

Charleston, S. C.
February 26, 2013

A regular meeting of County Council of Charleston County was held on the 26th day of February, 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.

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

Mr. Summey moved approval of the minutes of January 22, 2013, seconded by Mr. Rawl, and carried.

**Safety Service
Award SCAC**

The Chairman announced that Mr. John Henderson of the South Carolina Association of Counties was in the audience to present to Council an award for the Safety and Risk Management Department.

Mr. Mike Schwerin, Director of the Safety and Risk Management Department and his staff were asked to come forward to accept the award.

**Executive
Session**

The Chairman stated that Council needed to go into executive session to discuss a contractual matter. At the conclusion of the executive session, the Chairman stated that Council had received legal information from the County Attorney and no action had been taken.

**African
American
History
Resolutions**

A report was read from the Finance Committee under date of February 21, 2013, that it considered the information furnished by Council Member Henry Darby regarding resolutions honoring several citizens who made contributions to the Civil Rights Movement of the 1960's.

Committee recommended that Council adopt resolutions honoring Dr. Jack Bass, James E. Campbell, Sandra Fowler, Curtis B. Inabinett, Sr., Minerva Brown King, Mary Moultrie, William "Bill" Saunders, and Dorothy Brunson Wright.

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

The Chairman called for the parties to come forward, one by one and Council Members read the individual resolutions, which are as follows:



**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL
HONORING DR. JACK BASS**

“The good neighbor looks beyond the external accidents and discerns those inner qualities that make all men human and, therefore, brothers.” – Rev. Martin Luther King, Jr.

WHEREAS, Dr. Jack Bass is a native of Columbia, SC, husband of Nathalie Dupree, father of three children, and grandfather of six grandchildren; **and,**

WHEREAS, Dr. Jack Bass graduated from the University of South Carolina, studied as a Nieman Fellow at Harvard University, and received a PH. D. in American Studies from Emory University; **and,**

WHEREAS, Dr. Jack Bass began his career in journalism in 1963, covering governmental affairs for “The State” and later serving as the South Carolina bureau chief for “The Charlotte Observer,” he was twice named South Carolina Journalist of the Year and has written pieces for “The New York Times,” “The Los Angeles Times,” “Atlanta Constitution,” “Washington Post,” “The New Republic,” and “The Nation;” **and,**

WHEREAS, Dr. Jack Bass, following his first career in journalism, spent two years as a research scholar at Duke University and 18 months at the Institute of Legal History at University of South Carolina, served five years as director of American South Special Projects at the University of South Carolina, where he produced a 14-part television course, “The American South Comes of Age” and a PBS documentary, “A Different Dixie: Portraits of Change,” taught for 11 years as a professor of journalism at the University of Mississippi, and is currently professor of humanities and social sciences emeritus at the College of Charleston; **and,**

WHEREAS, Dr. Jack Bass published his first book, The Orangeburg Massacre, in 1970 and since then has authored or co-authored nine books on the subject of Southern politics, race relations, and the role of law in shaping the civil rights era including the 1994 Robert F. Kennedy Book Award winner Taming the Storm: The Life and Times of Judge Frank M. Johnson, Jr. and the South’s Fight Over Civil Rights, The Transformation of Southern Politics: Social Change and Political Consequence Since 1945, Unlikely Heroes: A Vivid Account of the Implementation of the Brown Decision in the South by Southern Federal Judges Committed to the Rule of Law, and The Palmetto State: The Making of Modern South Carolina.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **Dr. Jack Bass** to his students, the citizens of Charleston County, the State of South Carolina, the

United States, and the world as he continues to educate and illuminate regarding race relations and the struggle for racial justice in the South.

