

Charleston, S. C.
March 26, 2013

A regular meeting of County Council of Charleston County was held on the 26th day of March, 2013, 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 W. Kurt Taylor and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation. Deputy Administrator for Human Services, Jennifer Miller 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 notation.

Mr. Summey moved approval of Council's minutes of March 12, 2013, seconded by Ms. Condon, and carried.

**Recognitions
&
Resolutions**

- A) SCARC GIS Achievement Award
- B) National Crime Enforcement Awards
- C) Fair Housing Month
- D) K-Shard Fields Resolution
- E) Fair Housing Month

The Chairman announced that Charleston County Employee, Brenda Wheatley had been awarded the GIS Achievement Award for her excellent work related to the Charleston County Single Stream Recycling Program. This award is given out each year at the South Carolina ARC conference to a person/group that goes above and beyond in the world of GIS.

The Chairman stated that he was proud to recognize the members of the Charleston County Sheriff Office who recently had been recognized by the National Criminal Enforcement Association for their pro-active law enforcement efforts, and were named the top DUI Enforcement Team in the United States during the year 2012. In addition the Executive Director of the National Criminal Enforcement Association, Douglas Wright, presented one of Charleston County's DUI team members, Master Deputy Chris Craven, with an award naming him as the top DUI Enforcement Officer for 2012, and Master Deputy Shawn James was honored for his display of Valor and courage during an on duty critical incident in 2012. The officers were given a standing ovation by Council and those attending the meeting.

The Chairman requested K-Shard Fields to come forward with his employer, Paul Heinauer, to accept a Resolution from Council.

The Resolution is as follows:



**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

WHEREAS, K-Shard Fields, a master auto glass technician, employed in Charleston County by Glasspro, Incorporated, is the 2012 World's Best Auto Glass Technician; **and**,

WHEREAS, K-Shard Fields competed against auto glass technicians from the United States, Canada and Mexico for this distinction at the Auto Glass Technician Olympics; **and**,

WHEREAS, to qualify for the competition, **K-Shard Fields** defeated auto glass technicians from across the country in Louisville, Kentucky; **and**,

WHEREAS, the two-day international competition included judging on replacing side, back, and front car windows; **and**,

WHEREAS, K-Shard Fields was judged on his knowledge of the craft, technique, and safety measures for the customer's auto and himself; **and**,

WHEREAS, in winning this prestigious honor **K-Shard Fields** has also brought honor to his country, his employer, his family, and his community.

NOW, THEREFORE, BE IT RESOLVED, that **Charleston County Council** commends the enterprise and professionalism of **K-Shard Fields**, the **2012 World's Best Auto Glass Installer Champion**, and extends its congratulations to him.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Sr., Chairman
March 26, 2013

A report was read from the Finance Committee under date of March 21, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Assistant County Administrator for Community Services Christine DuRant regarding a resolution proclaiming April 2013 Fair Housing Month in Charleston County. It was stated that the Fair Housing Act, passed into law in 1969, protects all citizens and states that no one can be denied housing because of their race, color, religion, sex, national origin, familial status, age, or disability. This month serves as a time to

celebrate the progress made in opening the doors of housing opportunity to every citizen and as a time to acknowledge the fair housing challenges that still remain and to collectively commit to finding viable solutions for those challenges.

Committee recommended that Council adopt a resolution proclaiming April 2013 as Fair Housing Month in Charleston County.

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

The Resolution is as follows:



A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, Charleston County is designated as an Urban Entitlement Community and is a grantee of funds from the US Department of Housing and Urban Development; and

WHEREAS, HUD-funded grant recipients are obligated under various laws not to discriminate in housing or services directly or indirectly on the basis of race, color, religion, sex, national origin, age, familial status, or disability; and

WHEREAS, HUD rules further require that recipients of Federal financial assistance comply with civil rights related program requirements that affect nearly every aspect of each program. HUD's non-discrimination requirements are compiled from several different federal laws designed to protect each individual's right to fair housing and equal opportunity; and

WHEREAS, fair housing and fair housing choice is generally defined as the ability of people with similar incomes to have similar access to housing; and

WHEREAS, fair housing is an issue of affordable housing in our cities and rural areas and continues to be a problem for many families of all races, the young as well as the elderly; and

WHEREAS, Charleston County utilizes HUD funding to educate the public regarding the rights and responsibilities afforded by the fair housing law, to include the education of housing providers and financial providers; and

WHEREAS, April has been designated as Fair Housing Month in the United States, and provides an opportunity for all Americans to dedicate themselves to the principles of free choice and to reacquaint themselves with the rights and responsibilities that are theirs under the law; and

WHEREAS, Charleston County reaffirms its policy to ensure equal opportunity for all persons without regard to race, color, religion, gender, sexual orientation, national origin, marital status, age, or disability.

