

November 17, 2009  
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 17<sup>th</sup> day of November, 2009 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, and 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Rev. Robert Reid gave the invocation. Mr. Inabinett led in the pledge to the flag.

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

Mr. Summey moved approval of the Minutes of November 3, 2009, seconded by Mr. Summey, and carried.

**Cathy Ruff  
Recognition**

The Chairman requested Cathy Ruff, Director of the Greenbelt Programs, to come forward to accept a framed copy of Council's letter of appreciation, and asked the Clerk to read into the record the letter from Council Chairman Pryor.

The letter is as follows:

One of the things that Charleston County Council has always been proud of is the service that our wonderful County Employees give to the citizens of Charleston County. From time to time these Charleston citizens will take their time to call us or write to us and express their deep appreciation for the services they received from our dedicated employees.

The cream has again risen to the top, and Council wants to take this opportunity to show to **CATHY RUFF**, Director of the Greenbelt Programs, its grateful approval, for the way she has performed her many duties as Director of the Greenbelt Programs.

In a letter to Chairman Teddie Pryor, Mr. Randy J. Bates stated that Cathy Ruff "exemplifies how county employees, or any employee for that matter, should conduct themselves."

Time and time again Cathy Ruff has proven to be an asset to Charleston County Government by serving the citizens of Charleston County with her gracious professionalism and just demeanor.

Cathy Ruff should also be credited with creating an outstanding, award-winning Greenbelt Program that the citizens of Charleston County can be proud of from mere ideas and policies set forth by County Council.

For these actions, and surely many more of which Council is unaware, Charleston County Council does hereby extend its sincere appreciation to Cathy Ruff, an employee who has truly fulfilled Charleston County's mission to promote and protect the quality of life in Charleston County by delivering services of value to the community.

Charleston County Council  
Teddie E. Pryor, Sr.  
November 17, 2009

ZPDA-8-09-  
5162, 3791  
Betsy Kerrison  
Pkwy.  
Ordinance  
3<sup>rd</sup> Reading

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

### **AN ORDINANCE**

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

WHEREAS, the properties located at 3791 Betsy Kerrison Parkway and 4920, 4979 and 4982 River Road, identified as Tax Map Parcel Numbers 215-00-00-086, 215-00-00-008, 202-00-00-073, and 202-00-00-174 are currently zoned Planned Development District (PD-22B); and

WHEREAS, the applicant requests to amend the Planned Development District (PD-22B) and has submitted a complete application for PD Development Plan amendment approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed PD Development Plan with conditions based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR; and

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

- A. The PD Development Plan complies with the standards contained in Article 4.27 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

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

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. REZONING OF PROPERTIES

A. Charleston County Council rezones the property located at 3791 Betsy Kerrison Parkway and 4920, 4979 and 4982 River Road, identified as Tax Map Parcel Numbers 215-00-00-086, 215-00-00-008, 202-00-00-073, and 202-00-00-174 from the Planned Development District (PD-22B) to the Planned Development District (PD-22C); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development Guidelines for Johns Island Junction, Johns Island, South Carolina, Dated August 2009," including the changes and conditions approved by County Council that are attached hereto as Exhibit A and made a part of this Ordinance by reference, shall constitute the PD Development Plan for the parcel which shall be identified as Planned Development 22C or PD-22C; and

C. Any and all development of PD-22C must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Numbers 215-00-00-086, 215-00-00-008, 202-00-00-073, and 202-00-00-174 is amended to PD-22C in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

#### SECTION III. SEVERABILITY

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

#### SECTION IV. EFFECTIVE DATE

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

#### EXHIBIT "A"

#### PLANNING AND PUBLIC WORKS COMMITTEE

#### RECOMMENDED CHANGES AND CONDITIONS TO PD-22C

#### APPROVED BY COUNTY COUNCIL

1. Bennett Hofford Construction Co, as the developer agrees to work cooperatively with the County on a more regional approach to wastewater services for the southern part of Johns Island. It is willing to transfer ownership and/or management of the wastewater system it builds to a public provider, if requested by the County and it is also willing to connect its wastewater system to a larger system, if one is built.
2. Once COG passes the minor amendment to the 208 Plan, Bennett Hofford will seek the necessary approvals from DHEC for the construction of the wastewater system for which DHEC has given technical approval. The DHEC permitting process requires the developer to provide financial protections for the continued economic viability of the system. DHEC regulations require that the system be managed by a class A licensed operator.

