

January 6, 2015  
Charleston, SC

A meeting of County Council of Charleston County was held on the 6<sup>th</sup> day of January, 2015, 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 Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey.

Also present were County Administrator Kurt Taylor and County Attorney Joseph Dawson.

Chairman Pryor gave the invocation. Mr. Taylor led in the pledge to the flag.

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

Mr. Pryor announced that he was not seeking re-election as Council Chairman stating that he thought it was time for another Council member to take a leadership role.

Ms. Condon nominated Mr. Summey for Chairman of Charleston County Council. Mr. Schweers nominated Mr. Sass.

**Selection of  
2015  
Chairman**

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

|          |          |
|----------|----------|
| Condon   | - Summey |
| Darby    | - Summey |
| Johnson  | - Summey |
| Qualey   | - Sass   |
| Rawl     | - Summey |
| Sass     | - Sass   |
| Schweers | - Sass   |
| Summey   | - Summey |
| Pryor    | - Summey |

The vote being six (6) votes for Summey and three (3) votes for Sass, the Chairman declared Mr. Summey to be Chairman of Charleston County Council.

Mr. Summey nominated Ms. Condon for Vice-Chairman of Charleston County Council. Mr. Schweers nominated Mr. Rawl.

**Selection of  
2015 Vice  
Chairman**

Mr. Pryor called for a roll call vote. The roll was called and votes were as follows:

|         |          |
|---------|----------|
| Condon  | - Condon |
| Darby   | - Rawl   |
| Johnson | - Rawl   |

|          |          |
|----------|----------|
| Qualey   | - Rawl   |
| Rawl     | - Rawl   |
| Sass     | - Rawl   |
| Schweers | - Rawl   |
| Summey   | - Condon |
| Pryor    | - Condon |

The vote being six (6) votes for Rawl and three (3) votes for Condon, Mr. Pryor declared Mr. Rawl to be Vice Chairman of Charleston County Council.

Mr. Pryor turned the meeting over to newly elected Chairman Elliott Summey.

**Minutes of  
December 9  
& 18, 2014**

Mr. Rawl moved approval of the Minutes of December 9 and December 18, 2014. The motion was seconded by Mr. Sass, and carried.

An ordinance amending the Comprehensive Plan Five Year Review was given third reading by title only.

Comprehensive  
Plan 5 Year  
Review

Ordinance 3<sup>rd</sup>  
Reading

**AN ORDINANCE  
APPROVING THE AMENDMENT OF THE CHARLESTON  
COUNTY COMPREHENSIVE PLAN (TEXT AND MAPS)  
PROVISIONS TO IMPLEMENT THE FIVE-YEAR REVIEW.**

WHEREAS, the Charleston County Council (the "County Council") adopted Ordinance No. 1095, effective April 20, 1999, with subsequent amendments and additions made thereto, which enacted and amended the Charleston County Comprehensive Plan (the "Comprehensive Plan") in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended) ("Planning Act"); and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1274, effective November 18, 2003, with subsequent amendments and additions made thereto, at the Five-Year review of the Comprehensive Plan; and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1567, effective November 18, 2008, with subsequent amendments and additions made thereto, at the 10-Year Update of the Comprehensive Plan; and

WHEREAS, the Charleston County Planning Commission (the "Planning Commission") adopted a resolution completing the Five-Year Review of the Comprehensive Plan on October 14, 2013, and directed staff to draft amendments to implement the findings of their review and gather public input on the proposed amendments; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to the Comprehensive Plan in accordance with the procedures established in State law and the Charleston County Zoning and Land Development Regulations Ordinance; and

January 6, 2015

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 amendments to the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, 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. AMENDMENTS TO THE COMPREHENSIVE PLAN

County Council amends the Comprehensive Plan provisions to implement the findings of the Five-Year Review.

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 its approval following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 6<sup>th</sup> day of January, 2015.

CHARLESTON COUNTY, SOUTH CAROLINA

By:

\_\_\_\_\_  
Chairman of County Council

ATTEST:

By: \_\_\_\_\_  
Beverly T. Craven  
Clerk to County Council

First Reading: December 9, 2014  
Second Reading December 18, 2014  
Third Reading: January 6, 2015

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

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

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

An ordinance approving financial incentives for Hubner Manufacturing Corporation was given third reading by title only.

