

Charleston, S. C.  
January 7, 2014

A meeting of County Council of Charleston County was held on the 7<sup>th</sup> day of January, 2014, 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 Chairman, Teddie Pryor gave the invocation. Deputy Administrator for Finance, Keith Bustraan 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.

**7653 & 7667  
Savannah  
Highway  
2<sup>nd</sup> Reading**

An Ordinance rezoning real property located at 7653 and 7667 Savannah Highway was given second reading by title only.

**AN ORDINANCE  
REZONING THE REAL PROPERTIES LOCATED AT 7653 AND 7667  
SAVANNAH HIGHWAY, PARCEL IDENTIFICATION NUMBERS 121-  
00-00-016 AND -014 FROM THE AGRICULTURAL/RESIDENTIAL  
(AGR) DISTRICT TO THE RURAL COMMERCIAL (CR) DISTRICT**

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

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

Ms. Condon	- aye
Mr. Darby	- aye
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 received second reading approval.

An Ordinance rezoning the Royal Palms Planned Development was given second reading by title only

**Royal Palms  
Planned  
Development  
2<sup>nd</sup> Reading**

**AN ORDINANCE  
REZONING THE ROYAL PALMS PLANNED DEVELOPMENT  
(PD-112A)**

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

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

Ms. Condon	- aye
Mr. Darby	- aye
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 received second reading approval.

An Ordinance amending Ordinance Number 1202, the Charleston County Zoning and as amended, was given second reading.

**An  
Ordinance  
amending  
Ordinance  
1202  
2<sup>nd</sup> Reading**

**AN ORDINANCE  
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT  
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 3,  
DEVELOPMENT REVIEW PROCEDURES.**

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

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

Ms. Condon	- aye
Mr. Darby	- aye
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 received second reading approval.

**St. Johns  
Fire District  
Johns Island  
Seat**

A report was read from Deputy Clerk of Council stating that at the December 19, 2012 County Council meeting there was a tie for one Johns Island seat on the St. Johns Fire District Commission, between Mr. Albert Thompson and Mr. Sean Powers

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

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

The consent agenda is as follows:

**Consent Agenda  
A) JAG  
Program/Drug  
& Violent  
Crimes  
Prosecutor  
B) JAG  
Program/  
Juvenile Crimes  
Prosecutor/  
Berkeley  
C) Bishop  
Gadsden JEDA  
Bonds**

A report was read from the Finance Committee meeting under date of January 2, 2014, that it considered the information furnished by County Administrator Kurt Taylor and Ninth Circuit Solicitor Scarlett Wilson regarding a request received from the Solicitor's Office requesting permission to apply for a federal pass-through Justice Assistance Grant Program (JAG) grant to fund one Prosecutor and one Investigator for Drug Crimes and Violent Crimes. It was shown that JAG grants have been awarded to the Solicitor's Office for the past five fiscal years and the grant is through the SC Department of Public Safety's Office of Justice Programs (OJP) in the amount of \$128,712. It was stated that this grant has a 10% cash match of \$14,301 and the cash match will be paid from the Solicitor's State Appropriations account. It was further stated that there are two (2) grant-funded FTEs associated with this request, both of these FTE's will handle Berkeley County cases but will be Charleston County employees since Charleston is the lead county for the 9<sup>th</sup> Circuit. The grant period is July 1, 2014 through June 30, 2015. It is understood that at the conclusion of the grant period, the FTE's will be dissolved if no further grant or other funding is available.

Committee recommended that Council approve an application to the SC Department of Public Safety's Office of Justice Programs for a Justice Assistance Grant Program (JAG) grant in the amount of \$128, 712 with the understanding that:

- There is a 10% cash match of \$14,301 which is to be paid from the Solicitor's State Appropriations account.
- There are two (2) grant-funded FTEs associated with this request that will be employees of Charleston County but will handle Berkeley cases since Charleston County is the lead county in the 9<sup>th</sup> Circuit.
- At the conclusion of the grant period, the FTE's will be dissolved if no further grant or other funding is available.
- The grant period will run from July 1, 2014 through June 30, 2015.