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

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

The vote being seven (7) ayes, one (1) nay, and one (1) abstention, the Chairman declared the Ordinance to have received third reading approval.

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

**2144 Garfield  
Street  
Ordinance  
3<sup>rd</sup> Reading**

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

#### AN ORDINANCE

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

WHEREAS, Charleston County owns property identified as tax map parcel number 469-14-00-337, located at 2144 Garfield Street, North Charleston, South Carolina ("Property"); and

WHEREAS, Charleston County Council desires to convey ownership of the Property and finds that conveying ownership of the Property is in the best interests of Charleston County and its citizens; and

WHEREAS, the County desires to convey ownership of the Property to the City of North Charleston for its public use; and

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

**SECTION I. FINDINGS INCORPORATED**

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

**SECTION II. AUTHORITY TO EXECUTE DOCUMENTS FOR CONVEYANCE OF PROPERTY**

A. Charleston County Council conveys ownership of Charleston County's real property identified by parcel identification number 469-14-00-337 located at 2144 Garfield Street, North Charleston, South Carolina, to the City of North Charleston. The location of the Property is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the transfer of ownership of the property known as 2144 Garfield Street in the City of North Charleston.

**SECTION III. SEVERABILITY**

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

**SECTION IV. EFFECTIVE DATE**

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

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

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

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

**1475 Folly  
Road Vacant  
Property  
Ordinance  
3<sup>rd</sup> Reading**

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

### **AN ORDINANCE**

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

WHEREAS, Charleston County owns property identified as tax map parcel number 334-00-00-048 located at 1475 Folly Road, Charleston, South Carolina ("Property"); and

WHEREAS, Charleston County Council desires to sell the Property and finds that selling the Property is in the best interests of Charleston County and its citizens; and

WHEREAS, the County has negotiated to sell the Property for value and desires to convey ownership of the Property to John Ohlandt, Jr., D.V.M. ("Ohlandt") for and in consideration of Four Hundred Twenty Five Thousand and 00/100 (\$425,000.00) Dollars ; and

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

#### **SECTION I. FINDINGS INCORPORATED**

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

#### **SECTION II. AUTHORITY TO EXECUTE DOCUMENTS FOR SALE OF PROPERTY**

A. Charleston County Council conveys ownership of Charleston County's real property identified as identified as tax map parcel number 334-00-00-048 located

at 1475 Folly Road, Charleston, South Carolina to Ohlandt, a purchaser for value. The location of the Property is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the conveyance of ownership of the Property.

### SECTION III. SEVERABILITY

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

### SECTION IV. EFFECTIVE DATE

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

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

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

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

**Bowman Road  
Right of Way  
Dedication  
Ordinance  
3<sup>rd</sup> Reading**

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

### **AN ORDINANCE**

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

WHEREAS, Charleston County owns a .031 acre tract of property identified as a portion of tax map parcel number 559-00-00-089 located on Bowman Road in Mount Pleasant, South Carolina ("Property"); and

WHEREAS, Charleston County Council desires to convey ownership of the Property and finds that conveying ownership of the Property is in the best interests of Charleston County and its citizens; and

WHEREAS, the County desires to convey ownership of the Property to the Town of Mount Pleasant;

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

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. OWNERSHIP TRANSFERRED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council transfers ownership of Charleston County's real property identified by parcel identification number 559-00-00-089, located on Bowman Road in Mount Pleasant, South Carolina, to the Town of Mount Pleasant. The location of the Property is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the transfer of ownership of the piping system and for the grant of this easement.

#### SECTION III. SEVERABILITY

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

#### SECTION IV. EFFECTIVE DATE

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

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

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



Mr. Thurmond	- aye
Mr. Pryor	- aye

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

**Free Roaming  
Cat Program  
Ordinance  
2<sup>rd</sup> Reading**

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

**AN ORDINANCE**

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

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

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

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

The vote being seven (7) ayes and two (2) nays, the Chairman declared the Ordinance to have received second reading approval.

