

Charleston, SC
December 20, 2011

A regular meeting of County Council of Charleston County was held on the 20th day of December, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

Also present were: Allen O'Neal, County Administrator and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation. Deputy Clerk Kristen L. Salisbury led in the pledge to the flag.

The Deputy 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. Sass moved approval of the County Council minutes of December 6, 2011, seconded by Mr. Summey, and carried.

The Chairman stated that he would delay voting on item three, third reading of the redistricting ordinance, until Council Member Rawl was present.

An ordinance rezoning the property located at 8095 Esteves Road, Edisto Island, was given third reading by title only.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed third reading.

**ZREZ-8-11-
11828, 8095
Esteves Road**

**Ordinance 3rd
Reading**

AN ORDINANCE REZONING THE REAL PROPERTY LOCATED AT 8095 ESTEVES ROAD, PARCEL IDENTIFICATION NUMBER 070-00-00-146, FROM THE NEIGHBORHOOD COMMERCIAL (CN) DISTRICT TO THE AGRICULTURAL RESIDENTIAL (AGR) DISTRICT

Redistricting

**Ordinance 3rd
Reading**

Seeing that Council Member Rawl was in attendance, the Chairman called for item three, third reading of the redistricting ordinance.

Mr. Summey moved to amend Map 1B with modifications between Districts 3 and 6 which include moving some areas in the University Boulevard area generally bounded by Otranto Road, I-26, Deerwood Drive, and the Highway 52 Connector from District 3 to District 6, modifications between Districts 8 and 9 which include moving some areas on James Island near Secessionville Road and Grimball Road Extension from District 9 to District 8, and some cosmetic changes affecting about 41 people between Districts 4 and 5 which are deemed beneficial to conform to precinct lines. The motion was seconded by Mr. Rawl.

Ms. Johnson renewed her concern that the Justice Department will not grant pre-clearance to this plan because it does not include three majority minority districts.

The Chairman called for a roll-call vote on the amendments. The roll was called and the votes were recorded as follows:

Condon	- aye
Darby	- nay
Johnson	- nay
Qualey	- nay
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Pryor	- nay

The vote being five (5) ayes and four (4) nays, the Chairman declared that the amendments to map 1B had been approved.

The Chairman called for a roll-call vote to the redistricting ordinance, as amended. The roll was called and the votes were recorded as follows:

Condon	- aye
Darby	- nay
Johnson	- nay
Qualey	- nay
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Pryor	- nay

The vote being five (5) ayes and four (4) nays, the Chairman declared that the ordinance had passed third reading.

Mr. Rawl requested that the Chairman write to any interested parties to include the County's political parties, the League of Women Voters, the NAACP, the SC Coalition for Voter Participation, and any other known organizations which may be interested in the County's redistricting maps requesting that they submit additional proposed maps to the County Attorney's Office and that if any maps were submitted that would better meet the redistricting criteria laid out by Council, having voted on the prevailing side, he would file a motion to reconsider.

AN ORDINANCE TO PROVIDE FOR THE ADOPTION OF A NINE SINGLE MEMBER DISTRICT REAPPORTIONMENT PLAN FOR CHARLESTON COUNTY COUNCIL, SUCH PLAN PROVIDING FOR A COUNCILMEMBER TO BE ELECTED FROM EACH DISTRICT, AND FOR THE SUBMISSION OF SUCH PLAN TO THE ATTORNEY GENERAL OF THE UNITED STATES FOR PRE-CLEARANCE AS REQUIRED BY THE FEDERAL VOTING RIGHTS ACT

An ordinance approving financial incentives to TWL Precision, Inc. was given third reading by title only.

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

Condon	- aye
Darby	- aye
Johnson	- aye
Qualey	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Pryor	- aye

The vote being nine (9) ayes, the Chairman declared that the ordinance had passed third reading.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA, AND TWL PRECISION, INC., ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR AN EXTENSION OF THE INVESTMENT PERIOD, PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS, ALLOCATE FEES-IN-LIEU OF TAXES UNDER A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK AGREEMENT; AND OTHER RELATED MATTERS.