A report was read from the Finance Committee meeting under date of January 2, 2014, that it considered the information furnished by County Administrator Kurt Taylor and

Mitchell Johnson, attorney for Bishop Gadsden, regarding a request received Bishop Gadsden to adopt a resolution in support of the issuance by the South Carolina Jobs - Economic Development Authority of its Economic Development Revenue Bonds (The Episcopal Church Home) Series 2014 in one or more series and in an aggregate principal amount not to exceed \$67,000,000. It was stated that the proceeds of the bonds would be used to finance the acquisition, construction, furnishing, and equipping of not exceeding sixty (60) additional independent living units in multiple stand-alone apartment style buildings constituting a portion of the continuing care retirement community owned and operated by Bishop Gadsden Episcopal Retirement Community, a South Carolina nonprofit.

Committee recommended that Council, following a public hearing on the matter, adopt a resolution in support of the issuance by the South Carolina Jobs - Economic Development Authority of its Economic Development Revenue Bonds (The Episcopal Church Home) Series 2014 in one or more series and in an aggregate principal amount not to exceed \$67,000,000.

The Resolution is as follows:

**CHARLESTON COUNTY COUNCIL**

**A RESOLUTION**

**IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS - ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS (BISHOP GADSDEN EPISCOPAL RETIREMENT COMMUNITY) SERIES 2014 IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$67,000,000 PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.**

**WHEREAS**, the South Carolina Jobs - Economic Development Authority (the "**Authority**") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended (the "**Act**"), to utilize any of its program funds to establish loan programs to be utilized to acquire, by construction or purchase, properties and for other purposes described in §41-43-160 of the Act in order to promote and develop the business and economic welfare of the State of South Carolina (the "**State**"), encourage and assist in the location of new business enterprises in the State and in rehabilitation and assistance of existing business enterprises and in the promotion of the export of goods, services, commodities, and capital equipment produced within the State, and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and in the promotion and advancement of industrial, commercial, agricultural, and recreational development in the State; and

**WHEREAS**, the Authority is further authorized by §41-43-110 of the Act to issue bonds to provide funds for any program authorized by the Act; and

**WHEREAS**, the Authority and Bishop Gadsden Episcopal Retirement Community f/k/a The Episcopal Church Home (the "**Institution**"), a South Carolina nonprofit

corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, entered into an Inducement Agreement (the "**Inducement Agreement**"), pursuant to which and in order to implement the public purposes enumerated in the Act and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes to issue its Economic Development Revenue Bonds (Bishop Gadsden Episcopal Retirement Community) Series 2014 in one or more series and in an aggregate principal amount not to exceed \$67,000,000 (the "**Bonds**") under and pursuant to §41-43-110 of the Act for the purpose of (i) financing the acquisition, construction, furnishing, and equipping of not exceeding sixty (60) additional independent living units in multiple stand-alone apartment style buildings (the "**Project**") constituting a portion of the continuing care retirement community (the "**Community**") owned and operated by the Institution and located at One Bishop Gadsden Way in Charleston County, South Carolina (the "**County**"); (ii) financing the refunding and defeasance of a portion of the South Carolina Jobs - Economic Development Authority Economic Development Revenue Bonds (The Episcopal Church Home) Series 2002 issued for the benefit of the Institution on October 1, 2002, in the principal amount of \$45,800,000 (such portion, the "**Bonds to be Refunded**"); (iii) funding a debt service reserve fund for the Bonds; and (iv) paying certain fees and expenses to be incurred in connection with the issuance of the Bonds (collectively, the "**Undertaking**"), and, subject to such approval of the State Budget and Control Board of South Carolina and the County, as may be required by law, for the purpose of reducing the cost of capital to this business enterprise by lending the proceeds of the Bonds to the Institution under and pursuant to the terms of loan agreements to be entered into between the Authority and the Institution; and