NOW, THEREFORE, BE IT RESOLVED, that Charleston County Council, does hereby proclaim April 2013 as Fair Housing Month in Charleston County, and urges all citizens of Charleston County to join in this effort to reaffirm fair housing opportunities for all people and to practice the letter and spirit of the Fair Housing Law.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman
March 26, 2013

An Ordinance amending the Charleston County Zoning Regulations was given third reading by title only.

**ZLDR
AMENDMENTS
3rd Reading
including
Exhibit A**

AN ORDINANCE

1763

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3 (DEVELOPMENT REVIEW PROCEDURES), CHAPTER 4 (BASE ZONING DISTRICTS), CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS), CHAPTER 6 (USE REGULATIONS), CHAPTER 11 (VIOLATIONS, PENALTIES AND ENFORCEMENT), AND CHAPTER 12 (DEFINITIONS).

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments of the text of various chapters of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Charleston County Council adopt the proposed amendments of the text of the ZLDR as set forth herein; 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 text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, the County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, be ordained by the Charleston County Council of Charleston, 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. AMENDMENTS OF THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

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 following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 26th day of March, 2013.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Sr., Chairman
Charleston County Council

ATTEST:
Beverly T. Craven, Clerk
Charleston County Council

EXHIBIT "A"

CHAPTERS OF THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, ORDINANCE 1202, AS AMENDED: CHAPTER 2 (REVIEW AND DECISION-MAKING BODIES), CHAPTER 3 (DEVELOPMENT REVIEW PROCEDURES), CHAPTER 4 (BASE ZONING DISTRICTS), CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS), CHAPTER 6 (USE REGULATIONS), CHAPTER 8 (SUBDIVISION REGULATIONS), CHAPTER 9 (DEVELOPMENT STANDARDS), CHAPTER 10 (NONCONFORMITIES), CHAPTER 11 (VIOLATIONS, PENALTIES AND ENFORCEMENT), AND CHAPTER 12 (DEFINITIONS)

§3.1.5 APPLICATION SUBMITTAL

- A. Whenever the procedures of this Ordinance expressly state that applications are to be submitted after a "pre-application conference," applicants shall be responsible for scheduling and attending such meetings. When pre-application conferences are required, an application shall not be accepted until the pre-application conference has been conducted, and any errors or omissions noted in review of the application for completeness have been addressed by the applicant.
- B. Until an application is deemed complete pursuant to this Article, all related materials shall be treated as proprietary information.

§3.2.1.C.2-3 Comprehensive Plan Amendments

2. Twenty (20) copies of the applicant's letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Section 3.2.6 are met;
3. Twenty (20) copies of the proposed changes to the Comprehensive Plan based on the current Comprehensive Plan in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, italic text. Proposed changes to any Comprehensive Plan map shall be illustrated in a map format similar to the existing Comprehensive Plan maps and shall be labeled as "proposed amendment"; and

§3.2.1.C.2-3 3.3.1.B.2 Zoning & Land Development Regulations Text Amendments

2. Twenty (20) copies of the applicant's letter of intent explaining the proposed amendment(s) and how it meets the criteria listed in Section 3.3.6;
3. Twenty (20) copies of the proposed text amendment based on the current Ordinance in effect and showing proposed deletions as strike-through text and proposed additions in bold, italic text;

§3.7.6 REVIEW AND ACTION SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee shall review each Site Plan application in light of the applicable Approval Criteria of Section 3.7.7. The Site Plan Review Committee

consists of representatives from the Planning Department, Department of Public Works, South Carolina Department of Health and Environmental Control (DHEC), Department of Transportation, Corps of Engineers, and Office of Coastal Resource Management and other departmental representatives as deemed necessary by the Planning Director, each of whom addresses the issues relevant to their respective department's responsibilities. The Site Plan Review Committee provides a recommendation to the Zoning and Planning Director to approve or deny the Site Plan application.

§4.2.3 SETBACKS

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section.

