

Charleston, S. C.
September 18, 2012

A regular meeting of County Council of Charleston County was held on the 18th day of September, 2012, at 7:00 p.m., in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Council Member Darby gave the invocation. Council Member, Joseph Qualey, 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 Council's minutes of September 4, 2012, seconded by Mr. Sass, and carried.

**Addiction
Recovery
Month
Resolution
Request to
Approve**

A report was read from the Finance Committee under date of September 13, 2012 that it considered the information furnished by Kurt Taylor, County Administrator, and Charleston Center Director Chanda Brown regarding a request for a resolution proclaiming the month of September as Alcohol and Drug Addiction Recovery Month and September 20, 2012, as Addiction Professionals Day in Charleston County. It was stated that the disease of addiction negatively impacts all aspects of life in Charleston County, increases health costs, decreases productivity, increases violence and destroys families. It was shown that recognizing Recovery Month highlights the societal benefits of substance abuse treatment and promotes the message that substance abuse treatment works, and in addition provides a platform to celebrate people in recovery and those that serve them. It was further stated that Charleston County Council supports the concept that substance abuse treatment and prevention is a cost effective alternative to incarceration, hospitalization and unemployment and Charleston County Council wishes to congratulate the citizens of Charleston County in recovery from addiction and those that serve them.

Committee recommended that Council adopt a resolution proclaiming September 2012 as Alcohol and Drug Addiction Recovery Month and September 20, 2012 as Addiction Professionals Day.

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

The Resolution is as follows:



A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the Nation; and

WHEREAS, the benefits of preventing and overcoming mental and/or substance use disorders are significant and valuable to individuals, families, and the community at large; and

WHEREAS, people in recovery achieve healthy lifestyles, both physically and emotionally, and contribute in positive ways to their communities; and

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, in 2010, 2.6 million people received specialty treatment for a substance use disorder and more than 31.3 million adults aged 18 or older received services for mental health problems, according to the ***2010 National Survey on Drug Use and Health***. Given the serious nature of this public health problem, we must continue to reach the millions more who need help.

NOW THEREFORE, BE IT RESOLVED, that **Charleston County Council**, does hereby join in the observance of and proclamation of the month of September 2012 as

ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in Charleston County and encourage all citizens of Charleston county to recognize the achievement of those who seek to overcome the stigma and secure the benefits of substance abuse treatment and recovery.

ALSO

WHEREAS, addiction professionals are uniquely qualified, frontline health care professionals vital to the process of guiding patients with addictive disorders to recovery; **and**,

WHEREAS, these dedicated professionals are committed to increasing public knowledge of alcohol and drug dependency and to enhancing the care of individuals, families and communities through treatment, education and prevention programs; **and**,

WHEREAS, National Addiction Professionals Day recognizes and honors the work of addiction professionals while raising awareness about the effectiveness of alcohol and drug addiction treatment

NOW THEREFORE, BE IT RESOLVED, that **Charleston County Council**, does hereby join in observance of and proclamation of September 20, 2012 as

ADDICTION PROFESSIONALS DAY

in Charleston County and encourages all citizens of Charleston County to recognize addiction professionals for their commitment to reducing chemical dependency among our residents.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman
September 18, 2012

An Ordinance rezoning real property at 1820 First Drive was given third reading by title only.

ZREZ-4-12-13523, 1820 First Drive Ordinance 3rd Reading

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1820 1ST DRIVE, PARCEL IDENTIFICATION NUMBER 350-05-00-159, FROM THE RESIDENTIAL OFFICE (OR) DISTRICT TO THE COMMERCIAL TRANSITION (CT) DISTRICT

WHEREAS, the property identified as parcel identification number 350-05-00-159 is currently zoned Residential Office (OR) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County

Planning Department requesting, among other things, that the parcel be rezoned from Residential Office (OR) District to the Commercial Transition (CT) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council ("County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 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 determined that the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds 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 PROPERTY

The property identified as parcel identification number 350-05-00-159 is hereby rezoned from the Residential Office (OR) District to the Commercial Transition (CT) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

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.

ADOPTED and APPROVED in meeting duly assembled this 18th day of September, 2012.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

Beverly T. Craven
Clerk of County Council

First Reading: August 21, 2012
Second Reading: September 4, 2012
Third Reading: September 18, 2012

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

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

An Ordinance authorizing a fee agreement between Charleston County, TIGHITCO, Inc. and Avian Aerospace, Inc. was given third reading by title only.

