

October 27, 2015
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 27th day of October, 2015, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, North Charleston, South Carolina.

Present at the meeting were the following members of Council: Vice Chairman A. Victor Rawl, who presided; Colleen T. Condon; Henry E. Darby; Anna B. Johnson; Teddie E. Pryor, Sr.; Joseph K. Qualey; A. Victor Rawl; and Dickie Schweers. Chairman J. Elliott Summey and Council Member Herbert R. Sass, III, were absent due to their attendance at the SC Transportation Infrastructure Bank meeting in Columbia.

Also present were County Administrator Keith Bustraan and Deputy County Attorney Bernard Ferrara.

Rev. Robert Reid delivered the invocation and Council Member Darby 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. Pryor moved approval of the minutes of October 13, 2015, seconded by Ms. Condon, and carried.

Mr. Bustraan reported that the Charleston County Consolidated 9-1-1 Center had been named the 2015 Communications Center of the Year for South Carolina by the South Carolina chapters of the National Emergency Number Association (NENA) and the Association of Public-Safety Communications Officials (APCO) at their recent annual conference in Myrtle Beach, SC.

The annual NENA/APCO award is presented to the center that has exemplified outstanding professionalism, leadership and innovation to the community it serves including its contribution to the advances of Public Safety Communications through the use of technology, management and training of staff. Charleston County's Center processed 1,082,801 phone calls and dispatched 1,000,670 calls for service in 2014.

Mr. Bustraan recognized Consolidated Dispatch Director Jim Lake and other employees in attendance for their efforts.

An ordinance approving financial incentives for Stoney Ladson/Sea Pac (formerly Project Gray) was given third reading.

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

Condon	- aye
Darby	- aye

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

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

The ordinance is as follows:

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY, STONEY LADSON, LLC, (THE "SPONSOR") AND SEA PAC, LLC (THE "SPONSOR AFFILIATE") WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAX ARRANGEMENT WITH THE SPONSOR AND SPONSOR AFFILIATE, AND PROVIDING FOR PAYMENT BY SPONSOR AND SPONSOR AFFILIATE OF CERTAIN FEES-IN-LIEU OF AD VALOREM TAXES; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the "County") would like to enter into a Fee-in-Lieu of Tax Agreement with Stoney Ladson, LLC (referred to herein as the "Sponsor") and Sea Pac, LLC (referred to herein as the "Sponsor Affiliate"), as the Sponsor and Sponsor Affiliate have expressed their intent to the County to make a capital investment in Charleston County and to hire full time employees in Charleston County, i.e., the project;

WHEREAS, as a result of the Sponsor and Sponsor Affiliate's desire to undergo the project, the Sponsor and Sponsor Affiliate have asked the County to enter into a Fee-in-Lieu of Tax Agreement by and among the County, the Sponsor and Sponsor Affiliate dated as of October 27, 2015 in order to encompass the terms of the project;

WHEREAS, the County, acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to designate real and tangible personal property as "economic development property" and to enter into an arrangement which

provides for payments-in-lieu of taxes (“Negotiated FILOT Payments”) for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is further authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the “MCIP Act”) to provide for payments-in-lieu of taxes with respect to property located in a multi-county business or industrial park created under the MCIP Act; and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to such investors; and

WHEREAS, the Sponsor and Sponsor Affiliate propose to develop a facility in Charleston County by acquiring, constructing, equipping and furnishing machinery, equipment and other real and personal property (the “Negotiated FILOT Project”) which the Sponsor and Sponsor Affiliate have represented will likely consist of a capital investment of approximately \$32,000,000.00 and creating employment for approximately 50 new, full time employees; and

WHEREAS, the Negotiated FILOT Project is located entirely within Charleston County and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Sponsor and Sponsor Affiliate to invest its funds to acquire and equip the Negotiated FILOT Project (the “Incentives”); and

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

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

Section 1. Evaluation of the Negotiated FILOT Project. County Council has evaluated the Negotiated FILOT Project on the following criteria and based upon the advice and assistance of the South Carolina Department of Commerce and the South Carolina Department of Revenue:

