

November 3, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 3rd day of November, 2009 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided; Colleen Condon; Henry E. Darby; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; J. Elliott Summey; Dickie Schweers and Paul R. Thurmond.

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

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

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

Mr. McKeown moved approval of the Minutes of October 20, 2009, seconded by Mr. Summey, and carried.

Town of
Ravenel
Ordinance
3rd Reading

An Ordinance regarding the Town of Ravenel Elections was given third reading by title only.

AN ORDINANCE

ACCEPTING THE TRANSFER OF CERTAIN AUTHORITY TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF RAVENEL.

WHEREAS, S.C. Code Ann. § 5-15-145 (1976), as amended, allows for the transfer of some or all authority to conduct municipal elections to a county election commission; and

WHEREAS, by adoption of Town Ordinance Number 05-2005, (attached hereto as Exhibit "A"), the Town Council of the Town of Ravenel (the "Town") has determined it to be in the best interests of its citizens that authority attendant to the conduct of Town elections be transferred to the Board of Elections and Voter Registration of Charleston County, and;

WHEREAS, the Board of Elections and Voter Registration of Charleston County has agreed to accept the specified authority to conduct municipal elections in the Town of Ravenel as set forth hereafter; and

WHEREAS, Charleston County Council desires to enact an ordinance approving the transfer of authority to the Board of Elections and Voter Registration of Charleston County to conduct elections in the Town as set forth hereafter;

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

Section 1. In accordance with the authority devolved by S.C. Code § 5-15-145 (Supp. 2003) Charleston County Council hereby accepts the transfer to the Board of Elections and Voter Registration of Charleston County (the "Board") of the authority to conduct elections for the Town. The authority here transferred includes publishing proper notices of elections, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure that proper procedures and laws are being followed, certifying the results of the election, and hearing challenges and protests. All elections so conducted by the Board of Elections and Voter Registration of Charleston County shall be in accordance with Title 7 of the South Carolina Code, as the same may be modified by Title 5 of the South Carolina Code.

Section 2. The Town shall reimburse the Board of Elections and Voter Registration of Charleston County for all costs incurred in providing ballots, advertising elections, printing costs, poll managers= compensation and other additional expenses incurred in, or arising from, its conduct of municipal elections in the Town. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

Section 3. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the Town shall pay all fees, costs, and expenses incurred in such protest or litigation, including, but not limited to, fees, costs and expenses of the Board, its officers, agents and employees, and the officers, agents and employees of the County. Notwithstanding the preceding, the Town will not be responsible for attorney's fees for separate counsel retained by any party to such protest or litigation.

Section 4. The Board shall provide invoices and/or other documentation to the Town of all costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred and reimbursed which are not specifically mentioned in this ordinance.

Section 5. If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

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Section 6. This Ordinance shall take effect upon successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

(A) Adoption of this Ordinance accepting the authority being transferred hereunder, and

(B) Submission to the United States Justice Department and subsequent receipt of pre-clearance for the transfer of authority for conducting municipal elections which would be effected hereunder.

ADOPTED and APPROVED in meeting duly assembled this 3rd day of November, 2009.

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

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

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

An Ordinance amending (PD-22B) District was given second reading by title only.

**ZPDA-8-09-
5162, 3791
Betsy Kerrison
Pkwy.
Ordinance
2nd Reading**

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 3791 BETSY KERRISON PARKWAY AND 4920, 4979 AND 4982 RIVER ROAD, PARCEL IDENTIFICATION NUMBERS 215-00-00-086- 008 AND 202-00-00-073, 174 FROM THE PLANNED DEVELOPMENT (PD-22B) DISTRICT TO THE PLANNED DEVELOPMENT (PD-22C) 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	- aye
Mr. Inabinett	- aye

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

The vote being eight (8) ayes and one (1) abstention, the Chairman declared the Ordinance to have received second reading approval.

Mr. Thurmond abstained, citing a business connection with the applicant, and furnished the Clerk with a Statement of Conflict of Interest.