A. Exceptions to Setbacks

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

1. Trees, shrubbery or other landscape features may be located within any required setback; however, they shall be selected for site specific conditions. Plant material to be located adjacent to public drainage easements and right-of-ways shall be selected and placed not to impede future access. Additionally, vegetation planted within utility easements shall be selected and sited to minimize pruning for future maintenance and clearance of such utilities. The Planning Director may require modifications (substitutions and relocation) of plant material on proposed landscape plans when necessary to assure access and ease of maintenance to any easements and right-of-ways and to preserve the public health, safety and welfare.
2. In all zoning districts, fences, hedges and walls may be located within any required setback, provided that no fence, wall or hedge shall obstruct the view of vehicular access to any roadway between three (3) and ten (10) feet in height above grade. For the safety of pedestrian and vehicular traffic, in residential zoning districts, an unobstructed vision clearance triangle shall be maintained along intersections of residential driveways with adjacent roadways. The vision clearance triangle shall be formed by the connection of a perpendicular line measuring fifteen (15) feet from the point of intersection at the edge of the travelway into the driveway and a fifteen (15) foot parallel line away from the point of intersection along the roadway (see Figure 4.1). Residential driveways along roadways with a classification of collector or higher may be subject to a greater distance of measurement.
3. In all zoning districts, elements that are not designed or intended to have a permanent location on the ground as determined by the Planning Director including, but not limited

to, vehicles, boats, RV's, lawn and garden furniture and equipment and similar items.

§5.6.1 STATEMENT OF FINDINGS

The FRC-O, Folly Road Corridor Overlay zoning district, straddles Folly Road from its intersection with Tatum Road south to the Folly River, as shown on the map titled "Folly Road Corridor Overlay Zoning District". Folly Road is the main thoroughfare on James Island and the only route leading to Folly Beach. As such, it carries a large number of vehicles each day. Moreover, some of the properties along Folly Road are located within the jurisdictional limits of the City of Charleston, the Town of James Island, and the City of Folly Beach, while some are located within unincorporated Charleston County. The FRC-O district was adopted to implement traffic safety measures, to improve the visual character of the corridor, and to create consistency between the County of Charleston, the Town of James Island, the City of Folly Beach and the City of Charleston concerning land development regulations.

§6.6.4 TEMPORARY ASSEMBLY USES AND SPECIAL EVENTS

Move Section 6.6.4 to Section 6.7.3

§6.7.1 PURPOSE

The intent of this Article is to provide regulations that guide the use of unincorporated properties for the purpose of hosting special events of varying sizes and functions. This Article intends to create a balance of greater flexibility for Special Event uses, while protecting the surrounding community. The regulations of this Article shall apply in conjunction with any other standards contained within this Ordinance.

§6.7.2 PRIVATE SPECIAL EVENTS

The following are exempt from the requirements of this Article: private parties and gatherings that do not meet the definition of "special event," as defined in this Ordinance, auctions of private real estate, and estate auctions.

§6.7.3 TEMPORARY SPECIAL EVENTS

Temporary public assembly use and special events, such as cultural events, circuses, outdoor concerts and parking for special events, shall require a Temporary Administrative Permit from the Planning Director. Such permit shall not be issued for periods in excess of ten (10) consecutive days, and no more than five such permits may be issued per lot, per calendar year. Temporary permits shall be issued only if adequate parking and sanitary facilities are provided to serve the proposed use or activity. Any temporary event utilizing 25 acres of land area or more shall require Special Exception approval in accordance with the procedures contained in Chapter 3 of this Ordinance.

ARTICLE 6.7 SPECIAL EVENTS USE

§6.7.4 OUTDOOR SPECIAL EVENTS

- A. Use of vacant or undeveloped properties for the establishment of a new outdoor Special Events principal use in the CN, CT, CR, CC, and I Zoning Districts shall comply with the Site Plan Review requirements, Article 3.7, of this Ordinance.
- B. With the exception of special events at federal, state, and county

parks and legally established fairgrounds, any accessory, outdoor special event consistent with the definition of "special event," as defined in this Ordinance, must comply with §6.7.3 and a Zoning Permit shall be required.

- C. Any outdoor special event activity as defined by this Ordinance, whether an accessory to an existing business, or on vacant undeveloped property, which is located within 500 feet of the property line of a residentially developed parcel, shall cease all music and all loud noise that is above seventy (70) db(A) no later than 11:00 p.m.; otherwise, this use shall require Special Exception approval consistent with Section 6.7.4.C. Distances shall be measured from the site of the special event activity on the subject property to the nearest property line of a lot containing a residential use. Noise levels shall be measured anywhere within the boundary line of the nearest residentially occupied property.
- D. All outdoor special event activities will be subject to the County's livability and/or noise ordinance.

§6.7.5 INDOOR SPECIAL EVENTS

A Zoning Permit shall not be required when hosting an indoor special event in legally established commercial and industrial zoning districts and public facilities or civic facilities such as: hotels/motels, convention centers; social lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks, and similar facilities legally established and authorized to hold special events.