WHEREAS, Charleston County, South Carolina ("County"), acting by and through its County Council ("County Council") is authorized and empowered under and

**TWL
Precision, Inc.
Financial
Incentives**

**Ordinance 3rd
Reading**

pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended ("Act"), (i) to enter into agreements with qualifying industry to encourage investment in projects constituting economic development property through which the industrial development of the State of South Carolina will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; (ii) to covenant with such industry to accept certain payments in lieu of *ad valorem* taxes ("FILOT") with respect to such investment;

WHEREAS, TWL Precision, Inc., a South Carolina corporation, along with one or more existing or to-be formed or acquired subsidiaries or affiliated or related entities (collectively, "Company"), operates an automotive component manufacturing and production facility in the County ("Project");

WHEREAS, the Company entered into a "Fee-in-Lieu of *Ad Valorem* Taxes Agreement," dated as of September 18, 2007, a copy of which is attached as Exhibit A ("Fee Agreement"), with respect to the Company's estimated investment of approximately \$7,000,000 ("Project Commitment");

WHEREAS, the Company has invested over \$7,000,000 and created approximately 55 new, full-time jobs;

WHEREAS, the Company expects to invest an estimated, additional \$5,000,000 ("Additional Investment") and create an estimated, additional 35 jobs ("Additional Jobs"), both over the next five calendar years, so that the total expected investment in the Project would be approximately \$12,000,000 and the total expected employment at the Project would be approximately 90 people;

WHEREAS, in consideration of the Additional Investment and Additional Jobs, the County has determined to amend the Fee Agreement to provide for the amendments as set forth in "First Amendment to the Fee Agreement," a copy of which is attached in substantially final form as Exhibit B ("First Amendment"), a summary of which follows:

(a) *Investment Period Extension.* The Fee Agreement's Investment Period is extended by five years so that the Investment Period ends on December 31, 2017, and each other Section of the Fee Agreement is revised to reflect the Investment Period's five-year extension;

(b) *Special Source Revenue Credit.* According to South Carolina Code Annotated section 12-44-70, the Company is entitled to claim an annual Special Source Revenue Credit ("Credit") against each FILOT Payment equal to 38% of the FILOT Payment, commencing in the calendar year following the calendar year in which the Company begins placing the Additional Investment in service and continuing for a total of 10 consecutive years against, up to an aggregate of \$150,000. The County shall

provide the Credit as a rebate to the Company no more than 75 days after the County receives the Company's current FILOT Payment.

((a) through (b) are, collectively, "Incentives").

NOW THEREFORE, BE IT ORDAINED, by the County Council:

Section 1. Statutory Findings. The County affirms: (i) the Project benefits the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality or to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

Section 2. Authorization to Execute and Deliver First Amendment to Fee Agreement. The Chair of County Council, or in the Chair's absence, the Vice-Chair, is authorized and directed to execute and deliver the First Amendment, which restates the nature of the Incentives, and which is in substantially final form as attached to this Ordinance and presented before this meeting, with any revisions that are not materially adverse to the County, as may be approved by the Chair of County Council in the name of and on behalf of the County, and the Clerk to County Council is authorized and directed to attest the same; and the Chair of County Council is further authorized and directed to deliver the executed First Amendment to the Company.

Section 3. Distribution of FILOT Payments. The County shall distribute each FILOT Payment as follows:

First: to Colleton County according to the Agreement for Development for Joint County Industrial Park, dated as of September 1, 1995, as amended;

Second: to the County's Economic Development Fund according to the Agreement for Development for Joint County Industrial Park, dated as of September 1, 1995, as amended;

Third: to provide for the Company's Special Source Revenue Credit with respect to the Project; and

Fourth: as the County would have otherwise distributed a fee-in-lieu of tax payment.

Section 4. General Repealer. The County Council repeals any part of an ordinance, or a resolution that conflicts with any part of this Ordinance.

Section 5. Severability. Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of

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the Ordinance or any part, provision or term thereof, all of which is deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved it following three readings and a public hearing.

CHARLESTON COUNTY, SOUTH CAROLINA

**Bees Ferry
Landfill/CPW
easements**

**Ordinance 2nd
Reading**

An ordinance granting easements to Commissioners of Public Works at the Bees Ferry Landfill was given second reading by title only.

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

Condon	- aye
Darby	- aye
Johnson	- aye
Qualey	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Pryor	- aye

The vote being nine (9) ayes, the Chairman declared that the ordinance had passed second reading.

AN ORDINANCE

APPROVING THE GRANT OF AN EASEMENT ON A PORTION OF THE COUNTY PROPERTY KNOWN AS THE BEES FERRY LANDFILL TO THE COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF CHARLESTON

WHEREAS, the Commissioners of Public Works of the City of Charleston has requested the grant of a six hundred forty (640) foot right-of-way and utility easement and two temporary construction easements across Charleston County's property known as the Bees Ferry Landfill identified by parcel identification number 301-00-00-026, for the sum of Thirty-Seven Thousand Five Hundred and 00/100 (\$37,500.00) Dollars, to construct utility lines; and

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

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, as followed:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants an easement of six hundred forty (640) feet on a portion of the County's property known as the Bees Ferry Landfill and identified by parcel identification number 301-00-00-026 to the Commissioners of Public Works of the City of Charleston for the purpose of construction of utility lines. The location of the easement shall be as 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 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.