**Hubner  
Financial  
Incentives**

**Ordinance  
3<sup>rd</sup> Reading**

#### **AN ORDINANCE**

AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND HUBNER MANUFACTURING CORPORATION, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH HUBNER MANUFACTURING CORPORATION; PROVIDING FOR PAYMENT BY HUBNER MANUFACTURING CORPORATION OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY HUBNER MANUFACTURING CORPORATION, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorised and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to designate real and tangible personal property as "economic development property" and to enter into an arrangement which provides for 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 further authorised and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the "MCIP Act"), to provide for payments in lieu of taxes ("PILOT Payments") with respect to property located in a multi-county business or industrial park created under the MCIP Act and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to such investors; and

WHEREAS, Hubner Manufacturing Corporation, a South Carolina corporation (the "Company"), intends to expand and upgrade its existing rubber and plastic production facilities in Charleston County (the "Existing Facility"), all of which will constitute a "project" within the meaning of the FILOT Act (the "Project"); the Project is to

be located in Wando Business Park in Mt. Pleasant, South Carolina (the "Project Site"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company in the aggregate not less than \$3,676,000 in new machinery and equipment to be located at the Project Site and additional real property of approximately \$5,510,000; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an additional approximately 50 full-time employees, in addition to the current 83 employees at the Existing Facility; and

WHEREAS, the County, with the consent of the Town of Mount Pleasant, is authorised to include the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to Section 4-1-175 of the Code; and

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

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire and expand the Project (the "Incentives"); and

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

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council's investigation of the Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, as necessary, County Council hereby find that:

- (a) the Project constitutes a “project” as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act;
- (c) the Investment by the Company in the Project is anticipated to be approximately \$9,200,000, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will, upon the completion of the Project, employ an additional approximately 50 full-time employees, in addition to the current 83 employees at the Existing Facility, as is provided in the Fee-in-Lieu of Tax Agreement (the “FILOT Agreement”) between the County and the Company;
- (d) the Project will be located entirely within Charleston County and within the incorporated limits of the Town of Mount Pleasant;
- (e) the Project is anticipated to benefit the general public welfare of Charleston County and the Town of Mount Pleasant by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;
- (f) the Project gives rise to neither a pecuniary liability of the County or the Town of Mount Pleasant, nor a charge against either public body’s general credit or taxing power;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (h) the inducement of the location of the Project is of paramount importance; and
- (i) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as “economic development property” under the FILOT Act and there is hereby authorised a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 30-year term of the fee-in-lieu of taxes, all as more fully set forth in the FILOT Agreement.

Section 4. Multi-County Park Incentive.

(A) By separate ordinance (the “MCIP Ordinance”) of the County Council, the County, in cooperation with Colleton County (the “Partner County”) and with consent of

the Colleton County, will designate the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, the MCIP Act, and the terms of the Agreement for the Establishment of a Multi-County Industrial/Business Park (the "MCIP Agreement").

(B) The County will provide for 5 years that the annual allocation of the PILOT Payments generated by the Project within the boundaries of the Multi-County Park (the "MCP FILOT") will be distributed (after distribution of a portion of the PILOT Payments to the Partner County in accordance with the MCIP Agreement) as follows:

- (i) To the County, for providing the SSRCS (as defined in Section 5 hereof), an amount equal to the annual SSRC provided in Section 5 of this Ordinance and in the FILOT Agreement; and
- (ii) Except as may otherwise be provided by ordinance of the County Council from time to time, the balance of the MCP FILOT to the County and the other overlapping taxing entities, in the same relative percentages as the relative millage rates imposed by such taxing entities for the applicable tax year.

Section 5. Special Source Revenue Credits.

(A) After the identification of qualifying public infrastructure located solely within Charleston County and the costs thereof to the satisfaction of the County, the County will provide to the Company an infrastructure or special source revenue incentive (the "SSRC") as follows: an annual SSRC in the amount of \$300,000 against the Negotiated FILOT payments due with respect to the Project in property tax years one (1) through five (5) of the term of the FILOT Agreement.