**2144 Garfield
Street
Ordinance
2nd Reading**

A proposed Ordinance transferring property located at 2144 Garfield Street in North Charleston to the City of North Charleston was given second reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE TRANSFER OF OWNERSHIP TO THE CITY OF NORTH CHARLESTON OF COUNTY OWNED PROPERTY LOCATED AT 2144 GARFIELD STREET IN THE CITY OF NORTH CHARLESTON.

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	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- nay
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) nay, the Chairman declared the Ordinance to have received second reading approval.

**1475 Folly
Road Vacant
Property
Ordinance
2nd Reading**

A proposed Ordinance regarding the sale of County owned property on Folly Road was given second reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE SALE AND PURCHASE OF COUNTY OWNED PROPERTY LOCATED AT 1475 FOLLY ROAD IN THE CITY OF CHALESTON, SOUTH CAROLINA.

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

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

**Bowman Road
Right of Way
Dedication
Ordinance
2nd Reading**

A proposed Ordinance authorizing the transfer of ownership of a portion of County owned property to the Town of Mount Pleasant was given second reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE TRANSFER OF OWNERSHIP OF A PORTION OF COUNTY OWNED PROPERTY LOCATED ON BOWMAN ROAD IN THE TOWN OF MOUNT PLEASANT TO THE TOWN OF MOUNT PLEASANT.

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

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

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**Free Roaming
Cat Program
Ordinance
1st Reading**

A report was read from the Finance Committee under date of October 1, 2009 that The Chairman has placed this matter back on the agenda for Council's November 3rd meeting, and the recommendation from the Finance Committee Meeting of October 15th is up for Council's consideration. It considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistance Administrator for Finance, regarding interpretation of the County's contract with the Charleston Animal Society. It was stated that the parties to this contract are in agreement that citizens bring in strays to the Society must show proof of Charleston County residency or sign an affidavit stating that the animal is a stray coming from Charleston County. It was shown that the parties are mutually in agreement that the County shall not be responsible for payment of costs for animals identified as not coming from Charleston County.

Committee recommended that Council direct Staff to return to the October 15th Finance Committee meeting with the appropriate legal instruments to implement a Free Roaming Cat Program.

CLERK'S NOTE TO COUNCIL MEMBERS:

At the Finance Committee meeting of October 15th the Committee recommended that Council approve and give first reading to an Ordinance designed to elevate some of the problems caused by Free Roaming Cats.

At a regular meeting of County Council held on October 20, 2009, Council deferred action on an Ordinance designed to elevate some of the problems caused by Free Roaming Cats in order to secure input from animal agencies and citizens.

The Chairman has placed this matter back on the agenda for Council's November 3rd meeting, and the recommendation from the Finance Committee Meeting of October 15th is up for Council's consideration.

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

An Ordinance establishing a Free Roaming Cat Program was given first reading by title only.

AN ORDINANCE

APPROVING AND AMENDING THE CHARLESTON COUNTY CODE OF ORDINANCES, CHAPTER 3, ANIMALS AND FOWL, TO ADD A SECTION ESTABLISHING A FREE ROAMING CAT PROGRAM.

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

**Case #ACP-12-08-
2221 & Case #ZPD
12-08-2222, 7854
Savannah Hwy.
Recommendation**

A report was read from the Planning/Public Works Committee under date of October 29, 2009 that it considered the information furnished by Allen O'Neal, County Administrator

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and Dan Pennick, Director of Zoning and Planning, regarding a request for a Comprehensive Plan Amendment and Planned Development for 8754 Savannah Highway.

Committee recommended that Council:

1. Defer the consideration of the Comprehensive Plan Amendment and Planned Development until the Planning/Public Works Committee meeting of December 3, 2009, and Authorize Staff to determine, prior to the Planning/Public Works Committee meeting of December 3, 2009 the following:

A) Whether the Applicant's proposed C& D landfill is consistent with the County's Solid Waste Green for Green Plan and Council's Nine Point Solid Waste Initiatives, and

B) Determine from the Applicant if he is willing to:

a. Agree to a License and/or Franchise agreement to collect or dispose of C&D, along with a Host Fee if the applicant accepts C&D from out-of-County haulers

b. Enter into a long term contract with Charleston County for storm debris disposal, and

c. Meet a recycling goal of at least 25%.