- (a) whether the purposes to be accomplished by the Negotiated FILOT Project

are proper governmental and public purposes;

- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Sponsor and Sponsor Affiliate, County Council's investigation of the Negotiated FILOT Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Commerce and the South Carolina Department of Revenue, as required, County Council hereby finds that:

- (a) the Negotiated FILOT Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Negotiated FILOT Project will continue to serve the purposes of the FILOT Act;
- (c) The investment by the Sponsor and Sponsor Affiliate in the project is anticipated to be approximately \$32,000,000.00 to be invested within five (5) years from the end of the property tax year in which the Sponsor, Sponsor Affiliate and the County execute the FILOT Agreement (as defined herein) and to create employment for approximately 50 new, full time employees.
- (d) the Negotiated FILOT Project will be located entirely within the County;
- (e) the Negotiated FILOT Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise adequately provided locally;
- (f) the Negotiated FILOT Project will not give rise to a pecuniary liability of the County or any municipality nor a charge against its general credit or taxing power of the County or any municipality;
- (g) the purposes to be accomplished by the Negotiated FILOT Project are proper governmental and public purposes;
- (h) the inducement of the location of the Negotiated FILOT Project is of paramount importance; and
- (i) the benefits of the Negotiated FILOT Project to the public are greater than the costs to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Negotiated FILOT Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Sponsor and Sponsor Affiliate which will provide Negotiated FILOT Payments to be made with respect to the Negotiated FILOT Project based upon a 6% assessment ratio and a millage of rate of 192.3 mills, all as more fully set forth in the Fee-in-Lieu of Tax Agreement by and among the County, the Sponsor and Sponsor Affiliate (the “FILOT Agreement”).

Section 4. Execution of the Fee Agreement. The form, terms and provisions of the FILOT Agreement presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Sponsor and Sponsor Affiliate. The FILOT Agreement is to be in substantially the form now before this meeting and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement now before this meeting.

Section 5. Miscellaneous.

- (a) The Chairman and all other appropriate officials of the County are hereby authorized to execute, deliver and receive any other agreements and documents as may be required by the County in order to carry out, give effect to and consummate the transactions authorized by this Ordinance;
- (b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina;
- (c) This Ordinance shall become effective immediately upon approval following third reading by the County Council;
- (d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections,

phrases and provisions hereunder; and

(e) All ordinances, resolutions and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 6. Allocation of MCIP FILOT Revenues. (a) By separate ordinance (the "MCIP Ordinance") of the County Council, the County, in cooperation with Colleton County (the "Partner County"), shall designate the site of the Negotiated FILOT Project as a multi-county park pursuant to Article VIII, Section 13 of the Constitution of South Carolina, the MCIP Act, and the terms of the Agreement for the Establishment of Multi-County Industrial/Business Park (the "MCIP Agreement"). In the FILOT Agreement, the County will agree to maintain such designation for a term of at least 20 years.

(b) Pursuant to the terms of the MCIP Act and the MCIP Agreement, the County hereby provides that for 20 years, commencing the first year in which property that is a part of the project will be placed in service, the annual allocation of the fee-in-lieu of *ad valorem* taxes revenue generated by the property and payable to the County in accordance with the terms of the MCIP Agreement (the "MCP FILOT"), after deducting any amounts distributed to the Partner County, will be distributed to the County and the Partner County in the same manner as set forth in greater detail in the MCIP Agreement.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____

J. Elliott Summey
Council Chairman,
Charleston County Council
Charleston County, South Carolina

ATTEST:

Beverly Craven
Clerk of Council, Charleston County Council
Charleston County, South Carolina

An ordinance approving zoning changes for 3844, 3788 Chisolm Road was given third reading.

