

Charleston, SC
November 3, 2011

A regular meeting of County Council of Charleston County was held on the 3rd day of November, 2011 at 5:20 p.m. in the Council Committee Room, 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 E. Darby; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey.

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

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.

An Ordinance approving and authorizing the issuance of not exceeding \$18,000,000 General Obligation bonds by the North Charleston Sewer District was given third reading by title only.

**North
Charleston
Sewer District
GO Bonds**

Ordinance 3rd
Reading

AN ORDINANCE
MAKING A FINDING PURSUANT TO SECTION 6-11-860,
CODE OF LAWS OF SOUTH CAROLINA 1976, AS
AMENDED, THAT NORTH CHARLESTON SEWER
DISTRICT COMMISSION SHOULD BE AUTHORIZED TO
ISSUE NOT EXCEEDING \$18,000,000 GENERAL
OBLIGATION BONDS OF NORTH CHARLESTON SEWER
DISTRICT.

WHEREAS, the County Council of Charleston County ordered a public hearing held on Thursday, November 3, 2011, to hear from proponents and opponents to the issuance of not exceeding \$18,000,000 General Obligation Bonds (the "Bonds") of North Charleston Sewer District (the "District"); and

WHEREAS, the said hearing has been duly held and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189 of 1974, as amended by Act No. 212 of 1975, now codified as Article 5, Chapter 11, Title 6 of the Code (hereinafter collectively called the "Enabling Act") to make a finding as to whether and to what extent the Bonds should be issued;

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

SECTION 1: The County Council hereby authorizes the District to issue the Bonds in the aggregate principal amount of not exceeding \$18,000,000 for the purpose of providing funds to defray the cost of certain additions, extensions and

improvements to the wastewater collection and treatment system owned and operated by the District, as well as costs of issuance.

For the payment of the principal of and interest on the Bonds, as they respectively mature, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the District sufficient, after considering revenues applied to such purpose by the District, to pay such principal of and interest on the Bonds as they respectively mature.

SECTION 2: After the third reading of this Ordinance as provided for by Section 4-9-120 of the Code, there shall be forthwith published once a week for three successive weeks in *The Post & Courier*, a newspaper of general circulation in Charleston County, a notice of the aforesaid action taken by the County Council in substantially the form of Exhibit "A" attached hereto as required by Section 6-11-870 of the Code.

SECTION 3: No election shall be required in connection with the issuance of the Bonds authorized hereinabove.

SECTION 4: After its final adoption a certified copy of this ordinance, which is being adopted pursuant to the requirements of Article I, Chapter 9, Title 4, of the Code in lieu of the Resolution provided for under Section 6-11-860 of the Code, shall be forthwith transmitted to the District to advise it of the action taken by the County Council, whereby the District is authorized to issue, pursuant to the provisions of the Enabling Act, the Bonds in the aggregate principal amount of not exceeding \$18,000,000.

SECTION 5: This Ordinance shall become effective upon third reading.

EXHIBIT A

NOTICE OF THE ACTION OF THE COUNTY COUNCIL OF CHARLESTON COUNTY IN CONNECTION WITH THE ISSUANCE OF NOT EXCEEDING \$18,000,000 GENERAL OBLIGATION BONDS OF NORTH CHARLESTON SEWER DISTRICT PURSUANT TO ARTICLE 5, CHAPTER 11, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.

NOTICE IS HEREBY GIVEN that County Council of Charleston County, pursuant to Section 6-11-860, Code of Laws of South Carolina 1976, as amended, has made a finding, by ordinance duly adopted, following public hearing held on Thursday, November 3, 2011, that North Charleston Sewer District (the "District") should be authorized to issue not exceeding \$18,000,000 General Obligation Bonds of the District (the "Bonds") to provide funds to defray the cost of certain additions, extensions and improvements to the wastewater collection and treatment system owned and operated by the District, as well as costs of issuance.

NOTICE is further given that the Bonds shall be secured by the irrevocable pledge of the full faith, credit and taxing power of the District and shall be payable from a tax on all taxable property in the District sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

No election shall be ordered in the District upon the question of the issuance of the Bonds.

BY ORDER of the County Council of Charleston County.

Publication Dates:

- November 5, 2011
- November 12, 2011
- November 19, 2011

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 amending the Zoning and Land Development Regulations to include the Highway 17 North Overlay District was given second reading by title only.