CHARLESTON COUNTY COUNCIL



A RESOLUTION OF CHARLESTON COUNTY COUNCIL HONORING JAMES E. CAMPBELL

“Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history.” – President Gerald R. Ford

WHEREAS, James E. Campbell is a native of Charleston, South Carolina, the son of the late James and Eva Jones Campbell, educated at Immaculate Conception School in Charleston, South Carolina, and the Voorhees Normal and Industrial and Industrial School in Denmark, South Carolina; **and,**

WHEREAS, James E. Campbell was drafted into the United States Marine Corps in 1943 and served in the Pacific Theater during World War II, after which he attended classes at Morgan State College in Baltimore, Maryland, until his studies were interrupted by employment and two years of stateside service as an Army reservist during the Korean War, after which he returned to Morgan State where he graduated with a major in English and a minor in theatre in 1953; **and,**

WHEREAS, James E. Campbell began a long, distinguished career as an educator, teaching and eventually administering students and teachers at various schools in Baltimore and New York and teaching English to students in Tanzania; **and,**

WHEREAS, James E. Campbell became involved in the Civil Rights Movement in the 1960's, he helped organize the Arena Players, the only continuously running black theatre company in the United States; met Malcolm X, collaborating with him to create the Organization of Afro-American Unity's Liberation School; traveled to Mississippi and Georgia to register voters for the Southern Christian Leadership Conference; and was a contributing editor of "Freedomways," a quarterly journal devoted to African American arts and culture; **and,**

WHEREAS, James E. Campbell retired to his hometown of Charleston, South Carolina, where he remains active in local politics and educational issues having served as the state coordinator for the South Carolina Algebra Project, an advisory board member for the College of Charleston School of Education, chair of the Education Committee for the Charleston branch of the NAACP, national co-chairman of the Committees of Correspondence for Democracy and Socialism, and has led a socialist education project in Charleston; **and,**

WHEREAS, James E. Campbell is the father of four children: Glenn, Gary, Paul T.R., and the late DuBois Kenyatta Campbell and in memory of his daughter Mr. Campbell has regularly contributed a list of books and the money to purchase the books to the Charleston County Public Library since 1992.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **James E. Campbell** to his students near and far, the citizens of Charleston County, the State of South Carolina, and the world as he encourages us to “Listen to children. Listen to yourself. Listen to your shortcomings and limitations and change them.”

CHARLESTON COUNTY COUNCIL



A RESOLUTION OF CHARLESTON COUNTY COUNCIL HONORING SANDRA FOWLER

“The good neighbor looks beyond the external accidents and discerns those inner qualities that make all men human and, therefore, brothers.” – Rev. Martin Luther King, Jr.

WHEREAS, Sandra Fowler is a native of Thunderbolt, Georgia, the mother to two sons – Pack and Adam Fowler, and grandmother to four; she is a graduate of Furman University; **and,**

WHEREAS, Sandra Fowler, has passionately worked her entire life to promote justice, peace, and respect through the Civil Rights Movement by participating in the March on Washington in 1963, working for civil rights in Charleston, SC and Greensboro, NC; working to educate and provide a better way of life for the people of Appalachia; working with the peace process in Ireland, and working as the Director of the Florence Crittenton home in Charleston, SC; **and,**

WHEREAS, Sandra Fowler moved with her young family to Charleston, SC, in 1965, and in 1966 became the first white teacher to teach at a black high school in Charleston County, teaching at Laing High School and later at C.A. Brown High School; **and,**

WHEREAS, Sandra Fowler assisted the Whitesides preschool in Mount Pleasant, which at the time was an all-black preschool, in obtaining federal grant money in 1966 by allowing her three year old son to attend the school; **and,**

WHEREAS, Sandra Fowler participated in the Hospital Workers Strike of 1969, posting an “I Have a Dream” poster in her front yard, marching with the protesters, and hosting gatherings for the picketers at the end of the day at her downtown Charleston home;

and,

WHEREAS, Sandra Fowler worked with Lucille Whipper, Gussie Humes, and others to start Operation Catch Up, which tutored African American high school students to help them gain college admission and scholarships and then championed this effort to College of Charleston President Ted Stern which resulted in the creation of the Upward Bound program, which afforded the opportunity for the first black students to attend the College of Charleston.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **Sandra Fowler** to her students, the citizens of Charleston County, the State of South Carolina, the United States, and the world as she continues to make the world a better place through her service to others.