**TIGHITCO
Financial
Incentives
Ordinance
3rd Reading**

AN ORDINANCE

AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND AMONG CHARLESTON COUNTY, SOUTH CAROLINA,

TIGHITCO INC. AND AVIAN AEROSPACE, INC.; PROVIDING FOR SPECIAL SOURCE REVENUE OR INFRASTRUCTURE IMPROVEMENT CREDITS; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES UNDER THE AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK BETWEEN CHARLESTON COUNTY AND COLLETON COUNTY; AND MATTERS RELATING THERETO (THE "ORDINANCE").

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

WHEREAS, the County and the Company desire to enter into a Fee Agreement, as defined in the Act, concerning the Company's investment in Charleston County for the purpose of the development of approximately 25 acres in Palmetto Commerce Park for the design, fabrication and repair of engineered components and integrated systems for aerospace and industrial applications (which properties constitute a project under the Act and are referred to hereinafter as the "Project"). The Project is expected to provide significant economic benefits to the County and surrounding areas with its approximately \$14.5 million capital investment and the creation of approximately 300 jobs with anticipated annual payroll of approximately \$9,000,000. In order to induce the Company to locate the Project in the County, the County hereby agrees to charge a fee-in-lieu of taxes with respect to the Project and otherwise make available to the Company the benefits intended by the Act;

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

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

WHEREAS, the ordinance previously considered by County Council related to the Project is to be replaced in its entirety by this Ordinance; and

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

Section 1. Pursuant to the Act, and particularly Section 12-44-40(H) and (I) thereof, and based on information supplied to the County by the Company, the County Council has made and hereby makes the following findings:

- (a) The Project constitutes a "project" as said term is referred to and defined in Section 12-44-30 of the Act;
- (b) It is anticipated that the Project will benefit the general public welfare of the County by providing services, employment and other public benefits not otherwise adequately provided locally;

- (c) The purposes to be accomplished by the Project are proper governmental and public purposes;
- (d) The benefits of the Project to the public are greater than the costs to the public;
- (e) Neither the Project nor any documents or agreements entered into by the County in connection therewith will give rise to any pecuniary liability of the County or incorporated municipality or to any charge against their general credit or taxing power; and
- (f) Having evaluated the purposes to be accomplished by the Project as proper governmental and public purposes, the anticipated dollar amount and nature of the investment to be made, and the anticipated costs and benefits to the County, the County has determined that the Project, based on factual representations to the County by the Company, will be properly classified as economic development property.

Section 2. In order to promote industry, develop trade and utilize the workers, agricultural products and natural resources of the State, the form, terms and provisions of the Fee Agreement which is before this meeting and filed with the County Administrator is hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. In sum, the Fee Agreement establishes a 6% assessment ratio for real and personal property for a term of 20 years, locks in the applicable mileage rate for the 20 year term, and also provides for a 30% Special Source Revenue Credit on real and personal property for the 20 year term. The Chair of the County Council is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not be materially adverse to the County or the Company and as shall be approved by the officials of the County executing the same, upon advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 3.

(a) By separate ordinance (the "MCIP Ordinance") of the County Council, the County, and with the consent of Colleton County and the City of North Charleston, has previously designated the site of the Project as a multi-county business park pursuant to the terms of the Agreement for Establishment of Multi-County Business/Industrial Park (the "MCIP Agreement"). In the FILOT Agreement, the County will agree to maintain such designation for a term of at least 20 years to fund the SSRC's.

(b) Pursuant to the terms of Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended, and the MCIP Agreement, the County hereby provides that for 20 years, commencing with the first tax year in which the fee-in-lieu of *ad valorem* tax revenue is generated by the Project and payable to the County in accordance with the terms of the MCIP Agreement, revenues with respect to the Project and the County Economic Development Fund under the MCIP Agreement will be distributed as follows:

- (1) After deducting amounts due to the partner county under the MCIP Agreement, to the County an amount equal to the total SSRC's to be provided in such year pursuant to Section 2 hereof; and
- (2) After making the allocations under paragraph (1) of this Section, to be distributed to the taxing districts in accordance with ordinance of County Council.

