

Charleston, SC
December 6, 2011

A regular meeting of County Council of Charleston County was held on the 6th day of December, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

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

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

Mr. Summey moved approval of the minutes of November 15, 2011, seconded by Mr. Sass, and carried.

An Ordinance authorizing a fee-in-lieu-of-taxes arrangement between Charleston County and TIGHITCO was given third 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 BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND TIGHITCO INC.; AND MATTERS RELATING THERETO.

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

WHEREAS, the County and the Company desire to enter into a Fee Agreement, as defined in the Act, concerning the Company's investment in Charleston County for the purpose of the development of approximately 25 acres in Palmetto Commerce Park for the purposes of the design, fabrication and repair of engineered components and integrated systems for aerospace and industrial applications (which properties constitute a project under the Act and are referred to hereinafter as the "Project"). The Project is expected to provide significant economic benefits to the County and surrounding areas with its approximately \$14.5 million capital investment and the creation of

**TIGHITCO
Financial
Incentives**

Ordinance 3rd
Reading

approximately 300 jobs. In order to induce the Company to locate the Project in the County, the County hereby agrees to charge a fee-in-lieu of taxes with respect to the Project and otherwise make available to the Company the benefits intended by the Act;

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

WHEREAS, it appears that the document above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered or approved by the County for the purposes intended;

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

Pursuant to the Act, and particularly Section 12-44-40(H) and (I) thereof, and based on information supplied to the County by the Company, the County Council has made and hereby makes the following findings:

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

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

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

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

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

Having evaluated the purposes to be accomplished by the Project as proper governmental and public purposes, the anticipated dollar amount and nature of the investment to be made, and the anticipated costs and benefits to the County, the County has determined that the Project, based on factual representations to the County by the Company, will be properly classified as economic development property.

December 6, 2011

In order to promote industry, develop trade and utilize the workers, agricultural products and natural resources of the State, the form, terms and provisions of the Fee Agreement which is before this meeting and filed with the County Administrator is hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. In sum, the Fee Agreement establishes a 6% assessment ratio for real and personal property for a term of 20 years, locks in the applicable mileage rate for the 20 year term, and also provides for a 30% Special Source Revenue Credit on real and personal property for the 20 year term. The Chair of the County Council is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be not be materially adverse to the County or the Company and as shall be approved by the officials of the County executing the same, upon advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

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

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

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

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

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

DONE, RATIFIED AND ADOPTED this 6th day of December, 2011.
CHARLESTON COUNTY, SOUTH CAROLINA

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	- abstain
Pryor	- aye

The vote being eight (8) ayes and one (1) abstention, the Chairman declared that the ordinance had passed second reading. Council Member Summey abstained from voting on this issue citing a conflict of interest and filed a conflict of interest statement with the Clerk of Council.

An ordinance authorizing a fee-in-lieu-of-taxes arrangement between Charleston County and Cummins, Inc. was given third reading by title only.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND CUMMINS, INC.; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES

**Cummins
Financial
Incentives**

Ordinance 3rd
Reading

WHEREAS, Charleston County, South Carolina (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 Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute "projects" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") and will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee in lieu of tax agreement, as defined in the Act, with respect to such project; and

WHEREAS, Cummins, Inc. or its assignee (the "Company") has requested the County to participate in executing a fee in lieu of tax agreement (the "Fee Agreement") pursuant to the Act related to the Company's acquisition

December 6, 2011

by purchase, lease and construction certain real and personal property for the purpose of a research and development facility in the County which involves an investment of approximately Twenty-Five Million Dollars (\$25,000,000) and the creation of approximately 43 new jobs (the "Project"), and to that end, the County Council by its Resolution adopted on August 16, 2011 gave preliminary approval thereto; and

WHEREAS, the County has determined on the basis of the information provided to by the Company that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company which includes the agreement for payment of a payment-in-lieu of tax; and

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

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

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to locate a research and development facility in the State and the acquisition by the Company of real and personal property related thereto, is hereby authorized, ratified and approved.

Section 2. It is hereby found, determined and declared by the County Council, as follows:

(a) Based solely upon representation of the Company, the Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;

(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;

(c) The Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally;

(d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either;

(e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;

(f) The inducement of the location of the Project within the County and State is of paramount importance; and,

(g) The benefits of the Project will be greater than the costs.

Section 3. The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of up to twenty (20) years from the date of each of the annual capital investments made under the Fee Agreement for the first five years and any extension of the investment period. The amounts of such payments shall be determined by using an assessment ratio of 6%, a millage rate of 273.8, which millage rate shall be a fixed rate for the duration of the Fee Agreement, and the fair market value as determined pursuant to the Act and Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended.

The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Chairman of the County Council is and he is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Sponsors. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

December 6, 2011

Section 4. The Chairman of the County Council and the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and in full force from and after its passage and approval.

Passed and approved this 6th day of December, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

First Reading: August 16, 2011
 Second Reading: September 13, 2011
 Public Hearing: December 6, 2011
 Third Reading: December 6, 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 authorizing the granting of special source credits for Cummins, Inc. was given third reading by title only.

AN ORDINANCE AUTHORIZING THE GRANTING OF CERTAIN SPECIAL SOURCE CREDITS BY CHARLESTON COUNTY, SOUTH CAROLINA TO CUMMINS, INC.

**Cummins
Special Source
Credits**

Ordinance 3rd
Reading

WHEREAS, Charleston County (the "County") is authorized by Sections 4-29-68 and 4-1-175 of the Code of Laws of South Carolina, 1976, as amended (the "Code") to provide infrastructure tax credits (the "Infrastructure Credits"), secured by and payable solely from revenues of the County from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution and Section 4-12-30 of the Code, for the purpose of defraying a portion of the cost of designing, acquiring, constructing, improving or expanding the infrastructure serving the County in order to enhance the economic development of the County; and

WHEREAS, in accordance with the provisions of an Inducement Resolution approved on August 16, 2011, Cummins, Inc. (the "Company") has determined that it desires to construct a research and development facility, which facility will consist of certain land, buildings and equipment associated with the infrastructure (the "Infrastructure") to be owned, leased or used by the Company and to be located on the real property described in Exhibit A attached hereto (the "Project"); and

WHEREAS, pursuant to the provisions of the fee-in-lieu of tax agreement (the "Fee Agreement") to be entered into between the Company and the County pursuant to Title 12, Chapter 44 of the Code, the Company is obligated (i) to make or cause to be made payments in lieu of taxes ("Fee Payments") with respect to the machinery and equipment portion of the Project (the "Personal Property Project"), (ii) to maintain the Personal Property Project in good repair at its own expense and (iii) to carry all proper insurance with respect thereto; and