**SCE&G  
Financial  
Incentives  
Ordinance 2<sup>nd</sup>  
Reading**

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

**AN ORDINANCE**

**AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND SOUTH CAROLINA ELECTRIC & GAS COMPANY; AND MATTERS RELATING THERETO.**

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

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

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

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

**Infrastructure  
Improvements  
Boeing  
Recommendation**

A report was read from the Economic Development Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member J. Elliott Summey, Chairman of Council's Economic Development Committee, regarding the Economic Development Transportation Infrastructure Improvement Plans for Boeing.

Committee recommended that Council:

1. Establish the Charleston County Economic Development Infrastructure Improvements Program in connection with the Boeing project. The Economic Development Committee of Council will function as the review, oversight and advisory body for County Council for the program. The County Administrator is directed to develop the program and bring recommendations and proposed projects and contracts to the Economic Development Committee for review and recommendations to Council.
2. Direct the County Administrator to apply for and accept a set aside grant from the SC Coordinating Council for Economic Development in the amount of \$150,000 to initiate infrastructure studies, including, but not limited to traffic studies, related to the Boeing project. In order to begin a program which will see that the necessary infrastructure projects for the Boeing project are planned, constructed and completed expeditiously, council also authorizes the administrator to administer the grant through the Charleston Transportation Committee and county staff, using an existing CTC open-ended engineering contract.

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

**ZREZ 8-09-  
5149, 2230  
Wren Street  
A) Request to  
Change  
B) Ordinance  
1<sup>st</sup> Reading**

A Report was read from the Planning/Public Works Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding a request to change zoning in Case Zrez-8-09-5149.

Committee recommended that Council approve and give first reading to an Ordinance changing the Zoning of 2230 Wren Street in the North area from Single Family Residential to Residential Office.

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

An Ordinance changing the zoning of property located at 2230 Wren Street was given first reading by title only.

### **AN ORDINANCE**

#### **CHANGING ZONING OF PROPERTY LOCATED AT 2230 WREN STREET, PARCEL IDENTIFICATION NUMBER 475-06-00-040 FROM A SINGLE FAMILY RESIDENTIAL-4 DISTRICT TO A RESIDENTIAL OFFICE (OR) DISTRICT.**

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

**ZREZ 9-09-5377, 21 Penn Avenue  
A) Request to Change  
B) Ordinance  
1<sup>st</sup> Reading**

A Report was read from the Planning/Public Works Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding a requested change in zoning in Case #ZREZ-9-09-5377.

Committee recommended that Council approve the requested zoning change for 21 Penn Avenue from a Single Family Residential-4 (R-4) District to a Community Commercial (CC) District.

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

An Ordinance rezoning property located at 21 Penn Avenue, was given first reading by title only.

### **AN ORDINANCE**

#### **CHANGING ZONING OF PROPERTY LOCATED AT 21 PENN AVENUE, PARCEL IDENTIFICATION NUMBER 418-15-00-00 FROM A SINGLE FAMILY RESIDENTIAL-4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.**

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

**Right of Way & Drainage Easements Request to Dedicate  
Accept**

A report was read from the Planning/Public Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Dan Pennick, Director of Zoning and Planning, regarding a request for Charleston County to accept into the County road and drainage systems. It was stated that the road has been

constructed to Primary County Road Code Standards, which includes asphalt surface, rolled curb and gutter and the Phase 1 drainage system has been constructed to County standards and includes drainage easements of various widths. It was shown that the property and improvements have been field checked by Planning and Public Works Staff who have determined that the roads and drainage system have been constructed to County standards except for required sidewalks and can be accepted for public dedication and maintenance.

Committee recommended that Council, in Subdivision #21367-F –Lands of Hamlin Place LLC, Phase 1A, accept into the County system, with the condition that a performance bond in the amount of 150% of actual cost is in place, and an encroachment permit is obtained for the installation of the required sidewalks (per Section 8.10.3 of the Zoning & Land Development Regulations Ordinance)

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

**Consent Agenda**  
**A) SCEO Solar Panels**  
**B) 2009 CTC Resurfacing**  
**C) I526 at International Blvd.**  
**D) Charlestowne Sidewalks**  
**E) Equipment Maintenance Grant**  
**F) Magistrate Court Lease**  
**G) Hollywood Library Lease**  
**H) Bell South Perimeter Center Lease**