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

Section 5. The consummation of all transactions contemplated by the Fee Agreement is hereby approved.

Section 6. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 7. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 8. All orders, resolutions, ordinances and parts thereof in conflict herewith are, including but not limited to the ordinance previously considered by County Council and related to the Project, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

DONE, RATIFIED AND ADOPTED this 18th day of September, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr., Chairman
Charleston County Council

ATTEST:

Beverly T. Craven, Clerk
Charleston County Council

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye

Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- abstain
Mr. Pryor	- aye

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

Mr. Summey furnished the Clerk with a completed Conflict of Interest form for the record.

**ZREZ 6-12-14039, 3712 Savannah Highway
A) Request to Change
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee under date of September 13, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator and the Staff recommendations furnished by Dan Pennick, Director of the Zoning/Planning Department, regarding a request to rezone 3712 Savannah Highway. It was stated that at the September 13, 2012 Planning Public Works Committee meeting this rezoning request was approved by a vote of nine to zero.

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

An Ordinance rezoning property located at 3712 Savannah Highway was given first reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 3712 SAVANNAH HIGHWAY, PARCEL IDENTIFICATION NUMBER 285-00-00-016 FROM THE INDUSTRIAL (I) DISTRICT TO THE COMMUNITY COMMERCIAL (CC) DISTRICT.

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

The Chairman announced that the next item on Council's agenda was the Consent Agenda.

Ms. Condon moved approval of the Consent Agenda, seconded by Ms. Johnson, and carried.

The Consent agenda is as follows:

**Consent Agenda
A) Front End Loader
B) FY 2013 "C" Fund Program Management**

A report was read from the Planning/Public Works Committee under date of September 13, 2012 that it considered the information furnished by Kurt Taylor, County Administrator, and Procurement Director J. Barrett Tolbert regarding the Environmental Management Department's request for a non-competitive procurement to purchase a front end loader. It was stated that the front end loader is a replacement vehicle for a commercial front end loader that caught fire and was deemed to be a total loss by Charleston County's insurance carrier. It was further stated that the front end loader is a critical vehicle to the Environmental Management Department's ability to continue the program expansion and return to its normal operations.

Committee recommended that Council authorize award for the purchase of one (1) front end loader to Hughes Motors Incorporated in the amount of \$260,720.00 with the understanding that this equipment will be utilized at the Collections Department, Environmental Management Department.

A report was read from the Finance Committee under date of September 13, 2012 that it considered the information furnished by Kurt Taylor, County Administrator and Jim Armstrong, Assistant Administrator for Transportation Development and Public Works, regarding the FY 2013 "C" Fund Road Improvement Program. It was stated that it has been the practice for many years for County staff to administer the funds, engineering design, contracts, and perform construction management services for the Charleston County Transportation Committee. It was shown that the County manages CTC project costs from state funds appropriated for the projects and this year the CCTC has allocated \$3,099,487.50 for resurfacing various state, county, and municipal roads and an additional \$1,000,000.00 for construction of other projects, and that "C" Funds are derived from 2.66 cents per gallon of the state gasoline user fee which is deposited in the County Transportation Fund to be allocated to all counties within the state.

Committee recommended that County staff be authorized to enter into necessary agreement(s) with the South Carolina Department of Transportation and others to enable County staff to carry out project design, contract administration, and construction management for the Charleston County Transportation Committee's FY 2013 "C" Fund Road Improvement Program.

**Procurement
Ordinance
Amendments
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of September 13, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Barrett J. Tolbert, Director of Procurement regarding recommended changes to four sections of the Charleston County Procurement Ordinance. These recommendations are as follows:

The Contracts and Procurement Department is recommending changes to four (4) sections of the Charleston County Procurement Ordinance as follows:

1. **Section 2-184(g)** – Competitive Sealed Bidding (Award) to increase the dollar threshold from \$50,000 to \$100,000.
2. **Section 2-229** – Architect-Engineer and Land Surveying Services: add Section 2-229(d), which will exempt small Architect-Engineer and Land Surveying Services, not exceeding \$25,000, from the RFQ process.
3. **Section 2-187(a)** – Sole-Source Procurements/Non-Competitive Procurement: increase the dollar threshold for contracts to be awarded for supplies, services, or construction items, without competition, from the current "less than \$150,000" threshold to "less than \$500,000."
4. **Section 2-262** – Cooperative Purchasing Authorized: add language to further clarify the cooperative purchasing process, which allows the Contracts and Procurement Director to procure goods, services, and construction items without competition, using competitive purchasing agreements.