§6.7.6 SPECIAL EVENTS IN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS

§6.7.7 ZONING PERMIT

§6.7.8 LAPSE OF APPROVAL

§11.9.1 ZONING MAP AMENDMENT REQUESTS

An application (along with related documents and fees) for a zoning map amendment shall not be accepted or processed when the property owner(s) has been notified, pursuant to §11.3.2, that a violation of this Ordinance exists on or in the use of land that is the subject of the requested zoning change. The Zoning and Planning Director, after consideration of the specific case, may waive this requirement and direct staff to process the application if it is found that a zoning map amendment serves to remedy the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Chapter 11 of this Ordinance nor does it guarantee approval of the requested zoning map amendment. If the zoning map amendment is disapproved by County Council, the property owner, applicant, and/or designated agent has a maximum of 30 calendar days from the date of disapproval to bring the subject property into compliance.

§11.9.2 BOARD OF ZONING APPEALS REQUESTS

An application (along with related documents and fees) to go before the Board of Zoning Appeals (BZA) shall not be accepted or processed when the property owner(s) has been notified that a violation of this Ordinance exists on or in the use of land that is the subject of the request. The Planning Director may, after consideration of the specific case, waive this requirement and direct staff to process the application, if the BZA request serves as a remedy for the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Chapter 11 of this Ordinance.

§12.1 TERMS AND USES DEFINED

Accessory Dwelling Unit	A dwelling unit providing complete, independent living facilities for one or more persons that is separate from and subordinate to the principal dwelling unit. This definition includes garage apartments.
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The Chairman called for third reading of the ordinance. The roll was called and votes recorded as follows:

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

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

**Project Enjoy
Delayed**

The Chairman stated that the third reading of the Ordinance for "Project Enjoy" has been removed from tonight's agenda and will receive third reading on April 9th, 2013.

An Ordinance authorizing a fee in lieu of taxes with SKF USA INC. was given third reading by title only

**FILOT/SKF
USA, Inc.
Ordinance 3rd
Reading**

AN ORDINANCE

1764

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND SKF USA INC., WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH SKF USA INC.; PROVIDING FOR PAYMENT BY SKF USA INC. OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING 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 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, SKF USA INC., a Delaware corporation (the "Company"), proposes to expand its operations in Charleston County by acquiring, constructing, equipping, and furnishing a super precision ball bearing production facility (the "Project"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") of approximately \$3,000,000 which is expected to occur by _____, ____; and

WHEREAS, the County has been advised that the Company is anticipated initially to employ an additional approximately 11 full-time employees as a result of the Project, in addition to the current 79 employees, and ultimately the Project is expected to create employment for an additional 24 to 25 employees; 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, construct, and equip 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 that the County Council provide final approval for qualifying the Project 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 has 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 required, 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 \$3,000,000 all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will initially employ an additional 11 full-time employees as a result of the Project; and ultimately the Project is expected to create employment for an additional 24 to 25 employees, 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;
- (e) the Project is 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 gives 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 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 authorized 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 20-year term of the fee-in-lieu of taxes, all as more fully set forth in the FILOT Agreement.

Section 4. 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, empowered, and directed to execute, acknowledge, 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 and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and 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 5. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorized 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 authorized 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 COUNCIL

Teddie E. Pryor, Chairman

ATTEST:

Beverly T. Craven
Clerk to County Council

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

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

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

An Ordinance authorizing a FILOT for Millard Refrigerated Services, Inc. was given third reading by title only.

Millard
Refrigerated
Services
FILOT
Ordinance 3rd
Reading

ORDINANCE #1765

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND MILLARD REFRIGERATED SERVICES, INC., WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH MILLARD REFRIGERATED SERVICES, INC.; PROVIDING FOR PAYMENT BY MILLARD REFRIGERATION, LLC OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING 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 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 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 (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, Millard Refrigerated Services, Inc., a Georgia corporation (the "Company"), proposes to locate its operations in Charleston County by acquiring, constructing, equipping, and furnishing a warehousing, distribution, and food processing facility (the "Project"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") of approximately \$42,200,000, which is expected to occur by December 31, 2017; and

WHEREAS, the County has been advised that upon the completion of the Project, the Company is anticipated to employ approximately 87 full-time employees at the Project; and

WHEREAS, the Project is located entirely within Charleston County and within the boundaries of the City of North Charleston, 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, construct, and equip 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 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 has 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 required, 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 \$42,200,000, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ 87 full-time employees as a result of the Project;
- (d) the Project will be located entirely within Charleston County;
- (e) the Project is 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 gives 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 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 authorized 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 (as defined in Section 6 hereof) 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 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.