2. Hold a Public Hearing in the St. Paul Area on December 1, 2009 to hear from Citizens regarding the requested Comprehensive Plan Amendment and Planned Development for 8754 Savannah Highway, and if possible to have in attendance representatives of the Department of Health and Environmental Control and the Charleston Water System.

3. Authorize Staff to take the necessary steps to list for sale the County owned property known as the Sheppard Tract.

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

Mr. Thurmond stated that since he had not been able to attend the Planning/Public Works Committee Meeting on Thursday, he was abstaining.

**Code
Enforcement
Recommendation**

A report was read from the Planning/Public Works Committee under date of October 29, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Dan Pennick, Director of Zoning and Planning, regarding the issue of Code Enforcement in the unincorporated areas of the County that are within the boundaries of Municipalities. It was shown that there were many County Departments that could benefit from Code enforcement through Intergovernmental Agreements with Local Municipalities.

Committee recommended that Council direct Staff to develop a plan to pursue Intergovernmental Agreements with the City of Charleston and the Town of Mount Pleasant, and to amend the current Intergovernmental Agreement with the City of North Charleston to perform Code enforcement in the unincorporated areas of the County that

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are within Municipal boundaries, to work toward similar codes in such areas and to explore other conditions where such coordination would be possible.

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

**Goodwill
JEDA Bonds
Request
Resolution**

A report was read from the Finance Committee under date of October 29, 2009 that it considered the information furnished by Allen O'Neal, County Administrator; Joe Dawson, County Attorney and Jeremy Cook, Attorney for the Good Will Industries of Lower South Carolina, Inc. Project, request for Council to approve a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds in the aggregate principal amount of not exceeding \$25,500,000.

Committee recommended that Council approve, subject to information received at the joint public hearing, to be held prior to County Council's Meeting of November 3, 2009, the requested Resolution supporting the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds in the aggregate principal amount of not exceeding \$25,500,000.

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

The Resolution is as follows:

RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS (GOODWILL INDUSTRIES OF LOWER SOUTH CAROLINA, INC. PROJECT) SERIES 2009, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$25,500,000.

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

WHEREAS, the Issuer is further authorized by Section 41-43-110 of the Act to issue revenue and revenue refunding bonds payable by the Issuer solely from a

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

WHEREAS, the Issuer and Goodwill Industries of Lower South Carolina, Inc., a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the **"Borrower"**), entered into an Inducement Agreement dated September 15, 2009 (the **"Inducement Agreement"**), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Issuer pursuant to the Inducement Agreement, the Issuer proposes, subject to such approval of the State Budget and Control Board of South Carolina, Berkeley County, Horry County, Sumter County, and Charleston County as may be required by law, to issue not exceeding \$25,500,000 aggregate principal amount of its Economic Development Revenue Bonds (Goodwill Industries of Lower South Carolina, Inc. Project) Series 2009 (the **"Bonds"**), under and pursuant to Section 41-43-110 of the Act, to (i) defray all or any part of the cost of the facilities to be financed or refinanced with the proceeds of the Bonds (as more particularly described on Exhibit A attached hereto, the **"Project"**) as described on Exhibit A attached hereto, to be owned and operated by the Borrower, (ii) refund the South Carolina Jobs-Economic Development Authority Economic Development Revenue Bonds (Goodwill Industries of Lower South Carolina, Inc. Project), Series 2007, issued in the original principal amount of \$16,620,000 (the **"Series 2007 Bonds"**), of which approximately \$16,220,000 remains outstanding as of the date hereof and which were used to finance or refinance certain facilities of the Borrower located in Charleston County, South Carolina (as more particularly defined on Exhibit A attached hereto, the **"Prior Projects,"** which are also referred to as the **"Charleston County Projects"**), as further described on Exhibit A attached hereto; (iii) potentially to pay all or a portion of the amounts required to be paid by the Borrower in connection with the termination of an existing interest rate transaction in place in relation to the Series 2007 Bonds (the **"2007 Swap"**); and (iv) pay costs of issuance and other expenses relating to the Bonds; and