WHEREAS, having determined that the Project will provide public benefits incident to conducting industrial operations, and in order to implement the public purposes enumerated in Title 12, Chapter 44 of the Code and in furtherance thereof to assist the Company, its sublessee, assignee or transferee in expanding and maintaining an industrial facility within the State of South Carolina, the County has agreed to assist in financing a portion of the costs of the Infrastructure through the granting of special source revenue credits (the "Special Source Credits") in an amount equal to fifteen percent (15%) of the total Fee Payments expected to be paid by the Company pursuant to the Fee Agreement, provided that the total value of the Special Source Credits may not exceed \$300,000 in the aggregate or \$75,000 in any single year; and

NOW, THEREFORE, BE IT ORDAINED by Charleston County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State of South Carolina by assisting the Company to locate an industrial facility in the State of South Carolina, the financing of the Infrastructure by the County through the granting of the Special Source Credits is hereby authorized, ratified and approved.

Section 2. Pursuant to the authority of Title 4, Chapters 1 and 29 of the Code, there is hereby authorized to be provided, and shall be provided, Special Source Credits of the County in the amount of fifteen percent (15%) of the total Fee Payments expected to be made during the duration of the Fee Agreement. The Special Source Credits will be received by the Company during the first four tax years following (1) certification by the Department of Revenue that the Company has invested at least \$18,000,000 in the Personal Property Project and that the Company's most recent annual payroll for the new employees was at least \$2,670,000 or (2) the conclusion of the investment period under the Fee Agreement. If the Company's total investment in the Personal Property Project is at least \$16,000,000, but less than \$18,000,000, and the Company's annual payroll for the new employees is at least \$2,390,000, the amount of the Special Source Credits shall be equal to ten percent (10%) of the expected Fee Payments to be made by the Company. The County's Special Source Credits in each of the second, third and fourth years will be recalculated to equal the net amount due following subtraction of the amount of Special Source Credits received by the Company during the previous year(s).

The County will rely on information obtained annually from SC Department of Revenue to monitor the capital investment assets which have been placed into service in association with the Personal Property Project. In order for the County to ensure that required minimum additional annual payroll is in place, the Company will issue a letter on Company letterhead after approval of the Fee Agreement establishing the employment headcount and annual payroll which is in place at the outset of the Project to serve as a benchmark. The Company will then follow up with an additional letter at the time that it notifies the County of its intention to begin receiving the Special Source Credits as described in the paragraph above. The Company may be asked to supply this information in subsequent years in the event that the annual payroll has increased and the Company seeks the higher percentage of Special Source Credits.

Nothing in this Ordinance shall be construed as an obligation or commitment by the County to expend any of its funds other than the portion of Fee Payments represented by the Special Source Credits derived by the County which shall be reimbursed to the Company, its sublessee, assignee or transferee following the payment of the Fee Payments to the County.

December 6, 2011

The County has determined that the purposes to be accomplished by the Project are proper governmental and public purposes and that the inducement of the location of the Project within the State of South Carolina is of paramount importance and the benefits of the Project are greater than the cost, and that the Project is anticipated to benefit the general public welfare of the County in that the proposed Project will provide services, employment, and other public benefits not otherwise provided locally; and that the Project will give rise to no pecuniary liability of the County, or a change against its general credit or taxing power.

Section 3. The Chairman of the County Council and the Clerk to the County Council and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Passed and approved this 6th day of December, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

First Reading: August 16, 2011
 Second Reading: September 13, 2011
 Public Hearing: December 6, 2011
 Third Reading: December 6, 2011

EXHIBIT "A"

DESCRIPTION OF LAND

All that certain piece, parcel or tract of land, lying and being in the City of North Charleston, County of Charleston, State of South Carolina, measuring and containing 96.58 acres, more or less, and being bounded on the north by Wando Woods Subdivision, on the East by the lands of JRC S.C. Office Properties Investors Limited Partnership, lands of Korridor Capital Investments,

Inc., and lands of Faber Center, LLC, on the South by the lands of Armada/Hoffler Charleston Associates, and the northern end right-of-way of Leeds Avenue (S-10-475) and on the West by the western end right-of-way of Riverwalk Drive (a private road), the lands of Plantation Isle, LLC and being shown on plat of survey entitled, "ALTA/ACSM Land Title Survey Prepared for Cummins Engine Company" prepared by General Engineering, dated June 2002, revised August 16, 2002 and recorded in the Office of the Register of Deeds for Charleston County, South Carolina in Plat Book EG at Page 3-9, reference to which is hereby made for a metes and bounds description thereof.

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

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

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

**Multi-County
Industrial Park
Amendments**

Ordinance 3rd
Reading

accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "**Act**"); and

WHEREAS, the Original Agreement was initially approved by Charleston County Council Ordinance 972, adopted September 19, 1995; was further amended from time-to-time to add or remove property to the Park; and, in particular, was substantively amended by that First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the "First Modification"), which First Modification was approved by Charleston County Council Ordinance 1475, adopted December 5, 2006; and by Colleton County Council Ordinance 06-R-20 adopted January 2, 2007; and

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

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

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

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

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

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

SECTION 3. This amendment to the Agreement shall become effective on the date of the later of (i) enactment of this Ordinance by the Charleston County Council, after third and final reading and public hearing, (ii) adoption of a resolution by Colleton County Council approving expanding the Park premises to add the property described in **Exhibit A**, and (iii) adoption of a resolution by North Charleston City Council consenting to the inclusion in the Park premises of the property described in **Exhibit A**. The North Charleston City Council and Colleton County Council have been requested to give their respective approvals to this amendment by resolution.

SECTION 4. Should any part of this ordinance be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said

December 6, 2011

offending section shall be void and of no effect and shall not render any other section herein, nor this ordinance as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination, or expiration hereof shall be deemed to survive.

CHARLESTON COUNTY, SOUTH CAROLINA

First Reading: November 3, 2011
 Public Hearing: December 6, 2011
 Second Reading: November 15, 2011
 Third Reading: December 6, 2011

Exhibit A

PROPERTY DESCRIPTION CHARLESTON COUNTY ADDITIONAL PARCELS

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

Parcels to be Added	Legal Description	Initial Tax Year
TIGHITCO INC.	Tract B-3-2 Weber USA Corporation Tract located in the City of North Charleston TMS#393-00-00-133	2012
Immedion	TMS# 393-00-00-133	2012
Streit USA Armoring, LLC	TMS# 393-00-00-135	2012
Project Saffron	TMS# 475-15-00-011	2012

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.