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

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

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

The ordinance is as follows:

**AN ORDINANCE
 REZONING THE REAL PROPERTIES LOCATED AT 3844 and 3788 CHISOLM
 ROAD FROM THE AGRICULTURAL PRESERVATION (AG-8) ZONING
 DISTRICT TO PLANNED DEVELOPMENT ZONING DISTRICT (PD-152).**

WHEREAS, the properties located at 3844 and 3788 Chisolm Road, identified as Tax Map Parcel Numbers 249-00-00-013 and -015, are currently zoned Agricultural Preservation (AG-8) Zoning District; and

WHEREAS, the applicant requests the parcels be rezoned to Buckland Plantation Planned Development (PD-152) to allow for a maximum of 28 residential lots or a maximum of one dwelling unit per four acres, whichever is more restrictive; and

WHEREAS, the applicant has submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, and recommended that Charleston County Council (County Council) approve with conditions the proposed development plan based on the Approval Criteria of Section 4.23.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.23.9.E.9 of Article 4.23 of the ZLDR; and

WHEREAS, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.23 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan and other adopted policy documents; and
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

A. Charleston County Council rezones the properties located at 3844 and 3788 Chisolm Road, identified as Tax Map Parcel Numbers 249-00-00-013 and -015, from Agricultural Preservation Zoning District (AG-8) to Buckland Plantation Planned Development Zoning District (PD-152); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Buckland Plantation (PD-152), Charleston County, South Carolina," dated March 2015, including the changes attached thereto as Exhibit "A" and made part of this Ordinance by reference, duly approved by County Council as Planned Development 152 or PD-152, is incorporated herein by reference and shall constitute the PD Development Plan for the parcel identified above; and

C. Any and all development of PD-152 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Numbers 249-00-00-013 and -015 are amended to PD-152 in accordance with Section 4.23.10 of Article 4.23 of the ZLDR.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 27th day of October, 2015.

CHARLESTON COUNTY COUNCIL

By: _____
J. Elliot Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk of Charleston County Council

First Reading: September 29, 2015
Second Reading: October 13, 2015
Third Reading: October 27, 2015

**EXHIBIT "A"
PLANNING AND PUBLIC WORKS COMMITTEE
RECOMMENDED CHANGES AND CONDITIONS TO PD-152
APPROVED BY CHARLESTON COUNTY COUNCIL**

1. Land Use Master Plan: Remove the amount of acreage associated with Common Open Space #6.
2. Sec. 3.02, Table of Proposed Land Uses, Footnote 2: Clarify that Community Docks will also comply with Site Plan Review.
3. Sec. 3.02, Table of Proposed Land Uses, Footnote 5: Clarify that the Vehicle Storage Area will have to comply with Site Plan Review and buffer requirements of Section 3.07.
4. Sec. 3.02, Table of Proposed Land Uses, Footnote 6: Delete "site plan submittal" from the sentence so it states that resource extraction uses will comply with ZLDR Sec. 6.4.14, SCDOT, SCDHEC, and County regulations.

5. Sec. 3.04, Dimensional Standards: Add a footnote for Waterfront Development Standards Minimum Lot Width Average that states compliance with ZLDR Section 4.22.1 and attach the section with other ZLDR sections.
6. Sec. 3.07, Buffer: Add the following sentence, "The Vehicle Storage Area shall have a minimum buffer of 25' and be comprised of at least three canopy trees, four understory trees, and 25 shrubs in compliance with Article 9.5 of the ZLDR."
7. Sec. 3.08, Lots to Abut Common Open Space: Change the second sentence to read "The interior lots directly abut the common open space with their rear lot lines, and the remaining lots are oriented to the waterfront."
8. Ensure the Common Open Space will be protected in perpetuity through a legally binding action (e.g. conservation easement, deed restriction, etc.).

An ordinance approving the Spring Grove Project as a Development of County Significance was given second reading by title only.

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

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

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

The ordinance title is as follows:

**AN ORDINANCE
 APPROVING THE DEVELOPMENT OF COUNTY SIGNIFICANCE
 APPLICATION FOR THE FOLLOWING PARCEL IDENTIFICATION
 NUMBERS: 050-00-00-017, 5613 NEW ROAD; 099-00-00-012, 5610 HIGHWAY
 174; 099-00-00-033, 7926 OLD JACKSONBORO ROAD; 099-00-00-089, 5670
 HIGHWAY 174; 121-00-00-033, 7925 OLD JACKSONBORO ROAD; 121-00-
 00-035, 5640 OLD JACKSONBORO ROAD; 168-00-00-023, 6731 OLD
 JACKSONBORO ROAD; 175-00-00-009, 7117 HIGHWAY 165; 175-00-00-017,
 7900 SAVANNAH HIGHWAY; AND 186-00-00-062, 6209 NEW ROAD IN
 CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT**

BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC; AND CHARLESTON COUNTY, SOUTH CAROLINA.