WHEREAS, the number of jobs resulting from the assistance provided by the Issuer through the issuance of the Bonds bears a reasonable relationship to the amount of program funds committed, taking into account factors such as the amount of dollars invested per employee at comparable facilities and other relevant factors. In particular each of the following projects has created or maintained, or will create or maintain, employment of those engaged in the construction and/or rehabilitation, as applicable, of such projects, as well as maintaining existing employment for those in the operation of such projects in the way of approximately 27 employees for each of the Sumter Project, the Sangaree Project and the Conway Project; as to the 2007 Project located within Charleston County, 77 employees; and as to the 2005 Project located within Charleston County, 50 employees (for a total of approximately 208 jobs). Therefore, each of such projects will result in the creation or maintenance of substantial employment of those engaged in the operation of the applicable projects, respectively, in addition to the numbers of jobs filled through the use by individuals of the job training and placement functions facilitated by the such projects in particular, all thus having a resulting alleviation of unemployment and a substantial increase in payrolls and other public benefits incident to the conduct of such business not otherwise provided locally, and the number of jobs resulting therefrom will stimulate the economies of the State, Sumter

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County (as to the Sumter Project), Berkeley County (as to the Sangaree Project), Horry County (as to the Conway Project), Charleston County (as to the 2007 Project and the 2005 Project), and all respective surrounding areas by increased payrolls, capital investment and tax revenues. Capitalized terms used in this paragraph have the meanings assigned in Exhibit A attached hereto.

WHEREAS, the County Council of Charleston County and the Issuer have on this date jointly held a public hearing, duly noticed by publication on October 16, 2009, in the *Post and Courier*, a newspaper having general circulation in Charleston County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

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

SECTION 1. It is hereby found, determined and declared that (a) the Charleston County Projects will subserve the purposes of the Act, (b) the Charleston County Projects are anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Charleston County Projects will give rise to no pecuniary liability of Charleston County or a charge against its general credit or taxing power, (d) the amount of bonds required for the purposes described herein (and Exhibit A hereto) is not exceeding \$25,500,000, and as a part thereof the amount of bonds required to finance or refinance the Charleston County Projects is not exceeding \$16,500,000; and (e) the documents to be delivered by the Borrower and the Issuer with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Charleston County Projects (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Charleston County Projects and carry all proper insurance with respect thereto.

SECTION 2. The County Council of Charleston County supports the Issuer in its determination to issue the Bonds to defray the costs related to, among other purposes described in Exhibit A, the refinancing of the Charleston County Projects through the refunding of the Series 2007 Bonds.

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

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor
Chairman, County Council

ATTEST:
Beverly T. Craven
Clerk

EXHIBIT A**DESCRIPTION OF THE PROJECT, THE PRIOR PROJECTS
AND OTHER MATTERS**

The proceeds of the Bonds will be loaned to Goodwill Industries of Lower South Carolina, Inc. (the ***"Borrower"***) and used to finance or refinance, as applicable, all or a portion of the following costs (with all applicable properties and assets owned and operated or to be owned and operated (as applicable) by the Borrower):

