

Charleston, S. C.
December 4, 2012

A regular meeting of County Council of Charleston County was held on the 4th day of December, 2012, 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.

Rev. Robert Reid gave the invocation. Thomas Legare 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.

Ms. Condon moved approval of Council's minutes of November 20, 2012, seconded by Mr. Summey, and carried.

**Resolution
Volunteer
Rescue**

The Chairman stated that Council had, in its Finance Committee Meeting of November 20, 2012, approved a Resolution for the Charleston County Rescue Squad, honoring the 50 years of public service they had rendered to Charleston County and the Citizens of Charleston County. Mr. Pryor stated that since the Resolution was approved by the Finance Committee, which is a Committee of the Whole, and as a courtesy to those Members of the Rescue Squad who were in attendance at the 5:00 Committee meeting that he had authorize Deputy Administrator for Human Services, Jennifer Miller, to present Council's Resolution.

A motion to approve the Finance Committee recommendation and the Chairman's action was made by Mr. Summey, seconded by Mr. Sass, and carried.

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

*Honoring the 50 years of public service of the Charleston County Volunteer
Rescue Squad*

WHEREAS, in 1962 five volunteer firefighters J.E. Bell, Robert Dunlap, C.D. Easterling, Bobby Herbert and Otis Roberts, founded the Charleston County Volunteer Rescue Squad; and,

WHEREAS, over the past fifty years the membership has grown to 55 active Rescue Squad members who respond to over 1,000 calls annually for Charleston County; and,

WHEREAS, in these response calls Rescue Squad members provide support for extrication from motor vehicle accidents, search and recovery for water incidents, swift water rescue, search and recovery for land incidents, high angle rescue, large animal rescue, transporting the deceased from land and water accidents and act as a first responder for EMS; and,

WHEREAS, two of the founding members are currently active with the Rescue Squad: Chief Bobby Herbert, providing 22 years of active service and Robert Dunlap the only Treasurer the Rescue Squad has ever had dedicating themselves to the removal and transport of the deceased from accidents with dignity and respect for 50 years; and,

WHEREAS, County Council recognizes the commitment of the Charleston County Volunteer Rescue Squad by annually contributing to the operational funds thru the budget process.

NOW THEREFORE BE IT RESOLVED by the County Council of Charleston County, that the current and former members of the Charleston County Volunteer Rescue Squad be commended for their 50 years of outstanding service to the citizens of Charleston County and to each be extended our gratitude and appreciation for the thousands of hours of voluntary service; and

BE IT FURTHER RESOLVED that this Resolution be provided to the Charleston County Volunteer Rescue Squad with our sincere appreciation.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Sr., Chairman
December 4, 2012

An Ordinance approving the sale of Mary Ann Point Road Borrow Pit was given third reading by title only

AN ORDINANCE

**AUTHORIZING COUNTY COUNCIL OF CHARLESTON COUNTY
TO CONVEY BY DEED THE PROPERTY IDENTIFIED BY
PARCEL ID NUMBER 281-00-00-095, TO DAVID N. JORDAN**

WHEREAS, Charleston County, South Carolina (the "County") owns real property known as the Mary Ann Point Borrow Pit and identified as tax map parcel number 281-00-00-095 (the "Property"); and

WHEREAS, the County solicited proposals from interested parties after an appraisal of the Property was conducted; and

WHEREAS, David N. Jordan submitted a proposal most advantageous to the County for the purchase of the Property, and Charleston County Council finds that selling and conveying the Property is in the best interests of the County and its citizens; and

WHEREAS, Charleston County Council desires to sell and convey a portion of the Property to David N. Jordan; and

WHEREAS, a public hearing on the proposed sale of the Property from the County to David N. Jordan for the sum of Five Thousand Eight Hundred Fifty (\$5,850.00) Dollars should be held prior to third reading of this Ordinance pursuant to Section 4-9-130, Code of Laws of South Carolina, 1976, as amended; and

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

SECTION I. FINDINGS INCORPORATED

In addition to the recitals set forth above, which Charleston County Council hereby adopts as findings of fact, Council specifically finds that:

1. The County of Charleston owns the property known as the Mary Ann Point Borrow Pit, located on Johns Island, South Carolina, by virtue of that Title to Real Estate to the County of Charleston from Theresa Francis and Leola Anderson dated May 17, 1965, and recorded May 19, 1965 in Book Y-82, Page 131 in the Office of the Register of Mesne Conveyance of Charleston County, South Carolina.
2. The County solicited proposals from interested parties after an appraisal of the Property was conducted.
3. The County of Charleston received a proposal from David N. Jordan that is comparable to the appraised value of the Property and advantageous to the County.
4. The sale and conveyance of the portion of the Property is in the best interests of the County and its citizens.
5. A public hearing on the proposed sale of the portion of the Property from the County of Charleston to David N. Jordan for the sum of Five Thousand Eight Hundred Fifty (\$5,850.00) Dollars was held prior to third reading of this Ordinance, pursuant to Section 4-9-130, Code of Laws of South Carolina, 1976,

as amended.