**WHEREAS**, it is anticipated that the financing of the acquisition, construction, furnishing, and equipping of Project and the refunding and defeasance of the Bonds to be Refunded (collectively, the "**Undertaking**") will result in (i) the creation of temporary employment (construction and related) for one hundred fifty (150) people from the County and surrounding areas, (ii) the creation of permanent employment (both direct and indirect) within twenty-four (24) months of completion of the Project for approximately fifteen (15) people from the County and surrounding areas, and (iii) the maintenance of permanent employment (both direct and indirect) for approximately three hundred fifty (350) people from the County and surrounding areas by increased payrolls, capital investment, and tax revenues; and

**WHEREAS**, the Authority and the County have this day jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in the County not less than fifteen (15) days prior to the date hereof, at which all interested persons were given a reasonable opportunity to express their views,

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

**Section 1.** It is hereby found, determined, and declared, that the Community is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally.

**Section 2.** The Undertaking will give rise to no pecuniary liability of the County or a charge against its general credit or taxing power.

**Section 3.** The amount of bonds required to finance the Undertaking shall not exceed \$67,000,000.

**Section 4.** The County supports the Authority in its determination to issue the Bonds.

**Section 5.** All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this Resolution shall take effect and be in full force from and after its adoption.

**MRF  
Contract**

A report was read from the Finance Committee meeting under date of January 2, 2014, that it considered the information furnished by County Attorney Joe Dawson, regarding the contract to operate the County-owned Materials Recovery Facility. It was stated that the contract with the current vendor will expire on January 31, 2014 and the Finance Committee requested that the County Attorney consult with the recommended vendor to inquire about contract terms for a 2-year, 5-year, and 10-year contract and report back to Council prior to a final vote on this item at the Council meeting of January 7, 2014.

Ms. Johnson moved to approve a ten year contract with Sonoco, seconded by Ms. Condon.

Comments from Council Members Schweers, Condon Summey, Rawl, Darby, Qualey and Sass were heard and considered.

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

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

The vote being four (4) ayes, four (4) nays and one abstention, the Chairman declared the motion to have failed.

Ms. Condon reinstated the failed motion and added the purchase of the Site 3 property on Commerce Parkway. After discussion Ms. Johnson withdrew her second. Mr. Rawl moved that Council vote to authorize staff to attempt to negotiate a 60 day extension of the current Services Agreement with Republic Services, set to expire on January 31, 2014 and authorize the Environmental Services Director to examine and report to County Council opportunities to meet and exceed recycling goals, reduce input into the landfill, reduce cost and provide safe and reliable renewable energy opportunities to energy providers. This motion was seconded by Mr. Summey.

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

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

The vote being five (5) ayes, three (3) nays and (1) abstention the Chairman declared the motion to have carried.

**995  
Morrison  
Drive**

The Chairman announced that the next item on the agenda, 995 Morrison Drive had been removed and would be rescheduled for a later date.

**Environmental  
Management  
Department**

At a Finance Committee meeting held on January 7, 2014, prior to Council's meeting, a recommendation had been made that the Environmental Management Department would report to the County Administrator, effective immediately.

Mr. Sass stated: For the record, I want to say that I voted against this earlier because I'm concerned and I want to make sure that we don't lose any ground, but I understand that Mr. Kessler will be helping the director, Mr. Braswell, and Mr. Taylor. I have a lot of faith in Mr. Taylor and my vote against the motion was not against him. My vote to not support this the first time had nothing to do with Mr. Taylor, but I don't want to lose any ground. I don't want to lose what we've got and I hope that Mr. Kessler and Mr. Dawson will be consulted for the knowledge that they have to help us go with this so I will vote in the affirmative.

Mr. Rawl moved approval of Committee recommendation, seconded by Mr. Qualey and carried unanimously.

**MRF**

At a Finance Committee meeting held on January 7, 2014, prior to Council meeting, a recommendation had been made that Council should delay action on this item until it January 23, 2014 Finance Committee in order to allow the Chairman to explore options for siting the MRF on the Bees Ferry Road with the City of Charleston.

Mr. Qualey moved approval of the Finance Committee recommendation, seconded by Ms. Johnson, and carried. Ms. Condon, Messrs. Summey and Schweers voted nay.

**Council  
Comments**

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

Mr. Rawl said Good Night.

Beverly T. Craven  
Clerk of Council