(a) to finance and/or refinance the costs of the acquisition, construction (to the extent applicable), equipping, furnishing and installation of the following facilities, each including a retail store for the resale of donated goods, generally including a finished retail area, a donation drive-thru, a service and delivery area, a goods processing area and offices and related facilities, all to be initially owned and operated by the Borrower: (i) approximately 2.8 acres of land at 1028 Broad Street in Sumter, Sumter County, South Carolina, and an approximately 15,634 square foot facility located thereon (the ***"Sumter Project,"*** with the amount of the Bonds to be applied for such purpose not to exceed \$3,400,000); (ii) approximately 2.01 acres of land at 1817 North Main Street, 17-A, Summerville, Berkeley County, South Carolina, and an approximately 13,280 square foot facility located thereon (the ***"Sangaree Project,"*** with the amount of the Bonds to be applied for such purpose not to exceed \$3,200,000); and (iii) approximately 2.09 acres of land with an address of 2913 Church Street in Conway, Horry County, South Carolina, and an approximately 13,338 square foot facility located thereon (the ***"Conway Project,"*** with the amount of the Bonds to be applied for such purpose not to exceed \$3,100,000; the Conway Project, the Sumter Project and the Sangaree Project are referred to collectively as the ***"Project"***);

(b) to refund the South Carolina Jobs-Economic Development Authority Economic Development Revenue Bonds (Goodwill Industries of Lower South Carolina, Inc. Project), Series 2007, issued in the original principal amount of \$16,620,000 (the ***"Series 2007 Bonds,"*** with the amount of the Bonds to be applied to the refunding of the Series 2007 Bonds not to exceed \$16,500,000), of which approximately \$16,220,000 is anticipated to be the outstanding balance upon issuance of the Bonds. The proceeds from the sale of the Series 2007 Bonds were loaned by the Issuer to the Borrower to finance and/or refinance:

(i) the costs of the acquisition, construction and/or rehabilitation, equipping, furnishing and installation, as applicable, of the following facilities, all at the time of issuance of the Series 2007 Bonds (and at the time of issuance of the Bonds to continue to be) owned and operated by the Borrower: (i) approximately 1.38 acres of land at 6603 Rivers Avenue in North Charleston, Charleston County, South Carolina, and an approximately 13,347 square foot retail store located thereon, consisting of a finished retail area, a donation drive-thru, a service and delivery area, a segregated processing area, and management offices; (ii) approximately 3.22 acres of land at 2150 Eagle Drive, Building 200, in North Charleston, Charleston County, South Carolina, and an approximately 39,345 square foot processing and distribution center located

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thereon, consisting of a processing area, two offices, and eight bays with load leveling docks; and (iii) approximately 3.42 acres also with an address of 2150 Eagle Drive, Building 100, in North Charleston, Charleston County, South Carolina, and an approximately 21,148 square foot community services center located thereon (collectively, the **"2007 Project"**);

(ii) the costs of refunding the South Carolina Jobs-Economic Development Authority Economic Development Revenue Bonds (Goodwill Industries of Lower South Carolina, Inc. Project), Series 2005 (the **"Series 2005 Bonds"**), which were issued in the original principal amount of \$7,625,000, the proceeds of which were loaned by the Issuer to the Borrower to finance and/or refinance (A) all or a portion of the costs of the acquisition of three retail stores aggregating approximately 38,000 square feet, each of which consists of a finished retail area, a donation drive-thru, a service and delivery area, a processing area and management offices, and certain land, improvements, machinery, equipment and office furnishings related thereto, which retail stores are located at 1141 Six Mile Road, Mt. Pleasant, Charleston County, South Carolina 29466; 3516 Shelby Ray Court, Charleston, Charleston County, South Carolina 29414; and 936 Folly Road, James Island, Charleston County, South Carolina 29412, all at the time of issuance of the Series 2005 Bonds (and at the time of issuance of the Bonds to continue to be) owned and operated by the Borrower (collectively, the **"2005 Project"** and together with the 2007 Project, the **"Prior Projects"**); and (B) all or a portion of the costs associated with the issuance of the Series 2005 Bonds; and

(iii) all or a portion of the costs associated with the issuance of the Series 2007 Bonds; and

(c) potentially to pay all or a portion of any amounts required to be paid by the Borrower in connection with the termination of an existing interest rate transaction in place in relation to the Series 2007 Bonds (the **"Series 2007 Swap,"** with the amount of the Bonds to be applied to such purpose not to exceed \$2,000,000); and

(d) all or a portion of the costs associated with the issuance of the Bonds.