**Highway 17
North Overlay
District**

Ordinance 2nd
Reading

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
AMENDED, CHAPTER 5, OVERLAY AND SPECIAL PURPOSE
ZONING DISTRICTS, 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 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 to amend the ordinance establishing the Charleston Center Advisory Board to affirm that its duties are "advisory only" was given second reading by title only.

**Charleston
Center
Advisory
Board Duties**

Ordinance 2nd
Reading

**AN ORDINANCE
AMENDING THE FOLLOWING SECTION OF THE CHARLESTON
COUNTY CODE OF ORDINANCES, CHAPTER 11, HEALTH AND
SANITATION, ARTICLE X, ALCOHOL AND OTHER DRUG ABUSE
DEPARTMENT, SECTION 11-158, RESPONSIBILITIES AND
DUTIES**

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

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 authorizing the issuance of not exceeding \$8,000,000 General Obligation Bonds by the Saint Johns Fire District was given second reading by title only.

**Saint Johns
Fire District
GO Bonds**

Ordinance 2nd
Reading

AN ORDINANCE

FINDING THAT THE ST. JOHN'S FIRE DISTRICT, SOUTH CAROLINA, MAY ISSUE NOT EXCEEDING \$8,000,000 GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.

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

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 authorizing a fee in lieu of tax arrangement by and between Project Bahamas and Charleston County was given second reading by title only.

**Project
Bahamas
FILOT**

Ordinance 2nd
Reading

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND PMW TECHNOLOGIES, INC. D/B/A PEOPLEMATTER, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PMW TECHNOLOGIES, INC. D/B/A PEOPLEMATTER; PROVIDING FOR PAYMENT BY PMW TECHNOLOGIES, INC. D/B/A PEOPLEMATTER OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

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

The Chairman called for 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	- nay
Pryor	- aye

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

An Ordinance authorizing a fee in lieu of tax arrangement by and between Streit USA Armoring, LLC, GG Holdings, LLC, and Charleston County was given second reading by title only.

**Streit USA
Armoring, LLC
FILOT**

Ordinance 2nd
Reading

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY AND STREIT USA ARMORING, LLC AND GG HOLDINGS, LLC, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH STREIT USA ARMORING, LLC; PROVIDING FOR PAYMENT BY STREIT USA ARMORING, LLC OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

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

The Chairman called for 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.

A report was read from the Finance Committee under date of November 3, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Economic Development Director, regarding the adoption of the annual amendments to the Multi-County Industrial Park Ordinance. It was stated that since 1995, Charleston County has utilized an economic development tool known as the "multi-county industrial park" (MCIP) designation to leverage the relocations or

**Multi-County
Industrial Park
Designation**

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

expansions of over 50 companies. These companies have invested approximately \$3 Billion in Charleston County, while creating over 11,000 jobs within its borders. The MCIP agreement with Colleton County has been amended thirteen times since 1995. It was also stated that MCIP designation enhances the value of 'job tax credits' which companies can claim to partially offset their state corporate income taxes, but is tied directly to their creation of new jobs. Its use within a broader package of other county and state-level financial incentives has historically helped to further strengthen the business case for many companies to relocate or expand in Charleston County vis-à-vis other competing local, state, national and even international locales.

It was shown that during 2010 and 2011, the Economic Development Director committed to the use of MCIP designation as a portion of the financial incentives packages to leverage relocation or expansion decisions by four companies, including TIGHITCO, Immedion, Streit USA Armoring, LLC, and another soon-to-be-announced company and that new capital investment from these four new economic development projects is projected to be approximately \$32 million, with the creation of nearly 500 new jobs anticipated. These new jobs are projected to add an estimated \$16 million in additional annual payroll into the Charleston economy.

Committee recommended that Council approve and give first reading to an ordinance amending Ordinance 972, adopted on September 19, 1995 (as previously amended) to add the real and business property owned by TIGHITCO, Immedion, Streit USA Armoring, LLC, and another soon-to-be-announced company.

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

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

AN ORDINANCE

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

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

**Heavy Duty
Backhoe/Loader**

Award of Contract

A report was read from the Finance Committee under date of November 3, 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 contract for the purchase of a heavy duty backhoe/loader for use at the Bees Ferry Landfill. It was stated that the heavy duty backhoe/loader will be used for cleaning ditches, loading materials, moving pallets of electronic waste and sweeping

pavement at the Bees Ferry Landfill Environmental Management Department. The heavy duty backhoe/loader is a critical machine to the landfill operation and will enhance the approval of our working plan in the monthly inspections by SCDHEC.