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Daniel Chandler, Director of the Facilities Department, regarding a grant request in the amount of \$500,000 that the Facilities Department has applied for from the South Carolina Energy Office for renewable energy grant for the Detention Center Passive Solar Power Project. It was stated that the Detention Center consumes more electricity than any other County facility, and unfortunately decreasing the electricity use by the Detention Center cannot be addressed by conventional measures, since the facility must be operated 24 hours a day, seven days a week. It was shown that the Detention Facility is regulated by the Department of Health and Environmental Control and other State and Federal agencies that mandate certain environmental and safety controls be in place. It was shown that installing a Passive Solar Energy System on the roof of the Detention Center would be the most feasible and cost effective way to reduce electricity consumption at this facility.

Committee recommended that Council approve submission of a grant application to the South Carolina Energy Office for a renewable energy grant, with the understanding that no FTE's or match is associated with this request and that the grant period is January 1, 2010 through December 31, 2011.

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

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for the Charleston Transportation Committee 2009 Resurfacing Plan. It was shown that this work would include traffic control, milling, surfacing preparation, asphalt, resurfacing, shoulder widening and grading, stripping and associated appurtenance of various local and South Carolina Department of Transportation paved roadways within the boundaries of Charleston County, with an approximately total project length of 23.7 miles.

Committee recommended that Council, as agent for the Charleston County Transportation Committee (CTC), authorize award of a contract for CTC 2009 Resurfacing Plan to the lowest responsive and responsible bidder meeting specifications, Banks Construction Company, in the amount of \$3,564,643.91, with the understanding that funding is available through the State "C" funds for road improvements.

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

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for the I-526 East turn lane at International Blvd. It was stated that the project consists of construction of a right turn lane on the east bound connector road to I-526 right of way onto International Blvd. It was shown that the turn lane will extend approximately 500 feet from the intersection, and that this project is funded by the Charleston Transportation Committee FY 2010 funds.

Committee recommended that Council, as Agent for the Charleston County Transportation Committee (CTC), authorize award of a contract for I526 East turn lane at International Blvd. to the lowest responsive and responsible bidder meeting specifications Gulf Stream Construction Co., Inc. in the amount of 53,952.59, with the understanding that funding is available through the State "C" Fund for road improvements.

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

A report was read from the Finance Committee under date of November 12, 2009 it considered the information furnished by Allen O'Neal, County Administrator and E. Steven Taylor, Director of Procurement, regarding sealed bids received for the Charlestowne Drive Sidewalks, located in the West Ashley section of the City of Charleston. It was stated that this project shall include clearing, excavation, sub-grade preparation, aggregate base, paving, sidewalk installation, storm drainage improvements, erosion and sedimentation control, traffic control during construction, roadway signing and associates appurtenances.

Committee recommended that Council authorize award of a contract for Charlestowne Drive Sidewalk to Landscape Pavers, LLC in the amount of \$236,222.00, with the understanding that funding is available through the Transportation Sales Tax annual allocations.

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

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and

Jason Patno, Director of Emergency Management, regarding a grant award of \$40,000 to Charleston County for the purpose of maintaining the County's inventory of Chemical, Ordinance, Biological and Radiological (COBRA) response equipment. It was stated that the COBRA response equipment is designed to provide on-scene protective measures to ensure for the safety of life, environment, and property following the occurrence of an incident involving weapons of mass destruction. It was shown that the aforementioned equipment was purchased with funding from previous Homeland Security grant awards, and that no matching funds, FTE's, reoccurring cost or vehicles are required.

Committee recommended that Council approve acceptance of a grant award for \$40,000 for the U. S. Department of Homeland Security to fund the maintenance cost associated with the COBRA program response equipment, with the understanding that matching funds on behalf of Charleston County are not required, and no FTE's, recurring cost or vehicles are associated with the acceptance of this fund.

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

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Dan Chandler, Director of the Facilities Department, regarding a Lease agreement for the West Ashley Magistrate Court. It was shown that on February 15, 1995 the County entered into a Lease Agreement for property located at 1720 Sam Rittenburg Blvd., Unit 11, containing 3,474 square feet to be used for the West Ashley Magistrate Court. It was stated that the term of the Lease Agreement was for five years, with the option to renew for two, five year periods, and will expire on February 28, 2010.