RedistrictingOrdinance 2nd
Reading

The next item on the agenda was second reading of an ordinance to provide for the adoption of a nine single member district reapportionment plan for Charleston County Council as required by the data collected in the 2010 census.

Mr. Summey moved that Council give second reading to the ordinance including maps 1B and 2B at this time and allow for amendments to the ordinance at third reading. The motion was seconded by Ms. Condon.

Mr. Schweers stated that he did not like the idea of choosing one map at third reading and immediately giving the ordinance final approval. Mr. Summey withdrew his motion.

Mr. Schweers moved that Council give second reading to the ordinance including map 1B for the redistricting option. The motion died for lack of a second.

Ms. Condon moved that Council give second reading to the ordinance including map 2B for the redistricting option. The motion died for lack of a second.

Mr. Summey moved that Council give second reading to the ordinance including maps 1B and 2B at this time and allow for amendments to the ordinance at third reading. The motion died for lack of a second.

Mr. Summey stated that he is in favor of either plan, so he is hoping that Council would move forward with both options and hopefully there would be some consensus as to which map option is preferred at third reading.

Mr. Qualey stated that he had always been under the impression that the redistricting process would be fluid until the final reading. Mr. Schweers stated that he still preferred to choose some map option prior to second reading in order to give time for consideration before final approval.

Ms. Condon asked the County Attorney what other jurisdictions had done to select redistricting maps. Mr. Dawson stated that he was unaware what process other jurisdictions had undertaken.

Mr. Summey moved that Council give second reading to the ordinance including maps 1B and 2B at this time and allow for amendments to the ordinance at third reading. The motion was seconded by Ms. Condon.

Ms. Johnson asked what criteria Council had approved for redistricting. Mr. Dawson stated that at its meeting of September 27, 2011 Council agreed to:

Adhere to the Constitutional requirement of one person, one vote and do so by adhering to a state law population deviation of less than 10%

Adhere to the provisions of Sections 2 and 5 of the Voting Rights Act and relevant Court decisions.

Ensure that districts are contiguous and compact

Maintain, to the extent possible, boundaries of existing districts

Respect Communities of Interest

Avoid splitting voting precincts

Avoid incumbent conflicts, if possible

Solicit public input

Ms. Johnson stated that she did not believe that either 1B or 2B met criteria number 2 in that there are not three majority minority districts in either of those plans.

Mr. Rawl asked what motion was on the floor. The Chairman stated that the motion on the floor was that Council give second reading to the ordinance including maps 1B and 2B at this time and allow for amendments to the ordinance at third reading.

Mr. Schweers asked which map had been the first option the County Attorney's office had developed when Council charged him with drawing the districts based on the criteria. Mr. Dawson stated that he could not recollect which option had been developed first, but that four options were presented to Council simultaneously and that since that time had been narrowed down to 1B and 2B. Mr. Schweers requested that at the next public hearing the map options be displayed on the projectors in Chambers so that everyone could be looking at the options at the same time.

Mr. Darby stated that he is looking forward to the day when we can get rid of racial adjectives. He wants to be able to say "I am an American" and not "I am an African-American". He said he thought the lines that are presented were drawn for personal, political, and provincial interests so that members of Council could be re-elected.

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

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

The Chairman declared that the motion had failed by a vote of three (3) ayes and six (6) nays.

Ms. Condon moved that Council hold a workshop and invite interested groups to participate in drawing the lines. The motion died for lack of a second.

Mr. Rawl moved that Council give second reading to the ordinance including map 1B for the redistricting option with the right to make amendments at third reading. The motion was seconded by Mr. Summey.

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

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

The Chairman declared that the motion had passed by a vote of six (6) ayes and three (3) nays.

An ordinance to provide for the adoption of a nine single member district reapportionment plan for Charleston County Council was given second reading by title only.

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

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 second reading of the ordinance. The roll was called and the votes were recorded as follows:

Condon	- aye
Darby	- nay
Johnson	- aye

Qualey	- nay
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Pryor	- nay

The Chairman declared that the ordinance had passed second reading with a vote of six (6) ayes and three (3) nays.

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

AN ORDINANCE

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

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

Ordinance 2nd
Reading

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 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 Chairman declared that the ordinance had passed second reading with a vote of nine (9) ayes.

An Ordinance authorizing an amendment to the fee agreement between Charleston County and TWL Precision, Inc. was given second reading by title only.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA, AND TWL PRECISION, INC., ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR AN EXTENSION OF THE INVESTMENT PERIOD, PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS,

**TWL Precision
Financial
Incentives**

Ordinance 2nd
Reading

ALLOCATE FEES-IN-LIEU OF TAXES UNDER A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK AGREEMENT; AND OTHER RELATED MATTERS.

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 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 Chairman declared that the ordinance had passed second reading with a vote of nine (9) ayes.

A report was read from the Planning and Public Works Committee under date of December 6, 2011, that it had considered the information furnished by Allen O'Neal, County Administrator, and Jim Neal, County Attorney, regarding a request to authorize assignment of a 20' drainage easement located off Chuck Dawley Boulevard, to the Town of Mount Pleasant, as requested by the town. It was stated that the Town of Mount Pleasant had requested that Charleston County Council assign a 20' drainage easement to the Town.

**20' Drainage
Easement/
Jurisdictional
Change**

Request to
Approve

It was shown that this easement, located off Chuck Dawley Boulevard, follows a local ditch and adjoins an existing 15' Town drainage easement on adjacent properties and that once the easement has been assigned to the Town, the Town would assume control of it and this portion of the Shem Creek drainage system would then be under the Town's jurisdiction.

Committee recommended that Council authorize assignment of the 20' drainage easement in its entirety to the Town of Mount Pleasant, contingent on the County and Town executing the necessary documents within twelve (12) months.

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

A report was read from the Planning and Public Works Committee under date of December 6, 2011, that it had considered the information furnished by Allen O'Neal, County Administrator, Kurt Taylor, Deputy County Administrator, and

Jim Neal, Public Works Director, regarding Charleston County's rural roads program. It was stated that there is an increasingly urgent demand to improve the unpaved earth roads in Charleston County, particularly the County's "community roads." Funding is very limited for road improvements not pre-identified and slated under existing programs.

There are approximately 300 community roads in Charleston County. The Public Works Department maintains them as a service to the community on an irregular basis in accordance with the 1965 County Council policy.