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

An ordinance approving Comprehensive Plan Amendments in conjunction with the Spring Grove Development was given second reading by title only.

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

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

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

The ordinance title is as follows:

**AN ORDINANCE
 AMENDING THE CHARLESTON COUNTY COMPREHENSIVE PLAN AT THE FOLLOWING DOCUMENT LOCATION: MAP 3.1.4, FUTURE LAND USE, TO SHOW A FUTURE LAND USE DESIGNATION OF DEVELOPMENT OF COUNTY SIGNIFICANCE FOR THE FOLLOWING PARCEL IDENTIFICATION NUMBERS: 050-00-00-017, 5613 NEW ROAD; 099-00-00-012, 5610 HIGHWAY 174; 099-00-00-033, 7926 OLD JACKSONBORO ROAD; 099-00-00-089, 5670 HIGHWAY 174; 121-00-00-033, 7925 OLD JACKSONBORO ROAD; 121-00-00-035, 5640 OLD JACKSONBORO ROAD; 168-00-00-023, 6731 OLD JACKSONBORO ROAD; 175-00-00-009, 7117 HIGHWAY 165; 175-00-00-017, 7900 SAVANNAH HIGHWAY; AND 186-00-00-062, 6209 NEW ROAD IN CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC; AND CHARLESTON COUNTY, SOUTH CAROLINA.**

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

An ordinance approving zoning changes in conjunction with the Spring Grove Development was given second reading by title only.

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

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

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

The ordinance title is as follows:

AN ORDINANCE

REZONING 14,508 ACRES OF PROPERTY LOCATED AT 5613 NEW ROAD; 5610 HIGHWAY 174; 7926 OLD JACKSONBORO ROAD; 5670 HIGHWAY 174; 7925 OLD JACKSONBORO ROAD; 5640 OLD JACKSONBORO ROAD; 6731 OLD JACKSONBORO ROAD; 7117 HIGHWAY 165; 7900 SAVANNAH HIGHWAY; 6209 NEW ROAD, PARCEL IDENTIFICATION NUMBERS: 050-00-00-017; 099-00-00-012; 099-00-00-033; 099-00-00-089; 121-00-00-033; 121-00-00-035; 168-00-00-023; 175-00-00-009; 175-00-00-017; AND 186-00-00-062, FROM RESOURCE MANAGEMENT ZONING DISTRICT (RM) AND AGRICULTURAL/RESIDENTIAL ZONING DISTRICT (AGR) TO FORM-BASED ZONING DISTRICT (FBZD) IN CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC AND CHARLESTON COUNTY, SOUTH CAROLINA.

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 second reading of the Development Agreement ordinance for the Spring Grove Development. Prior to second reading of the ordinance, Ms. Johnson stated that she believed residents in the area are overall in favor of the development, but are not completely in favor of the Development Agreement. She stated that she had communication from Mayor Heyward that the Town of Hollywood would like to be at the table if and when discussion regarding a private water system came up. Ms. Johnson also stated that a 50 year term greatly concerns her because this is the first time the

County was dealing with a development using the Form-Based Zoning District and that perhaps some consideration could be given to two 25 year terms. She also stated that she would like to see the community fund increased from 0.5% of the construction value to 1% of the construction value.

Deputy County Attorney Bernie Ferrara addressed the concern regarding the Town of Hollywood by stating that if there were a special purpose district established to provide water service to the development, that special purpose district would have to be established by County Council, but that the County had no jurisdiction to direct conversations between municipalities and private parties.

Ms. Johnson moved to amend the Development Agreement so that the agreement would be for a 25 year term and the Community Fund would be at least 1% of the construction value. The motion was seconded by Mr. Pryor.

Mr. Pryor stated that he would like to know if anything could be done to guarantee the current developer would remain a part of the process by the next reading.