**SECTION II. APPROVAL OF CONVEYANCE OF REAL PROPERTY AND
AUTHORITY TO EXECUTE DOCUMENTS FOR CONVEYENCE OF REAL
PROPERTY**

1. Charleston County Council authorizes the sale of the portion of the Property known as the Mary Ann Point Borrow Pit and identified as tax map parcel number 281-00-00-095 to David N. Jordan and shown on Exhibit A, which is attached hereto and hereby incorporated by reference.
2. Charleston County Council authorizes its legal department to prepare a limited warranty deed for the conveyance of the Property to be conveyed.
3. The Chairman of Charleston County Council is authorized to execute and deliver any and all documents and instruments necessary for the sale and conveyance of the Property.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 4th day of December, 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 a roll call vote on the third reading of the proposed 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 and Shimano American Corporation was given third reading by title only

AN ORDINANCE

AUTHORIZING PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND SHIMANO AMERICAN CORPORATION; AND MATTERS RELATING THERETO.

WHEREAS, Charleston County (the "County"), a public body corporate and politic under the laws of the State of South Carolina has, by an Inducement Resolution adopted on November 8, 2012 (the "Resolution"), taken official action to identify the Project (as defined below) for purposes of applicable fee-in-lieu of taxes statutes and otherwise;

WHEREAS, the County desires to enter into a Fee Agreement with Shimano American Corporation, a California Corporation authorized to transact business in South Carolina (the "Corporation"), which shall provide for payments of fees-in-lieu of taxes for a project qualifying under the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act");

WHEREAS, the County and the Corporation desire to enter into a Fee Agreement as defined in the Act concerning the Corporation's investment in certain land, buildings or other improvements thereon and in certain machinery, apparatus, equipment, office facilities, furnishings and other personal property for the purpose of a distribution facility to distribute sporting goods, and any and all activities relating thereto (which properties and facilities 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. In order to induce the Corporation 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 Corporation 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 between the County and the Corporation, 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, as further inducement to the Corporation, the Project will remain in a multi-county industrial park.

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, 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) It is anticipated that the cost of planning, designing, acquiring, constructing and completing the Project will require expenditures of not less than \$5,000,000;

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

(f) 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 its general credit or taxing power; and

(g) 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 is properly classified as economic development property. The County pursuant to the terms of a Fee Agreement will grant to the taxpayer the benefits of such Fee Agreement which include the use of a six (6%) percent assessment ratio, a fixed millage rate for twenty (20) years equal to 269.5 mills, and the Project will remain in a multi-county industrial park for the Fee Term.

Section 2. In order to promote industry, develop trade and utilize the manpower, 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 Clerk to County Council 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. The Chair of the County Council and the Clerk to County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement to the Corporation. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 3. The Chair of County Council, the County Administrator and the Clerk to County Council, 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 4. The consummation of all transactions contemplated by the Fee Agreement is hereby approved.

Section 5. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 6. 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 7. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

DONE, RATIFIED AND ADOPTED this 4th day of December, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

Beverly Craven, Clerk
Charleston County Council

First Reading: November 8, 2012
Second Reading: November 20, 2012
Third Reading: December 4, 2012
PublicHearing: December 4, 2012

The Chairman called for a roll call vote on the third reading of the proposed 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 to amend the Joint County Industrial Park Agreement between Charleston County and Colleton County was given third reading by title only.

Multi-County
Industrial Park
Amendments

AN ORDINANCE

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

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

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park effective as of September 1, 1995 (the "Original Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

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

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

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

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

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

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

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

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

SECTION 4. Should any part of this ordinance be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect and shall not render any other section herein, nor this ordinance as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination, or expiration hereof shall be deemed to survive.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Chairman
Charleston County, South Carolina

ATTEST:

Beverly T. Craven, Clerk
Charleston County Council

The Chairman called for a roll call vote on the third reading of the proposed 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.

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

Council
Comments

Mr. Sass thanked the Citizens for coming and expressing their opinions.
Ms. Condon requested that the Solid Waste Budget be placed on the next Finance Committee Agenda.

The Chairman expressed Council's appreciation to Sheriff Al Cannon and Captain Robertson for their assistance at this evening's meeting, and County Staff for their presentation.

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

Beverly T. Craven
Clerk of Council