Committee recommended that Council approve and give first reading to an ordinance to make the following changes to the four (4) sections of the Charleston County Procurement Ordinance:

1. **Section 2-184(g)** – Competitive Sealed Bidding (Award) to increase the dollar threshold from \$50,000 to \$100,000.
2. **Section 2-229** – Architect-Engineer and Land Surveying Services: add Section 2-229(d), which will exempt small Architect-Engineer and Land Surveying Services, not exceeding \$25,000, from the RFQ process.
3. **Section 2-187(a)** – Sole-Source Procurements/Non-Competitive Procurement: increase the dollar threshold for contracts to be awarded for supplies, services, or construction items, without competition, from the current “less than \$150,000” threshold to “less than \$500,000.”
4. **Section 2-262** – Cooperative Purchasing Authorized: add language to further clarify the cooperative purchasing process, which allows the Contracts and Procurement Director to procure goods, services, and construction items without competition, using competitive purchasing agreements.

Ms. Condon moved approval of Committee recommendation with the change in Section 2-187-(a) the Sole-Source Procurements/Non Competitive Procurement from less than \$250,000 not less than \$500,000 as proposed, seconded by Mr. Summey.

Ms. Condon spoke in favor of changing the Competitive Seal Bidding Award to \$100,000 as requested; saying that she felt it was necessary and would allow for more efficient securing of necessary equipment. She added that she felt that this was very important and particularly true for our Solid Waste Program.

Mr. Schweers and Mr. Sass stated that they had reviewed the information furnished on the number of bids that went to Council last year that would not have had to if the proposed new Ordinance was implemented and said that they did not feel that the small number warranted a change in the current Ordinance.

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the motion to have carried.

An Ordinance amending the Charleston County Procurement Ordinance was given first reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY PROCUREMENT ORDINANCE, AS AMENDED, DIVISION 3 – COMPETITIVE SEALED BIDDING, DIVISION 5 – CONSTRUCTION, ARCHITECT-ENGINEER AND LAND SURVEYING SERVICES, DIVISION 3 – SOLE SOURCE PROCUREMENT/NON-COMPETITIVE PROCUREMENT, AND DIVISION 8 – COOPERATIVE PURCHASING AUTHORIZED.

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

The Chairman announced that this was the last item on the printed agenda, but that he wanted to request Staff to work with the Veterans' Association, the Park and Recreation Commission and others to see what, if anything, could be done to find property suitable for farming purposes for the Veterans' Association.

Mr. Schweers said that he understood that the Park and Recreation Commission, who own the McLeod Plantation, had plans to restore planting at McLeod and if so that could be a possibility for the Veterans' Association.

Mr. Darby stated that he would appreciate anything that Staff could do to make the issue of crop planting a reality for the Veterans.

The Chairman announced that Council needed to go into Executive Session to discuss a contractual and personnel matter.

Mr. Summey moved that Council go into Executive Session to discuss a contractual and personnel matter, seconded by Ms. Johnson, and carried.

At the conclusion of the Executive Session, the Chairman announced that no action or votes had been taken while in Executive Session.

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

The Chairman requested that the Consolidation Committee, chaired by Council Member Rawl, meet with officials from the Town of Awendaw and the Awendaw Fire District and bring back recommendations to Council.

Mr. Schweers requested that all members of Council be notified any time there is a meeting at which Council representation is expected regarding the Mark Clark Expressway since there is no clear majority view on Council regarding the issue.

Mr. Darby concurred with the remarks made by Mr. Schweers and added that he hoped the Chairman or Vice Chairman would make it clear that when they make remarks regarding I-526 they are speaking as individuals and not on behalf of Council since their personal views do not reflect the views of a majority of Council.

Ms. Johnson said any information furnished on I-526 should be furnished to all Members of Council.

Chairman Pryor recognized Dr. Greg Vanderwerker, Town Council Member for the Town of Kiawah Island, and thanked him for his faithful attendance at County Council meetings.

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

Beverly T. Craven
Clerk of Council