A new County non-standard road category was developed for the Charleston County Road Code to allow roads that do not meet current standards to be brought into the County maintenance system, while imposing restrictions on potential development unless improved to a County standard road. If the change to the Road Code is approved, it would allow community roads to be brought into the County maintenance system.

Significant staff work is required to bring these roads into the County maintenance system, including notification and consultation with landowners, surveying, plat preparation, research mapping, and documenting right-of-way. When brought into the system, considerable field work may be required to bring individual roads to an acceptable standard.

Committee recommended that Council:

1. Rescind the Charleston County Community Road Policy of April 1965.
2. Approve the amendments to the Charleston County Road Code as attached that establish a new category of County public road and updates road signage requirements.
3. Approve new policy:

All roads on the attached list entitled "Charleston County Community Roads" shall be deemed public roads.

4. Staff is directed to perform the necessary work to document and confirm each road's status. Staff is further directed to take the necessary steps to add them to the County maintenance system.

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

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

The items on the consent agenda are as follows:

**Charleston
County
Community
Roads**

Request to
Approve

December 6, 2011

**2011 State
Homeland
Security Grant
(Sheriff)**

Request to
Approve

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Sheriff J. Al Cannon, Jr., regarding the acceptance of a 2011 State Homeland Security Grant administered by the Department of Homeland Security. It was stated that the grant provides funding for the enhancement of information/intelligence collection, analysis and sharing by an established Intelligence Analyst. The grant program is also providing funding for the Bomb Squad's equipment enhancement to the robotic vehicle and remote control system. The 2011 State Homeland Security Grant Program has awarded funding to the Charleston County Sheriff's Office in the amount of \$75,000.00 for the Intelligence Analyst and \$80,000.00 for the Bomb Squad's robotic equipment. Total grant funding is in the amount of \$155,000.00.

The Sheriff's Office is requesting to use this award funding in support of detecting security threats and preventing terrorist attacks from occurring in the Charleston area. The grant period will run from November 1, 2011, until October 31, 2012.

Committee recommended that Council Allow the Sheriff's Office to accept funds from the 2011 State Homeland Security Grant Program in the amount of \$155,000.00 with the understanding that funding is designated for enhancement of the Bomb Squad's robotic vehicle and the continuity of the Intelligence Analyst function; the grant period will run from November 1, 2011, until October 31, 2012; the Intelligence Analyst is a grant funded position and this funding will allow for the continuation of the prevention and detection of terroristic related activities; that if approved, this will be the third year of funding the Intelligence Analyst position; and that when the grant expires, the funding for the position will be absorbed in the Sheriff's budget.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Coroner Rae Wooten, regarding a request to apply for a Paul Coverdell Forensic Science Grant from the South Carolina Department of Public Safety. It was stated that this grant program provides funding to improve the quality and timeliness of forensic service and medical examiner services to reduce the number of backlogged cases and/or improve the quality of forensic services.

**Paul Coverdell
Forensic
Science Grant
(Coroner)**

Request to
Approve

The Coroner is requesting \$30,000.00 from the SC Department of Public Safety to purchase a mortuary cooler/refrigerator and body tray system which will improve the quality of forensic science/coroner services. The funds will be used to purchase the unit and additional accessories for the unit. Currently Charleston County does not have any type of mortuary cooler or refrigeration capability. Human remains are currently stored and housed at a local hospital.

No match is associated with this request. There are no grant funded FTE's associated with this request as this request is only for equipment, supplies and training. The grant period is April 1, 2012 through September 30, 2012.

Committee recommended that Council approve the Coroner's request to apply to the SC Department of Public Safety, Paul Coverdell Forensic Science Improvement Grant Program FY 2011 Special Solicitation with the understanding that the request is in the amount of \$30,000.00 to purchase a mortuary cooler and body tray system, no match is associated with this grant, the grant period is April 1, 2012 through September 30, 2012, and that there is no ongoing commitment for the County associated with this request.

A report was read from the Finance Committee under date of December 6, 2011, that it had considered the information furnished by Allen O'Neal, County Administrator, and Coroner Rae Wooten, regarding an application for Justice Assistance Grant to fund a Special Forensic Investigator and to purchase equipment and supplies needed to set up an Evidence Management System. It was stated that this grant program provides funding to assist units of local government in carrying out specific programs which offer high probability of improving the functioning of the criminal justice system.

**Justice
Assistance
Grant
(Coroner)**

Request to
Approve

The Charleston County Coroner's Office is seeking funding to set up and manage an Evidence Management System as required by the Preservation of Evidence Act (Title 17, Chapter 28, Article 3 of the South Carolina Code of Laws known as the Preservation of Evidence Act) and to fund a Special Forensic Investigator who will set up, organize and develop operational guidelines for the Evidence Management System.

The Coroner is requesting \$70,000 from the Justice Assistance Grant Program to fund a Special Forensic Investigator and to purchase equipment and supplies needed to set up an Evidence Management System.

The matching requirement for grants made under the JAG grant program is 90% federal and 10% non-federal. There is 1 grant funded FTE's associated with this request. The grant period is July 1, 2012, through June 30, 2013.

Committee recommended that Council approve the Coroner's request to apply for the Justice Assistance Grant Program with the understanding that the request is in the amount of \$70,000 to set up and manage an Evidence Management System as mandated by the "Preservation of Evidence Act", if application is successful, the 10% match required for the grant will need to be determined, there is a 1 grant funded FTE associated with this request, the grant period is July 1, 2012 through June 20, 2013, and that there is no ongoing commitment for the County associated with this request.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information provided by Allen O'Neal, County

December 6, 2011

**ARRA State
Financial
Stabilization
Funds
(Solicitor)**

Request to
Approve

Administrator, and Ninth Circuit Solicitor Scarlett Wilson regarding the acceptance of a pass-through federal award from the SC Commission on Prosecution Coordination. It was stated that this is a federal award in the amount of \$56,408.00 from the South Carolina Commission on Prosecution Coordination for funding under the A.R.R.A. State Financial Stabilization Funds – Government Services program. The purpose of this federal program is to help stabilize State and local budgets in order to minimize and avoid reductions in services. The Solicitor's Office will use these funds to offset FY 2012 operational costs incurred prior to September 30, 2011.

Committee recommended that Council approve the Solicitor's Office acceptance of a pass-through federal award in the amount of \$56,408.00 from the South Carolina Commission on Prosecution Coordination for funding under the A.R.R.A. State Financial Stabilization Funds – Government Services program with the understanding that these funds will allow the Solicitor's Office to offset FY 2012 operational costs incurred prior to September 30, 2011, there is no match requirement associated with this award, there are no FTEs associated with this request, and there are no vehicles, computers, etc., (re-occurring costs) associated with this request.