(a) By separate ordinance (the “MCIP Ordinance”) of the County Council, the County, in cooperation with Colleton County and with the consent of the City of North Charleston, will designate the site of the Project 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 Establishment of Multi-County Business/Industrial Park (the “MCIP Agreement”).

(b) The County will provide for 10 years that the annual allocation of the fee-in-lieu of ad valorem taxes revenue generated by the Project within the boundaries of the Multi-County Park (the “MCP FILOT”) will be distributed 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) 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 infrastructure serving Charleston County or improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise (the “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 improvement or special source revenue incentive (the “Special Source Revenue Incentive”) under Section 4-1-175 of the MCIP Act in the form of special source revenue credits (“SSRCs”) in the amount of \$100,000 per year for the first five years

of the term of the FILOT Agreement (not to exceed an aggregate of \$500,000). The Company shall be entitled to claim SSRs against each of the annual MCIP FILOT payments made with respect to the Project for five (5) years in an amount equal to \$100,000 each year; provided, however, that such SSRs shall not, in the aggregate, exceed the aggregate cost of the Infrastructure funded from time to time by the Company.

(b) The documents providing for the Special Source Revenue Incentive shall include customary terms providing: (i) that the Company will pay the County's reasonable administrative expenses associated with the approval and implementation of the Special Source Revenue Incentive; and (ii) 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 FILOT 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, empowered, and directed to execute, acknowledge, 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 and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and 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 authorized 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 authorized 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 Council

Teddie E. Pryor, Chairman

ATTEST:

Beverly T. Craven
Clerk to County Council

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

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

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

**Bond
Refinancing
A)General
Obligation
B)Sales Tax
Transportation
C)COP
Refunding
2nd Reading**

Three ordinances dealing with refunding bonds of Charleston County were given second reading by titles only.

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; 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 second reading of the ordinance. The roll was called and votes recorded as follows:

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

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

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION TRANSPORTATION SALES TAX REFUNDING BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF, 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 second reading of the ordinance. The roll was called and votes recorded as follows:

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

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

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE REFUNDING OF CERTAIN LEASE-PURCHASE FINANCINGS OF ESSENTIAL COUNTY FACILITIES AND CONSENTING TO THE ISSUANCE OF CHARLESTON PUBLIC FACILITIES CORPORATION REFUNDING CERTIFICATES OF PARTICIPATION, CONSENTING TO THE FORM OF A SUPPLEMENTAL TRUST AGREEMENT BETWEEN CHARLESTON PUBLIC FACILITIES CORPORATION AND THE CORPORATE TRUSTEE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDATORY PROJECT LEASE AGREEMENT BETWEEN CHARLESTON COUNTY AND CHARLESTON PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT AMONG CHARLESOTN COUNTY, CHARLESTON PUBLIC FACILITIES CORPORATION, AND THE UNDERWRITER; AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW DEPOSIT AGREEMENTS BETWEEN CHARLESTON COUNTY AND THE ESCROW AGENT; AND AUTHORIZING A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT OF CHARLESTON COUNTY; 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 second reading of the ordinance. The roll was called and votes recorded as follows:

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

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

Consent Agenda
A) Law Enforcement Ctr
B) SCDOT/Federal Match resurfacing
C) Military Base Preservation Grant
D) Forest Funds Grant
E) East Cooper Service Center/ SCDMV Lease

A report was read from the Finance Committee under date of March 21, 2013, that it considered the information furnished by County Administrator Kurt Taylor, Sheriff Al Cannon, and Contracts and Procurement Director Barrett Tolbert regarding sealed bids received for the construction and renovation of the new Charleston County Law Enforcement Center, which was approved in the FY 2013 budget. It was shown that sealed bids were received and that the mandatory SBE utilization for this project is 12.2% and the DBE goal is 20%. The bid tabulations are as follows:

Bidder	Bid Price	SBE Percentage	DBE Percentage
Palmetto Construction Group, LLC Charleston, South Carolina Principal: Jay Handegan	\$4,781,000.00	22.7%	19.90%
Brantley Construction Company, LLC Charleston, South Carolina Principal: Gary Brantley	\$4,883,000.00	17.6%	11.07%
*Allied Contracting Services Charleston, South Carolina Principal: John Haynes, Jr.	\$5,006,436.00	12.7%	0.00%
SouthCon Building Group, LLC Mount Pleasant, South Carolina Principal: James Woods, III	\$5,314,000.00	15.2%	2.27%
International Public Works, LLC Charleston, South Carolina Principal: Cyrus Sinor	\$6,439,770.50	5.4%	100.00%

*Allied Contracting Services claimed Local Vendor Preference, but did not qualify due to the address provided and their business license for Charleston County was issued for less than twelve (12) months.