It was shown that sealed bids were received in accordance with the terms and conditions and that the lowest responsive and responsible bidder meeting specifications was found to be Hills Machinery Company, of North Charleston, SC, in the amount of \$100,135.74.

Committee recommended that Council authorize award of bid for the purchase of one heavy duty four (4) wheel drive backhoe/loader to be utilized by the Environmental Management Department at the Bees Ferry Landfill to the lowest responsive and responsible bidder, Hills Machinery Company, of North Charleston, SC, in the amount of \$100,135.74 with the understanding that funds are available in the FY 2012 Environmental Management Department budget.

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

**Willtown
Community
Sidewalk
Project**

Award of
Contract

A report was read from the Finance Committee under date of November 3, 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 contract for the Willtown Community Sidewalks Project. It was stated that the project will consist of installing approximately 5,650 feet of sidewalk along Parkers Ferry Road (S-10-38) from Old Jacksonboro Road to Penny Creek Road and from Anderson Road to approximately Sam Simmons Road and that work shall include clearing, excavation, sub-grade preparation, grading, asphalt paving, sidewalk installation, storm drainage improvements, erosion and sedimentation control, maintenance of traffic during construction, roadway signing, pavement striping and associated appurtenances.

It was shown that sealed bids were received in accordance with the terms and conditions of IFB No. 4574-12L, that the mandatory SBE utilization for this solicitation is 12.2% and the DBE goal is 20%, and that the lowest responsive and responsible bidder meeting specifications was found to be Celek & Celek Construction Company, of Hollywood, SC, in the amount of \$577,011.45. It was also shown that a lower bidder, Plowden Construction Company withdrew its bid, and that Celek & Celek amended its bid to match the price of L&J, Inc. of Columbia, SC, in compliance with the County's local preference procurement option.

Committee recommended that Council authorize award of a contract for Willtown Community Sidewalks to Celek & Celek Construction, the third lowest responsive and responsible bidder, in the amount of \$577,011.45 with the understanding that funding is available in the roads portion of the Transportation Sales Tax.

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

**Consolidation
Referendum**

Recommendation

A report was read from the Finance Committee under date of November 3, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, County Attorney Joe Dawson, and the discussion of the members of the Finance Committee regarding the advisory referendum question that was passed by the voters of Charleston County in the 2010 General Election which asked:

“Should Charleston County Council appoint a consolidated government charter commission for the purpose of preparing a proposed charter to establish county-wide consolidation of local government function or functions?”

Committee recommended that Council authorize the Chairman of County Council to appoint 5 members of County Council to a committee whose duties and responsibilities will be to establish the parameters and needs of consolidation issues in Charleston County and whose recommendation will come back to full Council for approval before appointing a citizens committee to look into consolidation of some government functions within Charleston County.

Mr. Summey moved committee recommendation, seconded by Mr. Rawl, and carried.

Chairman Pryor announced that he would make the following appointments to this Consolidation Committee:

A. V. Rawl – Chairman
 Anna B. Johnson – Vice Chairwoman
 Colleen Condon
 Henry Darby
 Herb Sass

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

**Public
Forum**

Mr. Summey asked about the status of the real property tax bills. Assistant Administrator for General Services Walt Smalls and Director of Technology Services Donnie Giacomo provided some information about the tax bills and the Manatron program. Chairman Pryor asked the County Administrator to send a letter to County Auditor Peggy Moseley inviting her to attend Council's Finance Committee of November 10, 2011, in order to provide Council with additional information regarding the status of the real property tax bills.

Ms. Johnson stated that she had met with Walt Smalls and representatives from the Small Business Development Center and the Trident One Stop regarding the possibility of the County leasing unused office space at the County's Saint Pauls Service Center to the Small Business Development Center and the Trident One Stop on a one year trial basis and requested that this item be placed on the Finance Committee agenda of November 10, 2011.

The Chairman asked if any member of the audience wished to address Council.

November 3, 2011

Mr. Graham Finch addressed Council regarding a hardship acquisition for his residential property which is in the path of the proposed Mark Clark Expressway Completion Project. Chairman Pryor asked that this item be placed on the Finance Committee agenda of November 10, 2011.

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

Beverly T. Craven
Clerk of Council