Committee recommended that Council:

1. Authorize the Chairman of Council to sign an amendment to extend the lease agreement for a period of five years, with two, five year options, beginning March 1, 2010 for the property located at 1720 Sam Rittenburg Blvd, Unit 11, Charleston, SC for the continued use of a Magistrate's Court for a rental fee of \$53,665 per year, to be adjusted by the CPI.
- 2.If approved, authorize the County Administrator to approve the exercise of future options.

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

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Daniel Chandler, Director of the Facilities Department, regarding a lease agreement with the Town of Hollywood. It was stated that in November, 1984, the County entered into a Lease Agreement with the Town of Hollywood for the use of a one story building located at 5151 Highway 165 to be used as a library for a rental amount of \$1 per year and the County being responsible for all maintenance. It was shown that the lease agreement

will terminate on December 31, 2009, and that it is the intention of the County to amend the Lease Agreement for five years with the option to renew for five additional years, and with the option that the lease can be cancelled with a ninety (90) days written notice by the County, and that all terms and conditions of the original Lease Agreement will remain the same.

Committee recommended that Council:

1. Authorize the Chairman of Council to sign an amendment to extend the lease agreement for a period of five years, beginning January 1, 2010, with the option to extend for an additional five years for the property located at 5151 Highway 165, for continued use of a library.
2. If approved authorize the County Administrator to approve the exercise of future options.

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

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Daniel Chandler, Director of the Facilities Department, regarding a Lease Agreement for a hub for providing telephone services for the entire Bridge View Drive area. It was stated that County of Charleston purchased the Perimeter Center property located at 4050 Bridge View Drive, North Charleston, SC on March 1, 1994 from James Holcombe and Henry Fair, and that prior to the County's purchase, a Lease Agreement had been signed between Holcombe & Fair and Southern Bell Telephone for a portion of property measuring 20' by 25' with a 5' wide access from the site to Bridge View Drive. It was shown that this lease agreement was never put in the name of the County of Charleston, but the County has been receiving the rents, and that the Lease Agreement needs to be revised so that the County of Charleston will be the Landlord and Bellsouth will be the Tenant. It was further stated that the current annual rental amount paid is \$1,949.37 which will be increased by 5 per cent each year.

Committee recommended that Council after approval of the Legal Department:

1. Authorize the Chairman of Charleston County Council, after review by the Legal Department, to execute a ten year lease agreement, with two, five year options to renew with Bellsouth for a portion of the property measuring 20' by 25', with a 5' wide access to Bridge View Drive, to be use for telephone service for the entire Bridgeview Drive area, with the understand that the current rental amount is \$1,949.37 and will be increased by 5 per cent each year.
2. If Approved authorize the County Administrator to approve the exercise of future options.

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

**Future Drive  
Northside Dr  
Project  
Request to  
Approve**

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, regarding an Intergovernmental Agreement with the City of North Charleston. It was stated that the Future Drive/Northside Drive Project is a Transportation Sales Tax project requested by the City of North Charleston and approved by referendum. It was shown that the Palmetto Parkway and Future/Northside Drive Extension/South rail projects are unique among the RoadWise bonded projects because they are the only projects not involving direct improvements to the State Highway System, and that all other bonded projects are on state highways and are being handled through an Intergovernmental Agreement between the County and the SCDOT; and that this is the only project suitable to be administered by a Municipality.

Committee recommended that Council authorize the County Administrator and the County Attorney to negotiate and enter into an Intergovernmental Agreement with the City of North Charleston for the final design and construction of the Future Drive/Northside Drive Extension/Southeast Road project.

Mr. Rawl moved approval of Committee recommendation, seconded by Mr. Thurmond, and carried. Mr. Summey abstained and furnished the Clerk with a statement that he was a partner in right of way project.

**Greenbelt  
Program  
Recommendation**

A report was read from the Finance Committee under date of November 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator; Kurt Taylor, Assistant Administrator for Transportation and Emergency Management and Cathy Ruff, Director of Greenbelt Programs, regarding an Overview of the Transportation Sales and Use Tax Spending Plan to date.

Committee recommend that Council task the Greenbelt Advisory Board with evaluating the Greenbelt Program and providing Council with specific recommendations within six months.