**Justice
Assistance
Grant
(Solicitor)**

Request to
Approve

A report was read from the Finance Committee under date of December 6, 2011, that it had considered the information furnished by Allen O'Neal, County Administrator, and Ninth Circuit Solicitor Scarlett Wilson regarding an application for a federal pass-through Justice Assistance Grant to fund 1 Juvenile Crimes Prosecutor, 1 Juvenile Crimes Investigator, and 1 Prosecutor for Drug Crimes and Violent Crimes. It was stated that the JAG grant has been awarded to the Solicitor's Office for the past three fiscal years.

The grant is through the South Carolina Department of Public Safety's Office of Justice Programs for a Justice Assistance Grant Program grant in the amount of approximately \$221,367. This grant has a 10% cash match of approximately \$24,596. The cash match will be paid from the Solicitor's State Appropriations account.

Committee recommended that Council approve application to the South Carolina Department of Public Safety's Office of Justice Programs for a Justice Assistance Program grant in the amount of \$221,367, with the understanding that there is a cash match of approximately \$24,596, which is to be paid from the Solicitor's State Appropriations account, that there are 3 grant-funded FTEs associated with this request that will be employees of Charleston County but will handle Berkeley County cases since Charleston County is the lead county in the Ninth Circuit, that at the conclusion of the grant period, the FTEs will be dissolved if no further grant or other funding is available, and that the grant period will run from July 1, 2012 through June 30, 2013.

A report was read from the Finance Committee under date of December 6, 2011, that it had considered the information furnished by Allen O'Neal, County

**Substantial
Amendment to
PY2009
Annual Action
Plan**

Request to
Approve

Administrator, and Christine DuRant, Community Services Director, regarding a substantial amendment to the PY 2009 Annual Action Plan on behalf of the Town of Lincolville. It was stated that an amendment is proposed that impacts the Charleston County Community Services Action Plan for Program Year 2009. The Action Plan is a document produced annually which outlines how the County of Charleston, its participating jurisdictions, and the City of North Charleston propose to spend the federal grant dollars from the US Department of Housing and Urban Development (HUD) in the form of urban entitlement funds.

It was shown that to better serve its citizenry, the Town of Lincolville is requesting that Charleston County Council approve a project amendment to use the \$60,000 PY09 Community Development Block Grant (CDBG) award for Lincoln Avenue sidewalk construction project and re-allocate those monies to funding the installation of a water main interconnection. A public hearing has already occurred at the Town of Lincolville on this change request.

Committee recommended that Council authorize the amendment to the Program Year 2009 Action Plan on behalf of the Town of Lincolville and authorize staff to submit to the US Department of Housing and Urban Development the changes to the Program Year 2009 Annual Action Plan to ensure compliance with reporting requirements of managing the Urban Entitlement funds.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O’Neal, County Administrator, and Christine DuRant, Community Services Director, regarding the appropriation of funding from the ARRA Homeless Prevention and Rapid Re-housing Funding Program. It was stated that the American Recovery and Reinvestment Act Homeless Prevention and Rapid Re-Housing Program dollars (HPRP) was made available through the U.S. Department of Housing & Urban Development in 2009. Charleston County Community Services administers these funds by utilizing a dependable pool of local non-profit organizations as sub-grantees to accomplish the outcomes required by the funds. These dollars are designed to provide expanded services for households that are without a permanent residence or are in danger of losing permanent housing.

**ARRA
Homeless
Prevention
and Rapid Re-
Housing
Funds**

Request to
Approve

Initially, six organizations were funded a total of \$831,125 to accomplish the requirements of the program. One organization was unable to expend the funds according to the requirements of the funding and relinquished the balance of \$29,885.35. As such, the Community Development Advisory Board met to review the eligible organizations and to formulate a recommendation to Charleston County Council regarding the reallocation of the recaptured funds. The following table indicates the recommendation of the board:

Homeless Prevention and	Activity	Funding
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December 6, 2011

Rapid Re-Housing Program (HPRP)		
Family Services	Provides assistance to those who are in danger of eviction or homelessness	\$29,885.35

Committee recommended that Council appropriate \$29,885.35 in ARRA Homeless Prevention and Rapid Re-housing Funding to Family Services as was recommended by the Community Development Advisory Board and direct staff to update the Annual Action Plan according to HUD guidelines

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Community Services Director, regarding the urban requalification of the Town of McClellanville. It was stated that in accordance with 24 CFR 570.307(a), the US Housing and Urban Development (HUD) office mandates an Urban Entitlement county to ask its' participating jurisdictions to consider rejoining or withdrawing from the classification. This process occurs in three year cycles with the most recent application being submitted for the 2012-2014 qualification period. As part of this process, the County also informs all non-participating units of local governments, within the county, of their option to join as a participating jurisdiction.

**Urban Re-
Qualification:
Town of
McClellanville**

Request to
Approve

During the requalification period for the 2012-2014 timeframe, all participating jurisdictions requested to rejoin the County in its Urban Entitlement requalification. Additionally, the Town of McClellanville requested to join the County as a participating jurisdiction. By joining the urban county designation, the Town of McClellanville's demographics will be evaluated by HUD and the federal formula to allocate funds to the County will include the McClellanville population. HUD has approved this request and the County is authorized to proceed with establishing the necessary agreements to confirm this addition.

The Community Development Advisory Board (CDAB) is comprised of individuals appointed by both the participating jurisdictions and Charleston County Council in order to make recommendations to Charleston County Council regarding the use of the Federal funds. The addition of McClellanville to the County's classification requires that the CDAB be expanded by one seat in order for the Town of McClellanville to be represented. The Chief Elected Official of this municipality will appoint a representative to speak on behalf of the Town and this individual will be a voting member of the Community Development Advisory Board.

Committee recommended that Council authorize the expansion of the Community Development Advisory Board to 14 members to include one representative from the Town of McClellanville.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County

December 6, 2011

**Citizen
Donation to
Charleston
Development
Corporation/
Charleston
Center**

Administrator, and Christine DuRant, Community Services Director, regarding a donation received by the Charleston Development Corporation, on behalf of the Charleston Center, from a citizen. It was stated that the Charleston Development Corporation (CDC) has received a donation in the amount of \$200.00 from a private citizen for the purpose of purchasing art supplies, paint for patient rooms, and/or incentives for the Charleston Center's adolescent program.