(B) The documents providing for the SSRC shall include customary terms providing: (i) for the recovery by the County, on a pro rata basis, of certain moneys if certain thresholds are not achieved (a "clawback" provision); (ii) that the Company will pay the County's administrative expenses associated with the approval and administration of the SSRC; (iii) that under certain terms and conditions, the County will have access to certain information of the Company; and (iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

Section 6. Execution of the Fee Agreement. The form, terms, and provisions of the FILOT Agreement presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form now before this meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County

thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement now before this meeting.

Section 7. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorised to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorised by this Ordinance.

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

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.

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

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

**CHARLESTON COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Chairman, County Council of  
Charleston County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Charleston County, South Carolina

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

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

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

An ordinance approving financial incentives for Senior Operations, LLC, and Jamestown-CK Crosspoint IV, LP was given third reading by title only.

**AN ORDINANCE**

AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY AND SENIOR OPERATIONS LLC AND JAMESTOWN-CK CROSSPOINT IV, L.P., WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH SENIOR OPERATIONS LLC AND JAMESTOWN-CK CROSSPOINT IV, L.P.; PROVIDING FOR PAYMENT BY SENIOR OPERATIONS LLC AND JAMESTOWN-CK CROSSPOINT IV, L.P. OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

Senior  
Operations &  
Jamestown  
CK  
Crosspoint  
Financial  
Incentives

Ordinance  
3<sup>rd</sup> Reading

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorised and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to designate real and tangible personal property as "economic development property" and to enter into an arrangement which provides for 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 further authorised and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the "MCIP Act"), to provide for payments in lieu of taxes ("PILOT Payments") with respect to property located in a multi-county business or industrial park created under the MCIP Act and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to such investors; and

WHEREAS, Senior Operations LLC, a Delaware limited liability company (the "Company"), intends to acquire and equip facilities for the subassembly and assembly of high precision machinery and equipment for use in the aerospace industry (the "Project"); the Project is to be located at 9004-S Sightline Drive, Ladson, in Charleston County (the "Project Site"); and

WHEREAS, the Project Site is owned by Jamestown-CK Crosspoint IV, L.P., a Delaware limited liability company (the "Landlord"), who will make an investment in the construction of an approximately 273,000 square foot building (the "Building") of not less than \$2,500,000 (the Landlord's Investment"), of which the Company will lease approximately 39,000 square feet for the operation of the Project; and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company in the aggregate not less than \$3,000,000 in new machinery and equipment to be located at the Project Site; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project will initially create employment for approximately 8 full-time employees, and the Company expects that additional employment for approximately 12 persons will be created within seven months of completion of the Project; and that employment for an additional 40 employees is expected to be created within 12 months of the completion of the Project; and

WHEREAS, the Project Site is located entirely within Charleston County and within the incorporated limits of the City of North Charleston and has previously been included in and subject to a multi-county park; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire and equip the Project and the Landlord to construct the Building (the "Incentives"); and

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

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

Section 1. Evaluation of the Project. County Council have evaluated the Project and the Building on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

- (a) the purposes to be accomplished by the Project and the Building are proper governmental and public purposes;
  - (b) the anticipated dollar amount and nature of the investment to be made;
- and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company and the Landlord, County Council's investigation of the Project and the Building, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, as necessary, County Council hereby find that:

- (a) the Project and the Building each constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Project and the Building will serve the purposes of the FILOT Act;
- (c) the Investment by the Company in the Project will be approximately \$3,000,000, and the Investment by the Landlord in the Building will be not less than \$2,500,000, all to be invested within the "investment period" (as defined in the FILOT

Act); and the County has been advised that upon the completion of the Project, the Project will initially create employment for approximately 8 full-time employees, the Company expects that additional employment for approximately 12 persons will be created within seven months of completion of the Project, and that employment for an additional 40 employees is expected to be created within 12 months of the completion of the Project, as is provided in the Fee-in-Lieu of Tax Agreement (the "FILOT Agreement") among the County, the Company, and the Landlord;

- (d) the Project Site will be located entirely within Charleston County and within the incorporated limits of the City of North Charleston;
- (e) the Project and the Building are anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;
- (f) the Project and the Building give rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (g) the purposes to be accomplished by the Project and the Building are proper governmental and public purposes;
- (h) the inducement of the location of the Project and the Building is of paramount importance; and
- (i) the benefits of the Project and the Building to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project and the Building are designated as "economic development property" under the FILOT Act and there is hereby authorised a fee-in-lieu of taxes arrangement with the Company and the Landlord which will provide Negotiated FILOT Payments to be made with respect to the Project and the Building based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project Site is located on June 30 of the year preceding the calendar year in which the FILOT Agreement is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project Site is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 20-year term of the fee-in-lieu of taxes, all as more fully set forth in the FILOT Agreement.