Vice Chairman Rawl asked if the Development Agreement went with the land or the ownership. Mr. Ferrara stated that the Development Agreement is a contract so it could be amended with consent of both parties.

Mr. Qualey requested that no vote be taken on this matter until full Council was in attendance and that it was his understanding Messrs. Sass and Summey were on their way back from Columbia.

Mr Rawl stated that there was a motion on the floor from Ms. Johnson and asked if Ms. Johnson would withdraw her motion in order to entertain a request to defer.

Ms. Johnson refused to withdraw the motion.

Mr. Qualey stated that he believed the Chair could defer the matter without a vote. Mr. Rawl stated that the Chair could, but since Council has the ability to make amendments at third reading he did not see a reason to slow the process down.

Ms. Condon asked Mr. Ferrara to explain the term of the development agreement and the Community Fund.

Mr. Ferrara stated that the term would be 50 years plus an additional 10 years and that 0.5% would be assed on permits pulled and would go into a Community Enhancement Fund. A board or commission would be appointed to oversee disbursements from the fund. Mr. Ferrara also requested Council's indulgence to

wait for a briefing from the County Attorney, who was also delayed in Columbia at the SC Transportation Infrastructure Bank meeting, before making amendments to the ordinance.

Mr. Rawl stated that since the point had been made that several members of Council and the County Attorney were en route to the meeting, but delayed, and that the County Attorney had expressed a desire to brief Council on the Development Agreement prior to second reading he would defer the matter.

Mr. Pryor raised a point of order and stated that he believed since this item was already on the agenda and a motion was on the floor, that a vote of Council was needed to defer the item.

Mr. Schweers moved to table the motion. The motion to table was seconded by Ms. Condon.

Mr. Pryor asked the Deputy Clerk if the item was deferred would additional public hearings be needed and would the process start all over again.

Deputy Clerk to Council Kristen Salisbury stated that the two required public hearings had already been held.

Vice Chairman Rawl asked Mr. Ferrara if deferring second reading on this ordinance would restart the process or if it would be possible to simply have second reading at the next meeting.

Mr. Ferrara stated that deferring second reading of the Development Agreement ordinance would impact the timeline because the Developments of County Significance ordinance requires the Development Agreement, but the Comprehensive Plan amendment and the zoning request would not be impacted by the Development Agreement at all.

Mr. Schweers stated that there was no question in his mind that pausing the process at this point was the right thing to do with two Council Members absent and with the knowledge that the County Attorney wished to give a briefing on the matter, but was unable to be here due to the SIB meeting and asked if his motion to table would simply pause the process and allow it to be taken up at the next meeting.

Vice Chairman Rawl stated that the motion to table would delay second reading, but that the attorney had just informed Council that tabling second reading would mess up the process and whether it would have to be restarted or it would just delay the readings of the other ordinances was still in question.

Mr. Schweers asked if a motion to defer would better accomplish pausing the process.

Vice Chairman Rawl stated that a motion to defer would be out of order because it would not take precedence over Ms. Johnson's motion on the table so Ms. Johnson's motion would have to be dispensed with prior to any other motion.

Mr. Schweers withdrew his motion.

Mr. Qualey moved to table the item. The motion was seconded by Ms. Condon. The motion passed with Ms. Johnson and Messrs. Darby and Rawl voting against the motion.

An ordinance amending the Zoning and Land Development Regulations to implement development standards for LED Billboards was given second reading by title only.

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

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

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

The ordinance title is as follows:

**AN ORDINANCE
 AMENDING THE CHARLESTON COUNTY ZONING AND LAND
 DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
 AMENDED: CHAPTER 9, DEVELOPMENT STANDARDS, AND CHAPTER 12,
 DEFINITIONS.**

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. Pryor moved approval of the Consent Agenda, seconded by Ms. Johnson, and carried.

Consent Agenda items are as follows:

A report was furnished by the Finance Committee under date of October 20, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Facilities Director Dan Chandler regarding the need to extend a lease for property to house dumpsters in the Hollywood area. It was stated that the County has leased a 1.7 acre parcel of land located at 6316 Highway 165, Hollywood, SC, from the Town of Hollywood since 1985 to provide dumpsters for the disposal of garbage in the Hollywood area.