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

**Boeing  
Incentives  
Request to  
Approve  
Resolution  
3 Ordinances**

A report was read from the Special Finance Committee under date of November 17, 2009 that it considered the information furnished by County Attorney Joseph Dawson in open and executive session.

Committee recommended that Council:

1. Approve the Inducement Resolution documents and Special Source Revenue Bond petition to the S. C. Budget & Control Board in substantially the same form as presented, with such changes as are approved by the Chairman of County Council upon the advice of the County Attorney.
2. Approve and give first reading to three Ordinances providing for the utilization of fee-in-lieu-of taxes, special source revenue bonds and/or credits and Multi-County Industrial Park designation.



2. Approve Staff making application and accepting a set-aside grant award from the South Carolina Coordinating Council for Economic Development for use by the Company in its site preparation work.

Mr. Summey moved approval of Committee recommendations , seconded by Mr. Pryor, and carried.

The Inducement Resolution is as follows:

A RESOLUTION PROVIDING PRELIMINARY APPROVAL BY CHARLESTON COUNTY, SOUTH CAROLINA TO ENTER INTO A FEE-IN-LIEU OF TAX ARRANGEMENT WITH THE BOEING COMPANY WITH RESPECT TO A MANUFACTURING FACILITY AND THE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO SUCH FACILITY; AND WHEREBY UNDER CERTAIN CONDITIONS CHARLESTON COUNTY WILL ISSUE ITS SPECIAL SOURCE REVENUE BONDS OR BOND ANTICIPATION NOTES PURSUANT TO THE PROVISIONS OF TITLE 4-29-68 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TO FINANCE CERTAIN INFRASTRUCTURE AND OTHER FACILITIES FOR THE BOEING COMPANY; AUTHORIZING THE EXECUTION AND DELIVERY OF A PETITION TO THE STATE BUDGET AND CONTROL BOARD SEEKING ITS APPROVAL OF THE ISSUANCE OF SUCH SPECIAL SOURCE REVENUE BONDS; AND OTHER MATTERS RELATED THERETO.

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 the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 (the "FILOT Act"), to enter into a negotiated fee-in-lieu of tax agreement which provides for payment in lieu of taxes ("Negotiated FILOT Payments") for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 29 of the Code (the "Industrial Development Bond Act"), to acquire or cause to be acquired projects which shall be located within the County; to enter into agreements with any industry to construct and thereafter operate, maintain, and improve a project; to enter into a financing agreement with such industry prescribing the terms and conditions of the payments to be made by the industry to the County, or its assignee, to meet the payments that shall become due on bonds; to issue revenue bonds for the purpose of defraying the cost of acquiring, by construction and purchase, and in connation with any such acquisition, to enlarge, improve, and expand any project, and to secure the payment of such bonds; and

WHEREAS, The Boeing Company (the "Company") intends to expand its manufacturing operations in Charleston County by acquiring, constructing, and installing a manufacturing facility for the final assembly of the Boeing 787 Dreamliner (and related activities), all of which will constitute a project within the meaning of the FILOT Act and the Industrial Development Bond Act (and referred to herein as the "Project"); and

WHEREAS, the Project when completed will represent an anticipated investment (as defined in the FILOT Act) (the "Investment") of approximately \$872,000,000; and

WHEREAS, the Company has informed the County that it is expected that the Project will create several thousand jobs in Charleston County directly, as well as a substantial

number of temporary construction jobs and indirect jobs; and

WHEREAS, the County is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended and Section 4-29-68 of the Industrial Revenue Bond Act (the "SSRB Act"), to issue special source revenue bonds payable solely from revenues from a payment in lieu of taxes pursuant to Section 13 of Article VIII of the Constitution of the State for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding (i) the infrastructure serving the County or the Project and (ii) improved or unimproved real estate used in the operation of a manufacturing enterprise; and

WHEREAS, the County has heretofore created a multicounty park pursuant Section 13 of Article VIII of the Constitution of the State and has agreed to enter into certain agreements with the Company for the payment of a fee-in-lieu of taxes (the "FILOT Revenues") with respect to the Project; and

WHEREAS, the County Council has determined that the improved and unimproved real property portion of the Project (collectively, the "Infrastructure Project") is improved or unimproved real estate used in the operation of a manufacturing enterprise and that such Infrastructure Project is for the benefit of the economic welfare and improvement of Charleston County and its citizens; and