ADOPTED and APPROVED in meeting duly assembled this 20th day of December, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

Construction Board

Appointment (1)

A report was read from the Administration Policy/Rules Committee under date of December 20, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make an appointment to the mechanical engineer seat on the Charleston County Construction Board of Adjustment and Appeals. It was stated that an announcement of vacancy was previously made and that an application was received from John Allen.

Committee recommended that Council appoint John Allen to the Charleston County Construction Board of Adjustment and Appeals for a term to expire in July 2015.

Mr. Summey recommended approval of the Committee recommendation, seconded by Mr. Qualey, and carried.

Housing and Redevelopment Authority

Appointment (1)

A report was read from the Administration Policy/Rules Committee under date of December 20, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make an appointment to the Charleston County Housing and Redevelopment Authority. It was stated that an announcement of vacancy was previously made and than an application was received from Ben Brazell.

Committee recommended that Council appoint Ben Brazell to the Charleston County Housing and Redevelopment Authority for a term to expire in July 2015.

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

**Disabilities
Board**

**Appointments
(2)**

A report was read from the Administration Policy/Rules Committee under date of December 20, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the Governor make two appointments to the Disabilities and Special Needs Board of Charleston County. It was stated that an announcement of two vacancies for the Disabilities and Special Needs Board of Charleston County was previously made and that applications for appointment were received from Harvey McDonnell and David Scott Dawson.

Committee recommended that Council recommend that the Governor appoint David Scott Dawson and Harvey McDonnell to the Disabilities and Special Needs Board of Charleston County for a term to expire in September 2014.

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

**Saint Johns
Fire District
Commission**

**Appointments
(4)**

A report was read from the Administration Policy/Rules Committee under date of December 20, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the Governor make appointments to the Saint Johns Fire District Commission. It was stated that seats on the Saint Johns Fire District Commission have residential requirements and these vacancies are for two unincorporated Johns Island seats, one Wadmalaw Island seat, and one Seabrook Island seat.

Applications for appointment were received from the following:

Johns Island

Eric Britton (incumbent)
Sam Brownlee (incumbent)
Boyd Baker
James Heyward
Robert Johnson
James Nelson

Seabrook Island

Susanne Hollaman (incumbent)
Charles Measter

Wadmalaw Island

Geneva Smith (incumbent)
Don Rivers

Committee recommended that Council recommend that the Governor:

1. reappoint Sam Brownlee and Eric Britton to the Johns Island seats
2. reappoint Susanne Hollaman to the Seabrook Island seat
3. appoint Don Rivers to the Wadmalaw Island seat

on the Saint Johns Fire District Commission for terms to expire in December 2015.

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

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**Park and
Recreation
Commission****Appointment
(1)**

A report was read from the Administration Policy/Rules Committee under date of December 20, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the Governor make one appointment to the Charleston County Parks and Recreation Commission. It was stated that this seat is to fill the unexpired term of Mickey Whatley who passed away earlier this year.

Applications for appointment were received from Stephen Duke, Jeff Gladwell, Ryan Johnson, James Ledlie, and Evelyne Yvette Wilson.

Committee recommended that Council recommend that the Governor appoint Ryan Johnson to the Park and Recreation Commission for a term to expire in June 2014.

Ms. Condon nominated Jeff Gladwell to the seat on the Park and Recreation Commission, seconded by Mr. Qualey.

Mr. Summey nominated Ryan Johnson to the seat on the Park and Recreation Commission, seconded by Mr. Pryor.

Mr. Summey stated that in his view the open seat on the PRC was a "North Area" seat and he hoped Council would appoint a North Area resident to fill the vacancy.

Ms. Condon stated that she was unaware of any written or unwritten policy that attached residency to seats on the PRC and that she had always voted for a person based on their merits, not based on their residency.

Mr. Qualey stated that Jeff Gladwell has worked tirelessly in the recreation field for 21 years and that if there is some unwritten policy regarding residency, perhaps it needs to be written down.

Mr. Pryor stated that he thought Ryan Johnson would bring youth and energy to the Park and Recreation Commission.

Ms. Condon asked where Mr. Johnson worked and Chairman Pryor stated that he worked for the City of North Charleston. Ms. Condon questioned whether it would be a conflict of interest for the Chairman to vote on this issue since they work for the same employer. Mr. Summey stated that Council had appointed Charleston County employees to various boards and commissions and that hadn't been considered a conflict of interest.