Committee recommended that Council authorize award of bid for the Charleston County Law Enforcement Center for the construction of a new building and the renovation of an existing building located at 3691 Leeds Avenue in North Charleston to the lowest responsive and responsible bidder, Palmetto Construction Group, LLC,

in the amount of \$4,781,000.00 with the understanding that this building will be utilized by the Sheriff's Office.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Summey, and carried. Mr. Sass and Mr. Qualey voted nay.

A report was read from the Finance Committee under date of March 21, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Assistant Administrator for Transportation and Public Works Jim Armstrong regarding the opportunity to participate with the SCDOT in the FY 2013 Federal Match Resurfacing Program. It was stated that the SCDOT solicited of interest and project requests from local public agencies in South Carolina to participate in a Federal Aid Match Resurfacing Program and that Charleston County Transportation Development staff attended the mandatory pre-submittal meeting in June 2012 and in coordination with local SCDOT staff identified 16 routes in Charleston County to be resurfaced as part of this program.

It was shown that the routes were selected from the SCDOT list of approved candidates and cross-referenced with the Charleston County Pavement Management System. It was also shown that the program is a 50/50 match and the construction contracts will be administered by SCDOT, with the estimate to complete the work being \$7,923,689.00, the County would be required to fund a 50% match which would be \$3,961,844.50. It was further stated that this is the first recent year that a 50/50 Federal Aid match program has been offered by SCDOT and it is an opportunity for Charleston County to double the amount of money invested into our roads this year, and would resurface over 46 miles of roadway in Charleston County. It was noted that the projects will be closely coordinated between the SCDOT and Charleston County to ensure quality construction and high customer service and language was inserted into the agreement to allow Charleston County to have an inspector and/or project manager at all meetings and on site as necessary, receive frequent updates and monthly invoices, coordinate public involvement and participate in the final inspection. Staff is proposing that this project be funded by the TST Resurfacing Allocation fund, with \$3,000,000 of this project being funded from the current balance (see table below) and the remainder would be funded by the expected FY 2014 resurfacing allocation. Due to the use of federal funds, DBE participation will be managed by the SCDOT DBE Program meeting the regulation of the United States Department of Transportation (USDOT).

Current TST Resurfacing Fund Balance	Current Fed Aid Match Program Payment Due	Balance
\$3,756,078.43	\$3,000,000	\$756,078.43

Committee recommended that Council approve the Financial Participation Agreement and Contract between the South Carolina Department of Transportation and Charleston County and allow staff to enter into an agreement with SCDOT to participate in the SCDOT FY 2013 Federal Match Resurfacing Program.

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

A report was read from the Finance Committee under date of March 21, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Budget Director Mack Gile regarding an allocation received from the South Carolina Budget and Control Board to be spent for local military base preservation efforts. It was stated that the South Carolina Budget & Control Board authorized a \$200,000 allocation to be shared equally among the four areas in the state that could be affected by the closure of a military base. It was shown that these funds are to be managed by the South Carolina Military Base Task Force and distributed to the four military regions (Beaufort, Charleston, Columbia and Sumter) to assist local efforts to effectively protect the military installations located in South Carolina. It was shown that on March 11, 2013, Charleston County received the \$50,000 designated for our area and the Charleston Metro Chamber of Commerce is leading the preservation efforts in Charleston County.

Committee recommended that Council:

1. Accept \$50,000 from the South Carolina Budget and Control Board for local military base preservation efforts with the understanding that is to be spent by December 31, 2013.
2. Approve a \$50,000 appropriation to the Charleston Metro Chamber of Commerce for local military base preservation efforts that is to be spent by December 31, 2013.

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

A report was read from the Finance Committee under date of March 21, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Budget Director Mack Gile regarding an allocation received from the US Forest Service through the Secure Rural School program, administered by the US Forest Service in the US Department of Agriculture, which is designed to share receipts from the National Forests with states and counties in which the National Forest are located. It was stated that the distribution is in proportion to the acreage of national forestlands in the county and that the Francis Marion Forest encompasses 65,182 acres in northern Charleston County. It was shown that in January 2013 the County received \$85,687 in 2012 Title I funds (Secure Payments for States and Counties Containing Federal Land) via the Office of the State Treasurer for the County's share of the Francis Marion National Forest and that the funds must be used to benefit public roads and/or schools in counties in which national forests are located.

Committee recommended that Council accept \$85,687 in 2012 and to-be-determined amounts in future years of Title I funds (US Forest Service - Secure Payments for State and Counties Containing Federal Land) via the Office of the State Treasurer for the County's share of the Francis Marion National Forest, with the understanding that the funds will be used for public roads and that there are no matching requirements or FTEs associated with these funds.