Section 4. Multi-County Park Incentive.

By separate ordinance (the "MCIP Ordinance") of the County Council, the County, the County has previously designated the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, and the terms of the Agreement for the Establishment of a Multi-County Industrial/Business Park. The County agrees to maintain that designation for at least 20 years.

Section 5. Execution of the Fee Agreement. The form, terms, and provisions of the FILOT Agreement presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorised and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form now before this meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement now before this meeting.

Section 6. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorised to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorised by this Ordinance.

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

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.

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

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

**CHARLESTON COUNTY, SOUTH  
CAROLINA**

By: \_\_\_\_\_  
Chairman, County Council of  
Charleston County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Charleston County, South Carolina

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

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

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

An ordinance approving amendments to the Charleston County Floodplain Management Ordinance was given second reading by title only.

**Floodplain  
Management  
Amendments**

**AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES,  
CHARLESTON COUNTY, ENTITLED "FLOOD DAMAGE PREVENTION AND  
PROTECTION"**

**Ordinance  
2<sup>nd</sup> 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 votes were recorded as follows:

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

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

An ordinance approving amendments to the Charleston County Building Code Ordinance was given second reading by title only.

**Building  
Code  
Amendments**

**Ordinance  
2<sup>nd</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE  
OF ORDINANCES, CHARLESTON COUNTY, ENTITLED  
“BUILDINGS AND BUILDING REGULATIONS” AND CHAPTER 8 OF THE  
CODE OF ORDINANCES, CHARLESTON COUNTY, ENTITLED “FIRE  
PREVENTION AND PROTECTION”**

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 votes were recorded as follows:

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

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

An ordinance approving amendments to the Charleston County Fee Ordinance was given second reading by title only.

**Fee  
Ordinance  
Amendments**

**AN ORDINANCE**

**AMENDING THOSE PORTIONS OF THE CHARLESTON COUNTY CODE SECTION  
2-137 DEALING WITH FEES IN THE BUILDING INSPECTIONS DEPARTMENT**

**Ordinance  
2<sup>nd</sup> 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 votes were recorded as follows:

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

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

An ordinance approving the issuance of General Obligation bonds for the Awendaw Fire District was given second reading by title only.

Awendaw  
Fire District  
Bonds

Ordinance  
2<sup>nd</sup> Reading

**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$2,500,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS (AWENDAW FIRE DISTRICT) OF CHARLESTON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS; AND OTHER MATTERS RELATING THERETO.**

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

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

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

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

Mr. Qualey moved to defer action on the County Administrator's salary at this time. The motion was seconded by Mr. Sass, and carried.

Buckeye  
Terminals  
Tax  
Abatement  
Resolution  
  
Request to  
Adopt

A report was furnished from the Finance Committee under date of January 6, 2015, that it considered the information furnished by County Administrator Kurt Taylor and Economic Development Director Steve Dykes regarding the need to adopt a resolution granting a tax abatement of the county portion of property taxes to Buckeye Terminals. It was stated that on December 31, 2013, Buckeye Terminals, LLC purchased the assets of Amerada Hess Corporation, a North Charleston based company and land owner of the real and personal property located at 5150 Virginia Ave. for \$5,876,670. Buckeye will also be retaining the existing 9 member staff formerly employed under Amerada Hess Corporation with its annual payroll of \$615,870.