CHARLESTON COUNTY COUNCIL



**A RESOLUTION OF CHARLESTON COUNTY COUNCIL
HONORING CURTIS INABINETT, SR.**

“Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history.” – President Gerald R. Ford

WHEREAS, Curtis Inabinett, Sr. is a native of Islandton, South Carolina, the son of farmers and oldest of six children, husband to Ethel Joy Inabinett, and father to Curtis Inabinett, Jr., was educated in public schools and received a Bachelor of Arts from South Carolina State in 1954 and later a Master’s degree in Guidance and Agricultural Education from SC State; **and,**

WHEREAS, Curtis Inabinett, Sr. was drafted into the US Army in 1955 and served the country admirably for two years working guided missile batteries in defense of the Capital; **and,**

WHEREAS, Curtis Inabinett, Sr. was employed by the Charleston County School District where he taught agriculture at Baptist Hill High School from 1957 until 1972, was Assistant Principal at R.D. Schroeder Middle School for two years before becoming Principal of that school in 1974 and serving in that capacity until 1989; **and,**

WHEREAS, Curtis Inabinett, Sr. became the first minority to be appointed to the Charleston County Election Commission, serving in that position for thirteen years, and while Principal at Schroeder, **Curtis Inabinett, Sr.** noticed that his students were often sick due to drinking from shallow, contaminated wells, and this realization pushed him to

seek public office so he could make a difference in the lives of his rural constituents;
and,

WHEREAS, Curtis Inabinett, Sr. was elected to Ravenel Town Council in 1980 and was elected Mayor of the Town of Ravenel in 1982, the first African American to hold that office and while Mayor was also the first person in the nation to have an all-female, white Town Council, was elected to the SC House of Representatives in 1990 where he served ten years naming among his accomplishments the introduction of the bill that would end the state's constitutional ban on interracial marriage in 2000 and being one of the key legislators to push for the compromise that finally removed the Confederate battle flag from the Statehouse dome, and was elected to Charleston County Council in 2004 and served six years in that office; **and,**

WHEREAS, Curtis Inabinett, Sr. was recently honored by the United States of America when President Barack Obama signed US House of Representatives Bill #6379, which named the only federal building in the town of Ravenel, the Representative Curtis B. Inabinett, Sr. Post Office.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the numerous contributions of **Curtis Inabinett, Sr.** during a lifetime of service to his students, the citizens of Charleston County, the State of South Carolina, and the United States of America as he reminds us that "Public service is something that no one should take lightly."

CHARLESTON COUNTY COUNCIL



**A RESOLUTION OF CHARLESTON COUNTY COUNCIL
HONORING MINERVA BROWN KING**

"Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history." – President Gerald R. Ford

WHEREAS, Minerva Brown King is a native of Charleston, South Carolina, the son of the late J. Arthur and MaeDe Myers Brown, educated at Burke High School, and continuing her education at Tuskegee Institute in Alabama and Cuyahoga Community College in Cleveland, Ohio, receiving her Master of Science Degree in Library Science from Case Western Reserve University in Cleveland, Ohio, and achieving the Master's plus certificate from the Citadel; **and,**

WHEREAS, Minerva Brown King, following careers in counseling and social work, embarked upon a career as a librarian, working in public, school, academic, and special

libraries for over twenty years and has served as the librarian at St. John's High School on Johns Island, SC, since 2000, she has also worked as an adjunct professor at the Citadel and College of Charleston and currently works as an adjunct professor at Trident Technical College; **and**,

WHEREAS, Minerva Brown King came by her social activism naturally as the daughter of J. Arthur Brown, state president of the South Carolina Branch of the NAACP in the 1960's, she was the original plaintiff in the 1959 Brown vs. the Charleston County Board of Education lawsuit, which eventually resulted in the desegregation of the local schools, and also recalls nights of waking up to the KKK burning crosses in front of her house; **and**,