It was shown that the Lease Agreement will expire on November 30, 2015, and the department would like to amend the current Lease Agreement to extend the term for an additional five (5) year period, beginning December 1, 2015. The rental amount will be one (\$1.00) dollar per year, plus expenses.

Committee recommended that Council authorize Chairman of County Council to execute an amendment to extend the Lease Agreement with the Town of Hollywood for five (5) years, for one (\$1.00) dollar per year, plus expenses, for the property located at 6316 Highway 165, Hollywood, SC, beginning December 1, 2015, with the understanding that the Lease Amendment will be reviewed by the County Attorney's Office.

A report was furnished by the Finance Committee under date of October 20, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Economic Development Director Steve Dykes regarding a Set-Aside Grant awarded to Project Zeus. It was stated that the Economic Development Director, along with the S.C. Department of Commerce, has worked throughout 2015 with a North Charleston-based manufacturer pursuing a competitive expansion. A state and local incentives package has been submitted, and the company is now analyzing its options as it contemplates a decision during early 2016. *(NOTE: Property tax incentives offered to 'Project Zeus' have not yet been considered by County Council, but will be presented for approval at such time as the company proceeds with its decision in 2016.)*

It was shown that at its September 3, 2015, meeting, the S.C. Coordinating Council for Economic Development approved a \$100,000 Set-Aside Grant for Charleston County designed to be passed thru and utilized by 'Project Zeus' to offset project development costs. The Economic Development Department administers Set-Aside grants, and will provide reimbursement to 'Project Zeus' for pre-approved expense items upon receipt of proper documentation in the normal fashion.

Committee recommended that Council authorize the formal acceptance of a \$100,000 Set-Aside grant from the S.C. Coordinating Council for utilization by 'Project Zeus' in offsetting project development costs with the understanding that the grant will be administered by the Economic Development Department on a reimbursable basis.

A report was furnished by the Finance Committee under date of October 20, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Economic Development Director Steve Dykes regarding a utility tax credit grant awarded by SCANA Corporation for use by Hubner Manufacturing. It was stated that in 2014, County Council assisted Mt. Pleasant-based Hubner Manufacturing Corporation with its \$9.2 million, 50-person expansion. Beyond financial incentives and workforce preparation commitments, the expansion involved acquiring more adjacent land, including working with the County to obtain easements affecting part of the site foot print. The company also worked with the SC State Ports (SPA) to obtain right-of-way for a new road extension.

Utility Tax Credit (UTC) grants are authorized under state law as a mechanism by which utilities can make contributions to infrastructure in-lieu of paying a portion of their state corporate income taxes. Eligible items for a UTC grants typically include road work, water, sewer, electrical and telecom utilities associated with a job-creating economic development project where the improvements occur in a public right-of-way, subject to certain restrictions.

It was shown that the Economic Development Director was recently contacted by SCANA Corporation and offered a \$15,000 Utility Tax Credit (UTC) grant for utilization by Hubner Manufacturing Corporation to help offset some unforeseen costs associated with the construction of the road extension. The grant will be administered by the Economic Development Department on a reimbursable basis for eligible activities, upon receipt of proper documentation.

Committee recommended that Council authorize the formal acceptance of a \$15,000 Utility Tax Credit (UTC) grant from the SCANA Corporation for utilization by Hubner Manufacturing Corporation in offsetting project development costs associated with its \$9.2 million, 50-person expansion in Mt. Pleasant, SC, with the understanding that the grant will be administered by the Economic Development Department on a reimbursable basis.

A report was furnished by the Finance Committee under date of October 20, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Contracts and Procurement Director Barrett J. Tolbert, Director of Procurement regarding the need to award a contract for the Transportation Sales Tax Park West Blvd. Turn Lane project. It was stated that the FY15 Transportation Sales Tax Allocation Intersection project is located in the Town of Mount Pleasant and

will construct a dedicated left turn lane and associated drainage improvements from northbound Park West Boulevard to Recreation Complex Drive.