Notwithstanding the various "not to exceed" dollar amounts referred to in paragraphs (a) through (d) above, for purposes of clarification, the aggregate principal amount of the Bonds referred to in this resolution shall in any event not exceed \$25,500,000.

The above described Project and Prior Projects will be used by the Borrower in furtherance of its mission of helping people achieve their full potential through the dignity and power of work.

A report was read from the Finance Committee under date of October 29, 2009 that it considered the information furnished by Allen O'Neal, County Administrator; Joe Dawson, County Attorney and Jeremy Cook, Attorney for the Good Will Industries of Lower South Carolina, Inc. Project, request for Council to approve a Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of

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its Economic Development Revenue Bonds in the aggregate principal amount of not exceeding \$25,500,000.

Committee recommended that Council approve, subject to information received at the joint public hearing, to be held prior to County Council's Meeting of November 3, 2009, the requested Resolution supporting the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds in the aggregate principal amount of not exceeding \$25,500,000.

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

A proposed Ordinance authorizing a fee Agreement was given second reading by title only.

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 SOUTH CAROLINA ELECTRIC & GAS COMPANY; AND MATTERS RELATING THERETO.

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

**Consolidated
Dispatch
Software
Non
Competitive
Purchase**

A report was read from the Finance Committee under date of October 29, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Jim Lake, Director of the Consolidated 9-1-1 Center, regarding additional licenses, hardware, software and the development of interfaces to partner agencies technology. It was stated that on July 16, 2009, County Council authorized the Administrator to sign a Contract with TriTech for a non-competitive procurement totaling \$465,578 for expansion of the County's currently owned TriTech CAD. It was further stated that a non competitive procurement would be considerably less expensive than purchase of a new CAD system.

Committee recommended that Council authorize the Administrator to sign a Contract with TriTech for a non-competitive procurement totaling \$526,817, which is \$61,238 more than the \$465,578 previously authorized in July, 2009, for expansion of the County's currently owned TriTech Computer Aided Dispatch (CAD) system to include the purchase of additional licenses, hardware, software and the development of interfaces to partner agencies technology, with the understanding that contract negotiations will involve the County Legal Staff.

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

**Disabilities
Board
Vacancies
Appointments**

A report was read from the Finance Committee under date of October 29, 2009 that it considered the information furnished by Beverly T. Craven, Clerk of Council and Joe

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Dawson, County Attorney, regarding vacancies on the Charleston County Disabilities and Special Needs Board. It was shown that at the County Council Meeting of October 6, 2009, Council voted to recommend to the Governor the appointment of four new Members to the Disabilities and Special Needs Board. It was pointed out that in July, 2009, Council had made a recommendation to the Governor for an appointment to this Board and as of this time, no response has been received regarding this appointment. It has been brought to the Clerk's attention that there are two additional resignations on the Disabilities Board that need to be filled. The Clerk was requesting that permission be given not to advertise for the two additional vacancies, but for Council to consider filling the two vacancies from the twenty applications that were not acted on at the October 6th Council Meeting. The County Attorney was questioned regarding this procedure and advised Council that there was nothing wrong in Council recommending to the Governor appointments from the applications on file.

Council also considered the letter from Rick Magner, Executive Director of the Disabilities and Special Needs Board.

Council voted to recommend to the Governor for appointment to the Disabilities and Special Needs Board, Dr. Bartley Antine and Dr. Elizabeth Pilcher to fill the unexpired terms of Robert Baldwin and Stan Halstead.

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

**Agricultural
Issues
Advisory
Committee
Request to
Appoint**

A report was read from the Finance Committee under date of October 29, 2009, that it considered the information furnished by Alan O'Neal, County Administrator, and Dan Pennick, Director of the Zoning and Planning Department, regarding a group of citizens involved in agriculture in Charleston County, who have been meeting, to identify ways to foster agriculture and agri-businesses. It was stated that the group has met six times since November, 2008, and has created a list of major issues to be addressed to preserve and protect agriculture lands and agri-business in the County.