WHEREAS, Minerva Brown King and 24 of her classmates staged the first sit-in at the S. H. Kress Store in Charleston, SC, on April 1, 1963, which served as the precursor to a broader Civil Rights movement in the Charleston community; **and**,

WHEREAS, Minerva Brown King was arrested in 1963 for demonstrating in front of the Charleston Post and Courier building and spent four days in jail as the result; **and**,

WHEREAS, Minerva Brown King participated in many walk-ins, sit-ins, and wade-ins in Charleston, SC; **and**,

WHEREAS, Minerva Brown King has been performing as a multi-cultural storyteller, largely through the SC Arts Commission, and is included on the Commission's Arts in Education roster, specializing in African-America, West Indian, Native American, and Jewish folklore, she also tells stories based on local history, including her involvement in the Civil Rights Movement.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **Minerva Brown King** to her students, the citizens of Charleston County, the State of South Carolina, and the world as she has strived to create a better, more cohesive community by being the kind of person who can't sit idle on the sidelines.

CHARLESTON COUNTY COUNCIL



**A RESOLUTION OF CHARLESTON COUNTY COUNCIL
HONORING MARY MOULTRIE**

“Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history.” – President Gerald R. Ford

WHEREAS, Mary Moultrie is a native of Charleston, South Carolina, the son of the late Dennis and Mable Moultrie, mother of one daughter, Arnise Moultrie, educated at Burke

High School, graduating in 1960, and later studying sociology at the College of Charleston; **and,**

WHEREAS, Mary Moultrie has committed her life to the service of others and has a long history of civil rights activism; **and,**

WHEREAS, Mary Moultrie, following her graduation from Burke High School, travelled to New York where she earned a Licensed Practical Nursing certificate at Goldwater Memorial Hospital, and upon her return to Charleston was employed from 1966 until 1975 as a nurse's assistant at the then Medical College of South Carolina and in 1969, the 24-year old nursing assistant led the strike against the Medical College and the Charleston County Hospital to push to relieve racial and economic injustices for African American workers when she and eleven other employees were dismissed unfairly; **and,**

WHEREAS, the 110-day Hospital Workers Strike spurred massive rallies and street marches and drew the attention of local and national civil rights leaders including Esau Jenkins, Septima Clark, Coretta Scott King, and Ralph Abernathy and following dozens of arrests and the National Guard being brought into Charleston to impose curfews, the strike ended with workers receiving increased wages and **Mary Moultrie** and the other workers who were terminated being reinstated; **and,**

WHEREAS, Mary Moultrie went on to work for the City of Charleston's Department of Recreation as manager of the St. Julian Devine Community Center for over 28 years; **and,**

WHEREAS, Mary Moultrie, upon retirement from the City of Charleston, continued her efforts to preserve and improve workers' rights by helping the City's sanitation workers as the labor union organizer for Local 1199 and continues to volunteer her time with Local 1199; **and,**

WHEREAS, Mary Moultrie was a panelist for the 35th Anniversary of the African American Studies Program Conference at the University of South Carolina in 2006 and was also inducted into the 16th Annual South Carolina Black Hall of Fame that same year, she was the 2011 recipient of the Harvey Gantt Triumph Award, given annually to a person who has made great strides for civil rights and humanity.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **Mary Moultrie** to the citizens of Charleston County, the State of South Carolina, and the world as she exhibits courage and leadership while standing up for that which is right.

