing Covenant Agreement, with such execution and delivery to constitute conclusive evidence of such approval and authorization of such changes by such officer and by the County.

2. *Further Actions.* The Chairman of County Council (or, in his absence, the Vice Chairman) and any other proper officer of the County, may approve, execute and deliver such additional instruments, agreements and certificates as may be appropriate to effectuate the transactions contemplated hereby, including without limitation tax compliance certificates and agreements, customary certificates relating to the delivery of the Second Amended Indenture and the conversion of the Series 2004B Bonds, Internal Revenue Service Form 8038, a bond insurance cancellation agreement, and such other documents and reports as are required by federal or state law.

3. *Costs.* All costs and expenses in connection with the delivery of the Second Amended Indenture and the conversion of the Series 2004B Bonds to the Bank Rate Mode shall be paid by the Corporation, and the County shall have no responsibility therefor.

4. *Headings Not Part of this Resolution.* Any headings preceding the texts of the several paragraphs of this Resolution shall be solely for the convenience of reference and shall not form a part of this Resolution, nor shall they affect its meaning, construction or effect.

5. *Resolution Effective.* This Resolution shall take effect immediately upon its passage.

Passed and approved this 7th day of December, 2010.

CHARLESTON COUNTY, SOUTH CAROLNA

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

Attest:

Beverly T. Craven, Clerk
Charleston County Council

**Town of
James Island
Judicial
Services
Request
Approval**

A report was read from the Finance Committee meeting under date of December 2, 2010 that That it considered the information furnished by Allen O’Neal, County Administrator, and Junerese Rhodan, Summary Courts Director, regarding a written request from Mayor Bill Woolsey of the Town of James Island asking Charleston County to provide judicial services through the County Magistrates Court. It was stated that James Island would like their code enforcement violations to be heard at Charleston County Magistrate, and that all funds collected would be retained and submitted to Charleston County to compensate any costs accrued. It was shown that Chief Magistrate David Coker, the County Attorney and the Town of James Island agree that the County has the capability of providing the requested services.

Committee recommended that Council approve the Town of James Island code enforcement violations to be heard at a Charleston County Magistrates’ Court.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Rawl, and carried. Mr. Thurmond abstained and furnished the Clerk with a statement of Conflict of Interest citing potential business relationship since his law firm has a business relationship with the Town of James Island.

Right of Way Acquisition/ Johnnie Dodds Blvd. Request Approval

A report was read from the Finance Committee under date of December 2, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and Kurt Taylor, Deputy Administrator for Transportation Sales Tax, regarding an intergovernmental Agreement (IGA) between Charleston County and the South Carolina Department of Transportation (SCDOT). It was stated that this IGA outlines the roles and responsibilities for roadway projects associated with the Half-Cent Sales Tax Program, and under this agreement Charleston County is responsible for acquiring the rights-of-way (ROW) for the Johnnie Dodds Blvd. improvements project. It was shown that if Charleston County is able to acquire two ROW, one at the East Cooper Medical Center site and one at the McDonalds restaurant site from the SCDOT for \$161,000 it would save \$807,375 rather than having to purchase the ROW at full market value.

Committee recommended that Council authorize the Administrator to negotiate and enter into an amendment to the Intergovernmental Agreement in order to establish a credit to the Charleston County Tree Mitigation Fund in the amount of \$161,000 to be utilized by the SCDOT on future projects requiring tree mitigation.

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

Urban Greenbelt Applications Request to Approve

A report was read from the Finance Committee under date of December 2, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and Cathy Ruff, Director of Greenbelt programs, regarding urban greenbelt projects reviewed by the Urban Grants Review Committee. It was stated that the Mount Pleasant Conservancy’s project is the first project to be submitted to the Small Landowner Program and achieved a score of 96.

Committee recommended that Council:

1. Approve funding for the following urban greenbelt projects on the condition they are ratified by the Charleston County Park and Recreation Commission at their December 13, 2010 meeting and provided that upon approval, grant agreements will be executed between the County and appropriate parties.

Applicant	Type of Project	Acres	Funding
Mt Pleasant Land Conservancy	Small Landowner	3.84	\$362,000
Town of Kiawah Island	Minor Improvements	n/a	\$120,361
Total:		3.84	\$482,361

- 2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
- 3. Approve the use of \$482,361 to be funded from a combination of 2007 General Obligation Bonds, Greenbelt Operating Contingency and/or future Greenbelt Bond Issues.

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

**Greenbelt
Funding
Recommendation**

A report was read from the Finance Committee under date of December 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Deputy Administrator for Transportation regarding an update on Greenbelt Funding. It was stated that \$60 million was initially borrowed and that to date \$58.6 million has been awarded. It was further stated that \$35 million additional bond referendum borrowing is planned for 2011 and the 2011 borrowing will be discussed as part of Fiscal Year 2012 budget process.

Committee recommended that Council use \$5 million in available accumulated funds in the Transportation Sales Tax Greenbelt Program for projects.

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

The Chairman stated that on April 28, 2010, Council had given first reading approval to an Ordinance imposing a rental car fee.

**Rental Car Fee
Ordinance
2nd Reading
Disapproved**

The Chairman called for second reading of the Ordinance authorizing the imposition of a rental car user fee within Charleston County on all passenger vehicles rented and other matters relating thereto.

AN ORDINANCE

AUTHORING THE IMPOSITION OF A RENTAL CAR USER FEE WITHIN CHARLESTON COUNTY ON ALL PASSENGER VEHICLES RENTED AND OTHER MATTERS RELATING THERETO.

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

- Ms. Condon - nay
- Mr. Darby - absent
- Mr. Inabinett - nay
- Mr. McKeown - absent
- Mr. Rawl - nay
- Mr. Schweers - nay
- Mr. Summey - aye

December 7, 2010

Mr. Thurmond
Mr. Pryor

- nay
- aye

The vote being one (1) aye, six (6) nays and two (2) absent, the Chairman declared the Ordinance to have failed to receive second reading approval.

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

Beverly T. Craven
Clerk of Council