Committee recommended that Council approve establishment of a County Council Agricultural Issues Advisory Committee to foster agriculture and agri-business in Charleston County and that the Chairman shall appoint two interested County Council Members to have oversight of the Advisory Committee which shall include individuals interested in agricultural and agri-business issues.

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

**Lawrimore
Park
Award of Bid**

A report was read from the Finance Committee under date of October 29, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for the construction of the Charleston County Judicial Center Complex Courtyard/Lawrimore Park, which is located between the Historic Courthouse and the O. T. Wallace County Office Building.

Committee recommended that Council authorize award of the bid for the construction

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of the Charleston County Judicial Center Complex Courtyard/Lawrimore Park to the lowest responsive and responsible bidder, Wildwood Contractors, Inc., in the amount of \$282,969.00, with funds coming from the Capital Projects Construction Fund.

Mr. Summey moved approval of Committee recommendation, seconded by Ms. Condon.

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

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

The vote being five (5) ayes and four (4) nays, the Chairman declared the motion to have passed.

**Personnel
Policy
Political
Activities
Request to
Amend**

A report was read from the Finance Committee under date of October 29, 2009 that it considered the information furnished by Joe Dawson, County Attorney, at the request of Council Member Paul Thurmond, regarding Council's Personnel Policies and Procedures regarding Political Activities.

Committee recommended that Council make the following changes to the Charleston County Personnel Procedure/Political Activities Number 4.70:

Additions, Permitted Activities:

1. Be candidates in partisan elections provided that the provisions of Section F of this Policy are strictly complied with.
2. Take part in political campaigns in partisan and non-partisan elections.
3. Be a candidate for a political party office.
4. Section E, covered by the Federal Hatch Act.

Under C. Legal Department:

2. Review Hatch Act implications regarding employees desiring to seek partisan office.

Deletions, Prohibited Activities:

1. Be a candidate for elective office in a partisan election
2. Take active part in political management and political campaigns in partisan elections
3. Be a candidate for any political party office.

Section F to read as follows:

Employees who are principally employed in connection with programs financed in whole or in part by federal funds are prohibited by the federal Hatch from being candidates in partisan elections. An employee who desires to seek office in a partisan election must consult with his or her department head and the Legal Department to determine whether the employee is in a position covered by the Hatch Act. At the discretion of the Legal Department, the employee and County may be required to obtain an advisory opinion from the U. S. Office of Special Counsel.

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

The Chairman stated that the last issue on Council's agenda Computer Implementation/Clerk of Court – Request for Approve had been removed from the Agenda and would be handled at the Administrator level.

**Public
Forum**

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

Mr. David Coe, again spoke to Council regarding the personal property tax money that is being lost by the County not pursuing tax collection on boats anchored in Charleston Harbors.

Mrs. Peggy Moseley, Charleston County Auditor told Council and the audience what her office is doing and has been doing to assure that the County is collecting personal property taxes on boats anchored in Charleston Harbors.

Charles Karesh and Jim Bush of the Animal Society, Carol Linville Of Pet Helpers, Diane Straney of Lindan Circle and Sara Boyd a West Ashley Veterinarian, thanked Council for taking action on the Free Roaming Cat Program.

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

Mr. McKeown congratulated Charleston County Economic Director, Steve Dykes and Joe Taylor, State Commerce Secretary on all their efforts to bring the Boeing Company to Charleston.

Ms. Condon thanked Steve Dykes and assured him that Council would do everything in its power to give him the tools he needs to do his job properly.

The Chairman said that Council had been awarded a plaque by iTN Charleston Trident in grateful appreciation for outstanding financial support for its dignified transportation for seniors program.

Mr. Pryor thanked Council Member Condon for accepting the award on behalf of County Council.

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

Beverly T. Craven
Clerk of Council