CHARLESTON COUNTY COUNCIL



**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL
HONORING WILLIAM “BILL” SAUNDERS**

“Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history.” – President Gerald R. Ford

WHEREAS, William “Bill” Saunders is a native of New York who moved to Johns Island, SC, at eighteen months where he grew up with his grandparents working on their farm and others in the area, and was educated at Mt. Zion Elementary School on Johns Island, South Carolina, and Burke High School in Charleston, South Carolina; **and,**

WHEREAS, Bill Saunders served in the US Army from 1951-1954 and fought in the Korean War until 1952, when he was injured and was later honorably discharged from the Army; he was awarded the Purple Heart in 2002; **and,**

WHEREAS, Bill Saunders began his radio career on WPAL in Charleston, SC, as a civic commentator in the 1960’s and subsequently became Vice President of the radio station in 1972, President and General Manager in 1983, and attained 100% ownership in 1986; **and,**

WHEREAS, Bill Saunders was heavily involved in the Civil Rights Movement of the 1960’s in Charleston, SC, organizing an armed self-defense group, publishing the “Lowcountry Newsletter” newspaper, and serving as the chief negotiator in the 1969 Hospital Workers Strike; **and,**

WHEREAS, Bill Saunders has been a driving force in race relations in Charleston, SC, since the 1960’s, founding the Committee on Better Racial Assurance (COBRA) in 1970, and being named one of the most influential individuals in Charleston’s 300 plus years of history in the November 2007 “Charleston” magazine; **and,**

WHEREAS, Bill Saunders was the founding member of the United Citizens Party in 1970, has served as the Vice Chairman of the Charleston County Democratic Party in 1982 and Chairman in 1984, has received Special Recognition in the 1988 Congressional Records for community services, was inducted into the South Carolina Broadcasters Association Hall of Fame in 1993, was a 1993 Honoree of the South Carolina Black Hall of Fame, was inducted into the University of South Carolina College of Journalism and Mass Communications Diamond Circle in 1998, was named a Biltmore Who’s Who Honor Recipient for 2006-2007.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **William “Bill” Saunders** to the citizens of Charleston County, the State of South Carolina, and the world as he reminds us, “What a man accomplishes can be measured by the distance from whence he came.”

CHARLESTON COUNTY COUNCIL



**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL
HONORING DOROTHY BRUNSON WRIGHT**

“Seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history.” – President Gerald R. Ford

WHEREAS, Dorothy Brunson Wright is a native of Timmonsville, South Carolina, wife of sixty three years to Reginald Wright, Sr., mother to four children, grandmother to eight, and great-grandmother to three; **and,**

WHEREAS, Dorothy Brunson Wright, an African American artist who began drawing at the age of five, was self-taught until her sophomore year of college and draws inspiration from people, events, and memory spanning almost 80 years; **and,**

WHEREAS, Dorothy Brunson Wright attended public schools and graduated from Brockington High School and then attended Claflin University in Orangeburg, SC, where she earned the Bachelor of Arts degree with Summa Cum Laude honors and became a charter member of the Delta Sigma Theta Sorority; **and,**

WHEREAS, Dorothy Brunson Wright became an educator teaching art in various public schools in South Carolina and ended her career at C.A. Brown High School in Charleston, SC, where she had the distinction of serving on the faculty from its inception until the school was closed and during her tenure at Brown she began an annual Sidewalk Art Show which became a tourist attraction in Charleston; **and,**

WHEREAS, Dorothy Brunson Wright was commissioned by the City of Charleston to paint the portrait of Denmark Vesey which hangs in the Gaillard Municipal Auditorium as well as the portrait of Septima Clark which hangs in Charleston City Hall, has painted religious murals for black churches throughout the area and her work has been exhibited at numerous shows over the years including the Rhode Center Gallery, the Claflin University Centennial Show, the Winthrop Black Artist Show, the MOJA Arts Festival, and the National Black Artist Show in Soho, New York; **and,**

WHEREAS, Dorothy Brunson Wright has been an advocate for art education, serving on the Board of Directors for the Gibbes Art Gallery and working with the SC Senate Education Committee to promote art education.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that **Charleston County Council** does hereby recognize the many, many contributions of **Dorothy Brunson Wright** to her students, the citizens of Charleston County, the State of South

Carolina, and the world as she reminds us that “Each child has creative ability and should have access to foster that ability through education in school.”