**Request to
Approve**

The Charleston Development Corporation serves as a non-profit entity by which grant awards/private donations for charitable causes within the County may be accepted. The CDC's mission is to further human, social and economic development in the County of Charleston and to promote a healthier and safer community.

Committee recommended that Council Authorize Charleston Center to transfer funds from Charleston Development Corporation in the amount of \$200.00 for the purpose of purchasing art supplies, paint for patient rooms, and/or incentives for the Charleston Center's adolescent program.

**10th Street
East and 4th
Street West
Drainage
Project**

A report was read from the Finance Committee under date of December 6, 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 10th Street East and 4th Street West Drainage Project. It was stated that the 10th Street East at East Erie Drainage Improvement Project is located in the city of Folly Beach, South Carolina. This Project will consist of installing approximately 506 feet of pipe and associated appurtenances along 10th Street East. Work shall include clearing, storm drainage improvements, paving, erosion and sedimentation control, and traffic control during construction.

**Award of
Contract**

The 4th Street West at West Ashley Ave Drainage Improvement Project is located in the city of Folly Beach, South Carolina. This Project will consist of installing approximately 568 feet of pipe and associated appurtenances along 4th Street West. Work shall include clearing, storm drainage improvements, paving, erosion and sedimentation control, and traffic control during construction.

Sealed bids were received in accordance with the terms and conditions.

Committee recommended that Council authorize award of a contract for 10th Street East and 4th Street West Drainage Improvements to B&C Utilities, Inc., the lowest responsive and responsible bidder, in the amount of \$316,602.00 with funds to come from the Transportation Sales Tax drainage fund.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett Tolbert, Contracts and Procurement Director,

December 6, 2011

**McClellanville
Drainage/
Parking/
Pavement
Marking
Project**

Award of
Contract

regarding the need to award a contract for the McClellanville drainage, parking, and pavement marking improvement project. It was stated that the McClellanville Drainage, Parking, and Pavement Marking Improvement Project consists of the construction of cross-line culverts, sideline culverts, and installation of two junction boxes on Mercantile Road near Lincoln High School, the construction of a parking lot, the installation of a pedestrian bridge off of 727 Cassena Street, and the construction of raised sidewalks, a speed hump, and restriping the edge of travel way on Pinckney Street in McClellanville.

Sealed bids were received in accordance with the terms and conditions.

Committee recommended that Council authorize award of a contract for McClellanville Drainage, Parking, and Pavement Marking Improvement Project to Green Wave Contracting, Inc., of Hemingway, SC, in the amount of \$233,576.69, with funding to come from the roads portion of the Transportation Sales Tax.

**Two Low
Ground
Pressure
Track Dozers**

Award of
Contract

A report was read from the Finance Committee under date of December 6, 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 two low ground pressure track type dozers to be utilized by the Environmental Management Department. It was stated that the two low ground pressure track type dozers will be used at the Bees Ferry Landfill for pushing waste and grading and pushing cover material and that the dozers are also used in the compost operation.

Sealed bids were received in accordance with the terms and conditions.

Committee recommended that Council authorize award of bid for the purchase of two low ground pressure track type dozers for use at the Bees Ferry Landfill to the lowest responsive and responsible bidder, Flint Equipment Company, in the amount of \$500,466.00, which includes the trade in of two John Deere dozers or in the amount of \$595,466.00 if the trade in option is not selected with the understanding that funds are available in the Environmental Management Department budget.

A report was read from the Finance Committee under date of December 6, 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 single stream recyclables system. It was stated that on November 4, 2011, IFB No. 4602-12J was issued for the purchase of a single-stream recyclables separation system to be utilized by the Environmental Management Department, Materials Recovery Facility (MRF).

December 6, 2011

**Single-Stream
Recyclables
Separation
System**Award of
Contract

The single-stream recyclables separation system will be used to separate single-stream recyclables into two streams: commingled containers and mixed fibers. The single-stream recyclables separation system shall convey and discharge commingled containers to the MRF's existing commingled container system for further sorting and processing. The single-stream recyclables separation system shall discharge mixed fiber to the MRF's tipping area for further processing.

Sealed bids were received in accordance with the terms and conditions.

Committee recommended that Council authorize award of bid for the purchase of a single-stream recyclables system to the lowest responsive and responsible bidder, Machinex Technologies, Incorporated, in the amount of \$1,069,157.91 for use by the Environmental Management Department and with funding to come from the Environmental Management Department's budget.

**60' Long Stick
Hydraulic
Excavator**Award of
Contract

A report was read from the Finance Committee under date of December 6, 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 60" long stick hydraulic excavator to be utilized by the Public Works Department. It was stated that the 60' long stick hydraulic excavator will be used in the process of mowing, cleaning, and digging out 105 miles of machine cleaned drainage way throughout Charleston County that Public Works is responsible for maintaining.

Sealed bids were received in accordance with the terms and conditions.

Committee recommended that Council authorize award of bid for the purchase of a 60' long stick hydraulic excavator to the lowest responsive and responsible bidder, Blanchard Machinery, of Summerville, SC, in the amount of \$311,746.54, with the understanding that funds are available in the Fleet Operations budget.

**Code
Enforcement
Officers**Request to
Commission

A report was read from Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Joe Dawson, County Attorney, regarding the need to commission Code Enforcement Officers for 2012. It was stated that in 1994 Charleston County Council adopted an ordinance authorizing the issuance of a uniform ordinance summons, which is used to enforce any County ordinance. The uniform ordinance summons is enforced by code enforcement officers commissioned by County Council. The commissions are on an annual basis and subject to renewal or rescission every year, and officers are commissioned as needed or when necessary.

Committee recommended that Council commission the following County employees as code enforcement officers with all commissions effective immediately through December 31, 2012.