It was shown that bids were received in accordance with the terms and conditions of Invitation for Bid No. 5005-16C. The mandatory Small Business Enterprise (SBE) utilization for this solicitation is 12.2% and the Disadvantaged Business Enterprise (DBE) goal is 20%.

Bidder	Total Bid Price	SBE Percentage	DBE Percentage
Truluck Construction Charleston, South Carolina 29407 Principal: Charles E. Truluck Jr.	\$233,461.04	16.7%	9.77%
AOS Specialty Contractors, Inc. Lexington, South Carolina 29073 Principal: Dianne Rushing	\$241,004.82	100%	100%

Committee recommended that Council authorize award of bid for the TST Park West Boulevard Turn Lane at Recreation Complex project to Truluck Construction, the lowest responsive and responsible bidder, in the amount of \$233,461.04 with the understanding that funds are available in the Roads portion of the Transportation Sales Tax.

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

A report was furnished by the Finance Committee under date of October 20, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Contracts and Procurement Director Barrett J. Tolbert regarding the need to approve a change order for the Bees Ferry Landfill Cell 4 Construction project. It was stated that when the contract was originally awarded for the construction of Bees Ferry Landfill Cell 4, Council directed that any change orders for this project be approved by Council. There is a need for a change order be approved for T & K Construction, LLC. T & K Construction, LLC, is the contractor for the Bees Ferry Municipal Solid Waste (MSW) Landfill Cell 4 construction project. The project is being completed in two phases, as a unit price contract, with two dates of substantial completion.

It was shown that due to the 6.5 inch rain event several weeks ago, major damage occurred to a large area of the landfill cell (see attached photo). T & K Construction, LLC, have requested a 35 day time extension for the base bid and a ten day time extension for the alternate bid. Also, because of a large side slope consisting of 24 inches of sand that will be exposed to the weather for the next 18 months, the Department requested pricing for a rain cover. The cost for the rain cover will be \$115,337.14.

It was also shown that additional soil was purchased for the subgrade due to unsuitable material that was removed from the site. The additional off-site borrow pit amounts to \$57,383.04.

Committee recommended that Council authorize change order for the Bees Ferry Municipal Solid Waste (MSW) Landfill Cell 4 construction project to T & K Construction, LLC, in the amount of \$172,720.18 with the understanding that funds are available in the Environmental Management budget.

Mr. Pryor moved approval of the committee recommendation, seconded by Ms. Johnson, and carried. Mr. Qualey voted against the motion.

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

Mr. Schweers stated that it seemed unusual that tonight Council Members seemed as though they were trying to force the vote to happen because of the vulnerability of having two Council Members and the County Attorney absent. He stated that in his experience in the past, even when Council Members disagreed with an item, there was deference to the Council Members not present on important issues, but it seemed like it was important to some Council Members that the vote occur because those two members were absent.

Mr. Darby stated that it was not his intention to take a vote tonight because the other Council Members were not present at all. He also stated that Council was fractured and he regretted that Council acted in the manner it had in the recent past and that he hoped Council could move forward without acting so ugly in the future.

Mr. Pryor stated that the intention tonight was not to vote at all cost. The advice from the attorney was that by delaying the vote on this one item, the entire process would be delayed and it was Mr. Pryor's hope all along that the ordinance could just be given second reading and amendments made at third reading, but that because the minds of other Council Members were clouded and set that people were scheming to get a vote done because of the absences that didn't happen.

Mr. Qualey stated that on matters of great significance, such as the Spring Grove Project, every Council Members deserves to be heard and to be given the opportunity to vote. After working on this process for over three years, delaying the process by a few weeks will not matter. If it happens that the entire process has to start all over again, so be it, but each Council Member deserves to be heard.

Mr. Darby stated that none of the absent Council Members nor the County Attorney had requested that the item be delayed. He said he understood they may have texted or emailed some Council Members, but it seemed they could have mass emailed everyone to make the request to delay.

Vice Chairman Rawl stated that the advice of Mr. Ferrara had been that by tabling the matter, the process was complicated. If the matter had been allowed to carry itself out by dispensing with Ms. Johnson's motion, amendments would be allowed on third reading and the process would have been cleaner.

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

Kristen L. Salisbury
Deputy Clerk, Charleston County Council