CHARLESTON COUNTY COUNCIL

An Ordinance rezoning real property located at 1245 Ashley Hall Road was given third reading by title only.

AN ORDINANCE

**REZONING A PORTION OF THE REAL PROPERTY LOCATED AT 1245
ASHLEY HALL ROAD, PARCEL IDENTIFICATION NUMBER 351-12-00-129
FROM THE MIXED STYLE RESIDENTIAL 12 (M-12) DISTRICT TO THE
SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT**

ZREZ-10-12-
14791, 1245
Ashley Hall
Road

Ordinance 3rd
Reading

WHEREAS, the property identified as parcel identification number 351-12-00-129 is currently zoned Mixed Style Residential 12 (M-12) District; and,

WHEREAS, the current owner or agent thereof requests rezoning a portion of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting, among other things, that the parcel be rezoned from the Mixed Style Residential 12 (M-12) District to the Single Family Residential 4 (R-4) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and,

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the “County Council”) approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and,

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency;
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

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

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

The property identified as a portion of parcel identification number 351-12-00-129 is hereby rezoned from Mixed Style Residential 12 (M-12) District to the Single Family Residential 4 (R-4) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

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

CHARLESTON COUNTY COUNCIL

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

ATTEST:

Beverly T. Craven
Clerk to Charleston County Council

First Reading: January 22, 2013
Second Reading February 5, 2013
Third Reading: February 26, 2013

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

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

Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

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

**ZLDR
Amendments**

A report was read from the Planning and Public Works Committee under date of February 21, 2013, that it considered the information furnished by Kurt Taylor, County Administrator, and Dan Pennick, Director of the Zoning and Planning Department, regarding proposed text amendments to the Charleston County Zoning and Land Development Regulations.

Committee recommended approval of proposed amendments as follows:

- a. Section 3.1.5, Application Submittal: Clarify the point at which application materials become public information.
- b. Section 3.2.1.C(2-3), Comprehensive Plan Amendments: Reduce the number of application copies from 35 to 20.
- c. Section 3.3.1.B.2, Zoning and Land Development Regulations Text Amendments: Reduce the number of application copies from 35 to 20.
- d. Section 3.7.6, Site Plan Review: Clarify the roles of the Zoning and Planning Director and the Site Plan Review Committee in approving applications.
- e. Section 4.2.3, Setbacks: Clarify what can/cannot be placed within building setbacks.
- f. Section 5.6.1, Folly Road Corridor Overlay Zoning District: Update to include the Town of James Island and City of Folly Beach in the Statement of Findings.
- g. Section 6.6.4 and Article 6.7, Special Events Use: Limit hours of operation for outdoor special events and clarify the requirements for temporary, outdoor and indoor special events.
- h. Section 11.9.1, Zoning Map Amendment Requests: Clarify the process for resolving zoning violations related to rezoning requests.
- i. Article 12.1, Terms and Uses Defined: Clarify the definition of accessory dwelling units.

County Attorney Joe Dawson made a statement that when the amendments to the ZLDR were drafted, staff was working under the impression that another county in South Carolina had previously adopted a provision similar to what Council was considering in the amendment to Section 3.1.5, Application Submittal which would clarify the point at which application materials become

public information. Mr. Dawson stated that upon further research his staff could not find another county in South Carolina with a similar provision.

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

An Ordinance amending the County Zoning and Land Development regulations was given first reading by title only.

AN ORDINANCE

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).

The Ordinance in its entirety will appear in the records of Charleston County following third reading.

Consent Agenda
A) WMD
Regional
Response Grant
B) JEDA Bonds
Lutheran Homes
C)
Environmental
Management
Trucks

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

Ms. Condon moved approval of items A, B and C., seconded by Mr. Summey. Mr. Schweers requested item C to be taken separately. This was approved by common consent and Council approved items A and B.