Pamela S. Hope	Assessor
Christina White	Assessor
Brian S. Barraclough	Building Services
William R. Bullock	Building Services
James R. Houser	Building Services
Calvin T. Phillips	Building Services
Cecil A. Rhudy	Building Services
Carl H. Simmons	Building Services
Karl A. Wichmann	Building Services
Sally Brooks	Planning
Joel Evans	Planning
James Hackett	Planning
James Palmer	Planning
Dan Pennick	Planning
Andrea Pietras	Planning
John Waring	Planning
Brandon White	Planning
Russell Bennett	Public Works-Storm Water
Luca Constabile	Public Works
Neil Desai	Public Works-Storm Water
Charles Jarman	Public Works-Storm Water
James Neal	Public Works
Doug Pilcher	Public Works
George Boniface	Revenue Collections
Hillary Bowers	Revenue Collections
Dionne Brown	Revenue Collections
Jim Bunn	Revenue Collections
Joe Coates	Revenue Collections
Byron Foster	Revenue Collections
Lourenza Green	Revenue Collections
Ron Hall	Revenue Collections
Anthony Hazelton	Revenue Collections
Megan Hume	Revenue Collections
Britt Miller	Revenue Collections
Tom Tamblyn	Revenue Collections
Edrian Trakas	Revenue Collections
Douglas Wurster	Revenue Collections
Colin Wieringa	Revenue Collections
Charles "Tim" Fetner	Planning/Environmental Management

**Charleston
Water/Bees
Ferry Landfill
Easement**

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

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Chandler, Capital Projects and Facilities Director, regarding granting several easements to Charleston Water System for the construction of utility lines at the County's Bees Ferry Landfill. It was stated that the Commissioners of Public Works (CPW) of the City of Charleston, South Carolina has requested an approximately 640 feet, variable width, permanent transferable right-of-way and utility easement (14,928 square feet or .343 acres) and two temporary construction easements (23,037 square feet or .529 acres) across County property at Bees Ferry Landfill known as TMS 301-00-00-026, for the sum of \$37,500. The temporary construction easements will terminate when the Commissioners complete construction of

the sewer lines within the Permanent Easement and sewer lines are placed in service. The Permanent Easement will run with the land and continue to exist as long as it is used for utility purposes. CPW will be responsible for all costs relating to the construction.

Committee recommended that Council:

Approve and give first reading to an Ordinance granting an approximately 640 feet, variable width, permanent transferable right-of-way, and utility easement (14,928 square feet or .343 acres) and two temporary construction easements (23,037 square feet or .529 acres) to the Commissioners of Public Works for the construction of utility lines near Bees Ferry Road on TMS 301-00-00-026 for the sum of \$37,500.00 with the understanding that the proceeds will be deposited in the Environmental Management Fund.

An Ordinance granting utility easements to Charleston Water System for the construction of utility lines at the County's Bees Ferry Landfill was given first reading by title only.

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

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

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Economic Development Director, regarding a resolution to amend the County's Fee-In-Lieu-of-Taxes arrangement with Daimler Vans. It was stated that in December of 2006, County Council approved the use of fee-in-lieu-of-taxes (FILOT) incentives for the corporate entity now known as Daimler Vans Manufacturing, LLC, supporting the establishment of its 220-employee Sprinter Van Re-Assembly North American operation at Palmetto Commerce Park. In a separate action Council has also previously added the Daimler acreage into the 'Multi-County Industrial Park' (MCIP), enhancing certain statutory state incentives available to the company.

During the spring of 2011, the company contacted the Economic Development Director to discuss the pending expiration of its five-year FILOT investment window due to close at the end of calendar 2012. Under S.C. law, companies which have negotiated FILOT with a county have a five-year window during which to make their anticipated investment. The law, however, also allows companies to approach County Council prior to the expiration of their investment window to seek extensions which would enable them to make further investments under the same FILOT terms currently in force.

**Daimler Vans
FILOT
Amendment**

Request to
Approve

Daimler has met its 2006 FILOT obligations to the County, investing approximately \$22 million to enlarge, equip, and add the required staff at the Palmetto Commerce Park campus it originally acquired from Freightliner (parent company of former tenant American LaFrance.) The current request for a five-year extension is being driven by the company's need for financial flexibility in the event that it has the opportunity for a near-term expansion of the local operation. The timing for the request coincides with Daimler Vans broadening its Sprinter U.S. market share, including fulfillment of a significant new contract recently executed with Fed Ex.

In order to enable and facilitate potential further expansion of their Sprinter Van operation, the Director committed to Daimler Vans Manufacturing, LLC for a five-year extension of the investment period on the current FILOT agreement.

Committee recommended that Council adopt a resolution authorizing a five-year extension of the investment window under the fee-in-lieu-of-taxes (FILOT) dated December 22, 2006 between Charleston County and Daimler Vans Manufacturing, LLC.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistant Administrator for Finance, regarding a request received from the City of North Charleston that the County consent to a new Tax Increment Financing district to be called the Ingleside Community Tax Increment Financing District. It was stated that the proposed district is a 24 parcel, 2,091 acre area entirely in the City of North Charleston south of the intersection of Interstate 26 and US Highway 78, on the southwestern side of I-26 that the City has evaluated and determined to meet six of the conditions on the Tax Increment Finance Act for "Agricultural Area" status. It was also stated that the City plans to issue approximately \$120 million in tax increment debt with a term of not greater than 15 years and that the debt obligations may be issued up to 10 years from the date of the district's establishment. It was shown that the debt will be financed from incremental tax revenue generated by the TIF district and that the district-financed redevelopment projects include parking decks, roadways and roadway improvements, utilities, storm water management, landscaping, streetscapes, and parks estimated to cost \$92 million. It was also shown that the current tax year 2011 assessed value of the project area is \$2.1 million and that based on development projections, the projected assessed value for those properties after the completion of the development plans is \$94.5 million.

Committee recommended that Council not object to the establishment of the Ingleside Community Tax Increment Financing District.

Mr. Rawl moved approval of the Committee recommendation, seconded by Ms. Condon, and carried. Mr. Summey abstained from voting on this issue citing a

**Ingleside
Community
Tax Increment
Financing
District**

Request not to
Object

conflict of interest and filed a Conflict of Interest statement with the Clerk of Council.

A report was read from the Finance Committee under date of December 6, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Cathy Ruff, Greenbelts Director, regarding rural greenbelt projects recommended by the Greenbelt Bank Board. It was stated that in accordance with Section 5.6.1 of the Charleston County Comprehensive Greenbelt Plan the projects have been reviewed by the Greenbelt Bank Board and are being recommended for approval.

**Rural
Greenbelt
Projects**

Request to
Approve

<u>Applicant</u>	<u>Project Name</u>	<u>Acres</u>	<u>Funding Amount</u>
Coastal Boys Council, Inc.	Camp Ho Non Wah	146	\$1,167,840
The Nature Conservancy	Palmetto Plantation	786	\$960,000
Total:		1532	\$2,127,840

Please Note: The Bank Board's recommendations for approval of the above projects include the following conditions:

- Coastal Boys Council, Inc. – approve project with the condition that the applicant agrees to lower the number of subdivided lots from 3 to 2. Subsequent to the Bank Board meeting, the Coastal Boys Council approved amending the terms of the easement to limit the subdivision to 2 lots.
- The Nature Conservancy – approve project in the amount of 30% of the final appraised value but no more than \$960,000.