WHEREAS, the County Council hereby determines that it is in the best interest of the citizens of Charleston County to issue special source revenue bonds to pay a portion of the costs of the Infrastructure Project, such bonds to be payable solely from the FILOT Revenues and further from liquidated damages received by the County from the Company pursuant to a Construction Funding and Investment Agreement (the "Construction Funding and Investment Agreement") if the Company fails to comply with certain minimum investment requirements thereunder; and

WHEREAS, the County will agree with the Company to designate a portion of the FILOT Revenues to be applied to pay such special source revenue bonds; and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the SSRB Act that the County Council provide preliminary approval of the issuance of special source revenue bonds for the aforesaid purposes; and

WHEREAS, it is deemed advisable by the County to file with the State Budget and Control Board of South Carolina, in compliance with Section 4-29-140 of the Industrial Development Bond Act, the Petition of the County requesting approval by the State Budget and Control Board of the issuance of the special source revenue bonds;

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

Section 1. Findings by County Council. Based upon their investigation of the Project and information provided by the Company and based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, County Council hereby find that:

(a) the Project constitutes a "project" as that term is defined in the FILOT Act and the Industrial Development Bond Act;

(b) the Infrastructure Project to be financed with the special source revenue bonds will constitute improved and unimproved real estate used in

the operation of a manufacturing enterprise and will subserve the purposes of the SSRB Act;

(c) the Project will subserve the purposes of the FILOT Act and the Industrial Development Bond Act;

(d) the Investment by the Company in the Project will be approximately \$872,000,000;

(e) the Project will be located entirely within Charleston County;

(f) the Project is anticipated to benefit the general public welfare of Charleston County by providing services, employment, and other public benefits not otherwise adequately provided locally;

(g) neither the Project, the special source revenue bonds, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to a pecuniary liability of the County or a charge against the general credit or taxing power of the County;

(h) the purposes to be accomplished by the Project are proper governmental and public purposes and the benefits of the Project are greater than the costs;

(i) the location of the Project in Charleston County is of paramount importance;

(j) the Infrastructure Project will cost not less than \$76,000,000 and the issuance of special source revenue bonds to finance the Infrastructure Project in the aggregate principal amount of not exceeding \$76,000,000 is required to finance the Infrastructure Project;

(k) the amount of FILOT Revenues necessary in each year to pay the principal of and the interest on the special source revenue bonds proposed to be issued to finance the Infrastructure Project will be adequate to pay such amounts and the County will also assign to the bond trustee for the benefit of the bondholders its rights to receive liquidated damages from the Company pursuant to the Construction Funding and Investment Agreement in the event the Company fails to comply with certain minimum investment requirements thereunder;

(l) adequate provision will be made for establishing any necessary reserve funds for the special source revenue bonds and maintenance of the Project;

(m) the Company shall be responsible for the maintenance and insurance of the Project;

(n) there is a need for the Infrastructure Project in the area in which it is to be located in Charleston County; and

- (o) public facilities, including utilities and public services necessary for the Project, will be made available.

Section 2. Fee-in-Lieu of Taxes Arrangements. Pursuant to the authority of the FILOT Act, there is hereby authorized a fee-in-lieu of taxes arrangement with the Company and which will provide for Negotiated FILOT Payments to be made based on a fixed millage rate for the entire term of the agreement with a 6% assessment ratio for the first full 15 years of the term after completion of the Project, and an assessment ratio of 4% for the remaining term.

Section 3. FILOT Agreement. The provisions, terms, and conditions of the fee agreement between the County and the Company shall be prescribed in a fee-in-lieu of tax agreement to be approved by subsequent ordinance of the County Council. The fee agreement will provide that the County agrees to use its best efforts to provide up to \$63,000,000 of net proceeds of the special source revenue bonds as financing for the Infrastructure Project.

Section 4. Preliminary Approval of Bonds. Subject to such approval by the State Budget and Control Board as is required by law, the County Council preliminarily approves the issuance and sale of special source revenue bonds of the County pursuant to the SSRB Act in the aggregate principal amount of not exceeding \$76,000,000 (the "Bonds") for the purpose of providing financing for the acquisition and construction of the Infrastructure Project. Pending the issuance of the Bonds, the County may provide interim financing for the Infrastructure Project by issuing bond anticipation notes pursuant to Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended.