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

A report was read from the Finance Committee under date of March 21, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator; and Dan Chandler, Director of Charleston County Facilities. It was stated that on June 2, 1992, County Council approved a Lease Agreement with the South Carolina Department of Highways and Public Transportation, for approximately 1,760 square feet in the East Cooper Service Center, located at 1189 Sweetgrass Basket Parkway, Suite 500 and the total lease was for twenty years, which began April 1, 1993, and expires March 31, 2013.

It was shown that if the annual rental is over \$25,000, the South Carolina Budget and Control Board, Division of General Services solicits bids. The County placed a bid of \$18.00 per square feet for a full service lease. Previously, the South Carolina Highway Department Motor Vehicle paid the County \$14.02 per square foot for the same full service lease. Bid opening was March 7, 2013, and the County was the only successful bidder. The annual rental will now be \$31,680.00, which is an annual increase of \$7,005.00. The Lease term is for five years to be increased annually by the CPI.

Committee recommended that Council, following a public hearing on the matter, authorize Chairman of Council to execute a five year Lease Agreement with the South Carolina Budget and Control Board, Division of General Services for the South Carolina Highway Department Motor Vehicle use, for approximately 1,760 square feet for a full service lease in the East Cooper Service Center, located at 1189 Sweetgrass Basket Parkway, Suite 500, Mt. Pleasant, SC, 29464, with the understanding that the annual rental will be \$31,680.00 per year or \$2,640.00 per month, to be increased annually by the CPI, and that the Lease Agreement will be reviewed by the Legal Department, and if approved, the County Administrator can approve all other matters related hereto.

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

**Fiscal Year
2013 Mid- Year
Review
Ordinance
1st Reading**

A report was read from the Finance Committee of March 21, 2013, that it considered the information provided by County Administrator Kurt Taylor and Chief Deputy Administrator for Finance Keith Bustraan regarding a mid-year review of the FY 2013 Charleston County budget. It was stated that the Staff recommendations are as follows:

1. One-time Cost of Living Adjustment

Charleston County has a policy of awarding a Cost-of-Living Adjustment (COLA) based on the last completed calendar year's Urban Consumer Price Index (South Region). Due to the economic recession and the slow recovery, County Administrators have recommended departing from that practice in recent years. From a financial management perspective, the main concern with funding a COLA is that of sustainability and the County's ability to fund the additional cost on a recurring basis. Although the County does not appear to have improvements in recurring revenues as evidenced in the FY 2012 audit, there are sufficient one-time funds to fund a one-time COLA during FY 2013. A one-time COLA of \$1,000 would be provided to employees that are employed as of March 26, 2013 and that are eligible for a COLA per the County's Personnel Policies and Procedures 5.20 section J (that policy excludes Board Members, Commission Members, Assistant Attorneys, County

Council Members, Probate Judges, Master-In-Equity, Magistrates, and Temporary Personnel). However, based on past precedent, sufficient funds exist to provide the one-time COLA payment to temporary employees who worked 1,000 or more hours in calendar year 2012 and are employed by the County as of March 26, 2013.

2. Accommodations Tax

The County received one out-of-cycle request for Local Accommodations Tax funding from the City of North Charleston's Recreation Department. One entity receiving a local Accommodations Tax appropriation this year (Rolling Arts Concourse Charleston) declined their appropriation. Staff proposes reallocating the Rolling Arts Concourse Charleston appropriation and utilizing the residual funds from the PGA golf tournament public safety appropriation to provide \$25,000 to the City of North Charleston Recreation Department for advertising numerous youth baseball and softball tournaments.

3. Consolidated Dispatch: Town of Mt. Pleasant Early Transition

The Town of Mt. Pleasant was originally planned to transition to Consolidated Dispatch on July 1, 2013; however, due to the Town's challenges in retaining dispatchers, the Town transitioned in February. The Town will continue to pay their employees through March 31, 2013, and the Town will pay the County beginning April 1 for their share of the Consolidated Dispatch expenditures. To facilitate this unanticipated early transition, the FY 2013 budget ordinance needs to be amended to increase revenues and expenditures by \$403,757 each (amount received from the Town). An additional 19 FTEs are also needed.

4. Family Circle Cup tournament

The County has been asked to join with the City of Charleston to contribute \$5,000 to provide armed forces veterans with free attendance to the Family Circle Cup tennis tournament. Chairman Pryor has requested that public safety workers be included as well.