The Camp Ho Non Wah project is requesting funds for the purchase of a conservation easement. The landowner is donating \$1,459,760 (56%) of the easement value. Although the deed requires the Coastal Boys Council to use the property as a Boy Scout Camp as long as they own it, they could sell the property for future development. The conservation easement will ensure the land is protected into perpetuity. In addition to serving as a Boy Scout Camp, the property provides public access to hundreds of school children each year. The Camp partners with Edith Frierson Elementary School and Angel Oak Elementary to host the "Learn to Swim" program.

The Palmetto Plantation project is requesting funds for the purchase of a conservation easement. The landowner is donating \$2,240,000 (70%) of the easement value. The property is open to the public for the annual McClellanville Christmas Bird Count. The landowners also open their property for the Volunteers Vacations program which provides lodging for volunteers who travel to McClellanville to donate their time to various Forest Service projects such as trail maintenance, etc. Additionally, local church groups frequently use the property for picnics and other church-related activities.

The Greenbelt Bank Board approved these projects at their November 3, 2011 meeting. The following members were present: Margaret Blackmer, Heyward Carter, Thomas Bulwinkle, Edwin Cooper, Hugh Lane, Charles Salmonsens and John Templeton. George Bullwinkel and Wilbur Johnson were absent. No board member reported a conflict of interest, so all members present participated in the discussion and voting.

Committee recommended that Council:

1. Approve funding for the following rural greenbelt projects with the conditions listed below, provided that upon approval, grant agreements will be executed between the County and appropriate parties.

<u>Applicant</u>	<u>Project Name</u>	<u>Acres</u>	<u>Funding Amount</u>
Coastal Boys Council, Inc.	Camp Ho Non Wah	146	\$1,167,840
The Nature Conservancy	Palmetto Plantation	<u>786</u>	<u>\$960,000</u>
Total:		1532	\$2,127,840

Conditions of Approval:

- Coastal Boys Council, Inc. – approve project with the condition that the applicant agrees to lower the number of subdivided lots from 3 to 2.
 - The Nature Conservancy – approve project in the amount of 30% of the final appraised value but no more than \$960,000.
2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
 3. Approve the use of \$2,127,840 to be funded from a combination of Greenbelt Operating Contingency and/or 2011 General Obligation Bonds.

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

**Mark Clark
Project**

Recommendation

A report was read from the Finance Committee that it considered the information furnished by Allen O'Neal, County Administrator, Kurt Taylor, Deputy County Administrator, Joe Dawson, County Attorney, and the discussion of members of the Finance Committee regarding the future of the proposed Mark Clark Completion project.

Committee recommended that Council task staff with approaching the State Infrastructure Bank and the SC Department of Transportation to determine

what options Charleston County has regarding the I-526 project and bring back the results, including the financial impact of each option, to County Council.

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

Council Member Condon moved for unanimous consent to add an item related to the delayed tax bills to the agenda. Her motion was seconded by Mr. Summey and there was no objection by the other members of Council.

Ms. Condon requested that Council consider limiting the 2% fee charged to accept credit cards for a limited time and look into the possibility of reducing or eliminating the penalty for late payment of property taxes if they are paid by January 30, 2012. Mr. Summey seconded the motion.

Mr. Sass asked for information regarding the 2% fee. Mr. Schweers also asked if the County budgets for the amount of delinquent tax fines we think will be collected and if we have the authority to change the deadlines and fees for delinquent taxes.

Mr. Bustraan explained that the 2% fee is charged by a third party vendor and that the County is never in possession of the fee that is charged. Mr. Dawson advised that state law only allows the County to accept credit cards for payment of taxes if the fee charged for the collection is not borne by the County. He also advised that the deadline for payment of property taxes is set by state law and the County does not have the authority to do anything other than what is prescribed in state law.

Ms. Condon withdrew her motion.

Mr. Rawl moved to turn this issue over to staff to look into the issue and report back to Council with remedies. The motion died for lack of a second.

Mr. Qualey moved to add an item related to the Harbor View Road widening project to the agenda by unanimous consent. The motion was seconded by Ms. Condon and there was no objection by the other members of Council.

Mr. Qualey moved that Council task staff with evaluating the modifications to the project included in a letter to Council from the James Island Public Service District for inclusion into the final project. The motion was seconded by Ms. Condon and carried.

The Chairman asked if any member of the audience would like to address the members of Council.

**Late Tax Bills/
Request Relief
for Late
Payment**

- A) Unanimous Consent
- B) Discussion

**Harbor View
Road
Project/James
Island PSD
Request
Consideration**

- A) Unanimous Consent
- B) Request to Approve

Public Forum

Mr. Graham Finch, President of the Homeowners Association of Ellis Creek Landing, addressed Council concerning the Mark Clark Completion project and its impact to the value of his home.

Ms. Mary Anemi, 107 Riverbreeze Drive, commented on the late tax bills and the fact that homes were reassessed at their 2008 value and that homes were worth more in 2008 than they are today.

Mr. Byron Saunders, 6191 Chisolm Road, asked Council to oppose the Mark Clark Completion project.

Ms. Helen Moore, of Riley Road, stated her opposition to the Mark Clark Completion project.

Mr. Rod Welch, 1362 Stonepost Road, spoke regarding the Mark Clark Completion project.

Mr. Scott Carney, 1317 Battalion Drive, spoke in opposition to the Mark Clark Completion project, and stated his displeasure with Council's lack of decision.

Ms. Sandra Barbour, 1504 Battery Island Drive, stated that the Members of Council should go home and pray to ask God what they need to do to serve the people and not their own personal interests.

Ms. Fay Laura, 1251 Oak Creek Drive, stated her opposition to using paper bags for yard waste.

Ms. Jan Temple, 1434 Headquarters Plantation Drive, spoke in support of the Mark Clark Completion project.

Sheriff Al Cannon, 3505 Pinehaven Drive, stated that when the issue of single member districts came up and Charleston County transitioned from county-wide elections to single member districts, the opposition stated that there would be provincial concerns based on a person's district. He stated that since the newly proposed districts have overlapping areas, it has the effect of making the Council members concerned for overlapping interests.

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

Mr. Darby stated that with the traffic problems in the County, we need to look to rail.

Ms. Johnson thanked the Public Works Department for their work on the community roads program

Mr. Sass stated his pleasure at attending the Sheriff's Department Christmas/Retirement party. He said that during the event some incident

occurred that required some of the Sheriff's staff to respond and it helped him realize the 24/7 nature of some of the County's employee's work.

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

Kristen L. Salisbury
Deputy Clerk