Section 5. Sale of Bonds. The issuance and sale of the Bonds shall be upon such terms and conditions as may be mutually agreed upon by the County, the Company, and the purchaser of the Bonds and shall be subject to completion of proceedings for issuance, sale, and delivery of the Bonds satisfactory to the County. The provisions, terms, and conditions of the agreements to be entered into for the issuance of the Bonds by the County, and the form, details, rate or rates of interest, maturity and redemption provisions, if any, of the Bonds, and other details of the agreements relating to the Bonds, shall be prescribed by subsequent ordinance of the County Council and shall be reasonable and proper taking into account such factors as the principal amount of the Bonds, and the number and type of jobs involved; and the public interest shall be adequately protected by the terms thereof.

Section 6. Official Intent. It is the intention of the County that this resolution shall constitute an official intent on the part of the County and the Company within the meaning of the applicable regulations of the Treasury Department relating to the issuance of tax-exempt revenue bonds.

Section 7. Bonds are not a Debt of the County. Neither the Bonds nor any document pertaining to the Bonds shall constitute an indebtedness of the County or the State of South Carolina (the "State") within the meaning of any State constitutional provision or statutory limitation, nor ever constitute or give rise to a pecuniary liability of the County or the State or a charge against the general credit of the County or the State or the taxing powers of the County or the State.

Section 8. Petition to Budget and Control Board. There shall be and is hereby authorized and directed the submission on behalf of the County of a Petition requesting approval by the State Budget and Control Board of South Carolina pursuant to the provisions of Section 4-29-140 of the Industrial Development Bond Act of the issuance of the Bonds for

the Infrastructure Project. Said Petition, which constitutes and is hereby made a part of this authorizing resolution, to be in form acceptable to the State Budget and Control Board. Any submission of the Petition prior to the adoption of this resolution is hereby confirmed and ratified by the County Council.

Section 9. Execution of Petition. The Chairman is hereby authorized and directed to execute said Petition in the name and on behalf of the County, and the Clerk to County Council shall be and is hereby authorized to affix the seal of the County to said Petition and thereafter, to submit an executed copy of this resolution to the State Budget and Control Board of South Carolina.

Section 10. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force upon its adoption by the County Council.

Adopted this 17<sup>th</sup> day of December, 2009.

CHARLESTON COUNTY, SOUTH CAROLINA  
Teddie E Pryor, Chairman, County Council

ATTEST:

Beverly T. Craven, Clerk of County Council

An Ordinance authorizing a fee Agreement by and between Charleston County and the Boeing Company was given first 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 AN ENHANCED INVESTMENT FEE AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND THE BOEING COMPANY; AND MATTERS RELATING THERETO.**

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

An Ordinance authorizing the Financing of certain Infrastructure and Real Property on behalf of the Boeing Company was given first reading by title only.

#### **AN ORDINANCE**

**AUTHORIZING THE FINANCING OF CERTAIN INFRASTRUCTURE AND REAL PROPERTY ON BEHALF OF THE BOEING COMPANY BY THE ISSUANCE AND SALE OF CHARLESTON COUNTY, SOUTH CAROLINA, SPECIAL SOURCE REVENUE BONDS, AUTHORIZING THE ISSUANCE OF SPECIAL SOURCE REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE THEREOF; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS; AND THE EXECUTION AND DELIVEDRY OF CERTAIN INSTRUMENTS AND AGREEMENTS RELATING TO THE ISSUANCE OF THE AFORESAID BONDS AND NOTES, INCLUDING AN INDENTURE AND CERTAIN OTHER MATTERS RELATING THERETO.**

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

An Ordinance to further amend the Agreement for Development of a Joint County Industrial Park was given first reading by title only.

### **AN ORDINANCE**

**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.**

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

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

**Public Forum** Mr. David Coe of James Island again urged Council to do what it could to encourage the Auditor to secure tax bills for boats anchored in Marinas in Charleston County.

Rev. Robert Reid expressed his appreciation to Council for all they do for Citizens of Charleston

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

Mr. McKeown thanked Ms. Ruff for her handling of the Greenbelt Projects.

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

Beverly T. Craven  
Clerk of Council.