The Chairman called for a roll call vote on the appointment. The roll was called and the votes were recorded as follows:

Condon	- Gladwell
Darby	- Johnson
Johnson	- Johnson
Qualey	- Gladwell
Rawl	- Gladwell

Sass	- Gladwell
Schweers	- Gladwell
Summey	- Johnson
Pryor	- Johnson

The vote being five (5) votes for Mr. Gladwell and four (4) votes for Mr. Johnson, Council voted to recommend that the Governor appoint Jeff Gladwell to the Park and Recreation Commission for a term to expire in June 2014.

ZPDA-10-11-12205, 2223 Highway 17 North

**A) Request to Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee under date of December 20, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Zoning and Planning Director, regarding an application to amend the Planned Development located at 2233 Highway 17 North, Mount Pleasant. It was stated that the purpose of this planned development amendment is to allow the parcel to be subdivided. One parcel is being annexed into the Town of Mount Pleasant in order to receive water and sewer service. The remaining business and billboard will remain in the unincorporated area of Charleston County and because the size of the parcels in the County will be greatly reduced, the side setback requirements for the existing billboard will be reduced from 90 feet to 25 feet.

Committee recommended that Council approve and give first reading to an ordinance approving the requested amendment to the planned development located at 2233 Highway 17 North, Mount Pleasant.

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

An Ordinance approving the requested amendment was given first reading by title only.

AN ORDINANCE REZONING THE BILLBOARD PLANNED DEVELOPMENT (PD-52)

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

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

The items on the Consent Agenda were as follows:

**Consent
Agenda**

A report was furnished by the Finance Committee under date of December 20, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett Tolbert, Contracts and Procurement Director, regarding the need to award a bid for the purchase of two (2) 25,000 GVW trucks for use by the Environmental Management Department. It was stated that on November 18, 2011,

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IFB No. 4605-12J was issued for the purchase of two (2) 25,000 GVW roll-off trucks to be utilized by the Environmental Management Department.

The two (2) 25,000 GVW roll-off trucks are replacement trucks for two (2) trucks which are being replaced due to age and miles. The two (2) 25,000 GVW roll-off trucks will be used to transport drop site recycling containers from numerous locations within Charleston County to the Processing Center at Romney Street.

Sealed bids were received in accordance with the terms and conditions and the lowest responsive and responsible bidder meeting specifications was found to be Jones Ford of North Charleston, SC, in the amount of \$156,956.

Committee recommended that Council authorize award of bid for the purchase of two 25,000 GVW trucks for use by the Environmental Management Department to the lowest responsive and responsible bidder meeting specifications, Jones Ford Incorporated, of North Charleston, SC, in the amount of \$156,956, with funds to come from the Environmental Management Department budget.

A report was furnished by the Finance Committee under date of December 20, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett Tolbert, Contracts and Procurement Director, regarding the need to award a bid for the purchase of two (2) front end loader vehicles for use by the Environmental Management Department. It was stated that on October 27, 2011, IFB No. 4594-12J was issued for the purchase of two (2) front end loader vehicles. The vehicles are to replace two (2) of the four (4) existing manual collection vehicles with Automated Residential Front Load collection vehicles capable of collecting both residential and commercial recyclables manually or contained in standard roll carts or commercial front end load containers.

Sealed bids were received in accordance with the terms and conditions and the lowest bid was found to be NuLife Environmental Inc., of Easley, SC; however, a local vendor Hughes Motors, Inc., of Charleston, SC, met the requirements laid out in the County's Local Preference Procurement Policy, and exercised its right to match the apparent low bidder price in the amount of \$547,104.

Committee recommended that Council authorize award of bid for the purchase of two (2) front end loader vehicles for use by the Environmental Management Department, to Hughes Motors Incorporated, of Charleston, SC, in the amount of \$547,104, with funds to come from the Environmental Management Department budget.

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

Ms. Fay Laura, 1251 Oak Creek Drive, made remarks on reassessment and the rising cost of taxes in Charleston County and referenced a December 17, 2011, article in the Post and Courier regarding a couple who recently lost their home.

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

**Public
Comments**

Ms. Condon stated that she hoped in 2012 Council as a whole would have the opportunity to address the issue of having public comments at the beginning of the Council agenda and thanked staff for their hard work.

Ms. Johnson thanked the Environmental Management staff for their work to improve the conditions at the Edisto Island Service Center.

Mr. Sass wished everyone a Merry Christmas.

Mr. Rawl wished everyone Season's Greetings.

The Chairman asked if Mr. O'Neal wished to bring a matter before Council.

Mr. O'Neal reminded Council that the dedication of the Bridge View Drive Sidewalk would be December 21, 2011, at 11:30 AM.

Chairman Pryor thanked staff for their hard work and wished the citizens and staff Merry Christmas.

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

Kristen L. Salisbury
Deputy Clerk of Council