The Finance Committee recommended that Council approve the proposed FY 2012 budget adjustments as follows:

1. One-time Cost-of-Living Adjustment
 - a. Approve a \$1,000 one-time Cost-of-Living Adjustment for employees who are eligible for a Cost-of-Living Adjustment per Personnel Policy & Procedure 5.20 and employed as of March 26, 2013.
 - b. Approve a \$1,000 adjustment for temporary employees who worked 1,000 hours or more in calendar year 2012 and are still employed by the County as of March 26, 2013.
 - c. Approve and give first reading to an ordinance to amend the FY 2013 budget to appropriate \$2,500,000 for the General Fund and Other Funds budget to fund the one-time Cost-of-Living Adjustment.
2. Reallocate \$25,000 in Local Accommodations Tax from the Rolling Arts Concourse and residual PGA public safety funds to the City of North Charleston Recreation Department for advertising youth baseball and softball tournaments.

3. Consolidated Dispatch

- a. Amend the FY 2013 budget ordinance to increase Consolidated Dispatch revenues and expenditures by \$403,757 each.
- b. Authorize 19 FTEs for Consolidated Dispatch.

4. Appropriate \$5,000 from Council Contingency to Family Circle Cup so that armed forces veterans and public safety workers can attend the Family Circle Cup tennis tournament.

A request was made to take item 1 separately.

Mr. Pryor accepted the request and called for a vote on recommendation 1 the one-time COLA payment to employees.

The roll was called and votes recorded as follows:

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

The vote being six (6) ayes and three (3) nays, the Chairman declared the One Time COLA to have received approval.

The Chairman called for a vote on recommendations 2, Accommodation Tax, 3, Consolidated Dispatch, Town of Mt. Pleasant Early Transition and 4, Family Circle Cup Tournament.

The roll was called and votes recorded as follows:

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

The vote being nine (9) ayes, the Chairman declared recommendations 2, 3, and 4 to have received approval.

Mr. Summey moved approval of an Ordinance to amend the 2012-2013 Budget Ordinance, seconded by Ms. Condon and carried.

The Clerk read the title of the Ordinance which is as follows:

AN ORDINANCE

TO AMEND THE 2012-2013 BUDGET ORDINANCE NO. 1743, TO AUTHORIZE A ONE TIME FIXED COST OF LIVING ADJUSTMENT FOR CERTAIN EMPLOYEES AND TO PROVIDE FOR THE INCREASE OF CHARLESTON COUNTY'S OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$2,903,757 FOR THE FISCAL YEAR BEGINNING JULY 2, 2012, AND ENDING JUNE 30, 2013, HEREINAFTER REFERRED TO AS FISCAL YEAR 2013, TO PROVIDE FOR BUDGETARY CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR AND OTHER MATTERS RELATED THERETO.

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

**Preserving Our
History Award
& Council
Comments**

The Chairman stated that Jim Armstrong, Assistant Administrator for Transportation Development and Public Works was present to show the "Preserving our Places in History" Award given to Charleston County for by the South Carolina African American Heritage Commission, and would be available to answer any questions Council Members might have regarding 526.

Mr. Qualey wanted to know if things about 526 would be coming back to Council.

Mr. Summey stated that all financial aspects, like contracts, etc. will have to come back before the Body. Anything that reflects the intent of this Council is approved and will not come back to Council.

Ms. Condon stated that even though she was on the losing side, she would still like to see a copy of the IGA before it is signed. She added that part of her concern has been that we don't know what is going on and she stated that she would like to see an e-mail every two weeks telling Council what has happened and what is expected to happen in the next two weeks.

Mr. Darby asked how staff will find the time to do this every two weeks. Council makes policy and staff carries out this policy.

Mr. Schweers said that he felt bi-weekly reports were appropriate and added that this Item was not on the agenda.

Mr. Pryor said that Mr. Qualey had asked for an update, and staff is giving an update and now you are not happy because the public isn't here.

Ms. Johnson furnished all Members of Council with a copy of a letter from Mayor Joe Riley concerning Maybank Highway traffic issues.

Mr. Qualey answered Ms. Johnson stating that she didn't even know that the bridge backs up. He added that Kiawah, Seabrook and Headquarters Island are in his district and he looked into the backup on the bridge. Mr. Qualey congratulated the Sheriff's deputies on their awards.

Mr. Summey asked Staff to look into the architecture at the Law Enforcement Center.

Mr. Sass thanked Staff for their hard work.

Mr. Taylor stated that the County has spectacular employees.

The Chairman announced that Council needed to have a short executive session on Human Resource evaluation issues.

Ms. Johnson moved for an executive session, seconded by Mr. Rawl, and carried.

At the conclusion of the executive session, the Chairman announced that no action or votes had been taken during the executive session.

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

Beverly T. Craven
Clerk of Council