It was also stated that as the new owners, as allowed by law, Buckeye is requesting an additional 5 year abatement (5YA) on the County portion of property taxes. Such an

extension has requirements set forth under section 12-37-220(c) of the South Carolina code of laws which states:

1. The purchaser is unrelated to the seller
2. The sale is an arm's length transaction
3. The purchaser preserves the existing facility and existing number of jobs at the facility
4. The purchaser invests an additional \$50,000 in a new facility or an addition to an existing facility
5. The purchaser must obtain approval of the governing body of the County for the extension

It was shown that Buckeye has met requirements 1-3 by certifying compliance to the South Carolina Department of Revenue and to Charleston County via official correspondence. Buckeye met requirement 4 by virtue of purchasing the company from Amerada Hess Corporation.

The county property taxes which will be foregone in the 2014-2018 period are approximately \$146,700. During that time, Buckeye will pay approximately \$720,400 in local property taxes on this same real and personal property to remaining taxing entities. Following the lifting of the abatement in 2019, the Charleston County portion of tax payments will be approximately \$29,300 annually and the tax payment for all taxing entities will be approximately \$187,100 annually.

Committee recommended that Council approve a resolution granting a Five Year Abatement (5YA) of the county portion of property taxes to Buckeye Terminals, LLC during a period commencing in tax year 2014 and running through tax year 2018 and authorize the Chairman of County Council to sign the South Carolina Department of Revenue form PT-444 indicating approval of the County governing body.

The resolution is as follows:

#### **A RESOLUTION OF CHARLESTON COUNTY COUNCIL**

**Whereas**, Section 12-37-220(A)(7) of the South Carolina Code of Laws provides for a tax exemption for the county portion of property taxes for new manufacturing establishments and Section 12-37-200(C) provides that the exemption applies to purchasers of such establishments provided the purchase is an at arm's length transaction, the purchaser preserves the facility, the purchaser preserves the number of existing jobs, the purchaser invests at least \$50,000 into the facility, and governing body of the County approves the granting of such exemption; and,

**Whereas**, Buckeye Terminals, LLC purchased a manufacturing facility located in Charleston County which was subject to the new manufacturing establishment exemption and furthermore Buckeye Terminals, LLC has preserved all of the jobs which existed at said facility and further has invested more than \$50,000 in such facility.

**NOW THEREFORE, be it RESOLVED by County Council:**

Council has approved the granting of a five (5) year exemption of the County portion of property taxes to Buckeye Terminals, LLC during a period commencing in tax year 2014 and continuing until and including tax year 2018.

Done in a meeting of the Charleston County Council, assembled this 6<sup>th</sup> day of January, 2015.

CHARLESTON COUNTY COUNCIL  
J. Elliott Summey, Chairman

**Public  
Comments**

The Chairman stated that Public Comments had been overlooked earlier in the evening and asked if any member of the public wished to address Council on any matter.

Mr. Joseph Bowers, of Awendaw, spoke against the issuance of General Obligation bonds by the Awendaw Fire District. He stated that he believed the property where the new fire station is proposed to be built is eminently going to be annexed by the Town of Mount Pleasant. Chairman Summey asked staff to look into this matter and bring information back to Council before third reading of the ordinance.

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

**Council  
Member  
Comments**

Mr. Qualey congratulated Chairman Summey and Vice Chairman Rawl.

Mr. Rawl stated that the success and failure of Charleston County Council is directly related to the competency of staff which has never let Council down.

Mr. Pryor thanked staff for the professionalism shown to him during his six year tenure as Chairman of Charleston County Council.

Mr. Sass congratulated Chairman Summey and Vice Chairman Rawl and also thanked Mr. Pryor for his service as Chairman.

Ms. Johnson wished everyone a Happy New Year and congratulated the newly elected officers.

Mr. Darby congratulated Mr. Rawl on his election as Vice Chairman and stated that he had always admired Mr. Rawl's objectivity. He also congratulated Mr. Summey on his election as Chairman and reminded Mr. Summey that the student is not greater than the teacher. He also thanked Mr. Pryor for his service as Chairman and stated that in his life he had met many great people; however, none was greater than Teddie Pryor. He stated that Mr. Pryor was fair in all things and had his heart in the right place in all matters. He remarked that Mr. Pryor's leadership had galvanized the collective success of Charleston County from Boeing to paving rural roads.

Chairman Summey thanked his fellow Council Members for their faith in his leadership and stated that he was looking forward to moving forward in an appropriate direction.

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

Kristen L. Salisbury  
Deputy Clerk of Council