Consent Item A.

A report was read from the Finance Committee under date of February 21, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator and Jason Patno, Director of Emergency Management, regarding funding made available to State and local first response organizations by the Department of Homeland Security Grant. It was stated that the Lowcountry Weapons of Mass Destruction Regional Response Team program is directed by the South Carolina Law Enforcement Division and coordinated by the Charleston County Emergency Management Department and that the team is composed of highly skilled first responders that are trained to respond to incidents involving explosive, chemical, biological, or radiological weaponry. It was shown that through the above referenced grant program, the Emergency Management Department is requesting \$49,000 in funding and if awarded, funding will be used to upgrade hazardous materials detection equipment utilized by the Lowcountry Weapons of Mass Destruction Regional Response Team.

Committee recommended that Council approve the Emergency Management Department's request to receive grant funding in the amount of \$49,000 through the 2011 U.S. Department of Homeland Security Grant Program, with the understanding that:

Matching funds on behalf of Charleston County are not required.

There are no FTE's or vehicles associated with the acceptance of the above referenced grant program, which program runs from November 1, 2012 through April 30, 2013.

Consent Item B.

A report was read from the Finance Committee under date of February 21, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, Joseph Dawson, County Attorney and Jeremy Cook, Attorney representing the Lutheran Homes of South Carolina, Incorporated. It was stated that the proceeds of this South Carolina Jobs-Economic Development Authority ("JEDA") bond issue, which will be issued in one or more series and in an aggregate principal amount of not exceeding \$42,000,000, will be used to (i) defray the cost of capital improvements by The Lutheran Homes of South Carolina, Inc. ("Lutheran Homes") on the existing Rice Estate campus in northeast Columbia, SC and renovations at the existing Heritage at Lowman campus in White Rock, SC; (ii) refund the outstanding \$47,420,000 South Carolina Jobs-Economic Development Authority First Mortgage Health Facilities Revenue Refunding Bonds (The Lutheran Homes of South Carolina, Inc.) Series 1998, issued by JEDA to finance acquisition, construction, finishing, equipping and/or improvements to facilities owned and operated by Lutheran Homes in Charleston County, Richland County and Aiken County. It was shown that fund reserves and payment of certain costs of issuance will be included, and that, since this is a JEDA bond issue, there is no impact on any political subdivision's millage.

It was further stated that Lutheran Homes and JEDA are requesting that Charleston County, pursuant to JEDA's enabling legislation and federal tax law (1) hold a public hearing relating to JEDA's issuance of bonds on behalf of Lutheran Homes for the above-described project and (2) adopt a resolution in support of the issuance of such bonds.

It was also stated that as with all JEDA bond issues, the issuer of the bonds is JEDA, and a county's sole role is to hold a public hearing and adopt a support resolution. There is no impact on a county's general obligation debt capacity, and no pecuniary liability for a county.

Representatives from Lutheran Homes and Haynsworth Sinkler Boyd, P.A., which is serving as bond counsel, attended the February 21 Finance Committee meeting and the February 26 County Council meeting to answer any questions.

Committee recommended that Council hold a public hearing on February 26, 2013 at 6:30 p.m. and if no objections are heard, approve a resolution in support of the issuance of the bonds by the South Carolina Jobs-Economic Development Authority.

The Resolution is as follows:

RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS HOSPITAL FACILITIES REVENUE BONDS (THE LUTHERAN HOMES OF SOUTH CAROLINA, INC.) SERIES 2013, PURSUANT TO THE PROVISIONS OF

TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$42,000,000.

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, of the Code of Laws of South Carolina 1976, as amended (the "**Act**"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act 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 of South Carolina; and

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues to defray the cost of medical facilities where such assistance will help relieve a shortage of doctors, specialists or medical services in the area where the project is located; and

WHEREAS, the Authority and The Lutheran Homes of South Carolina, Inc. (the "**Institution**") entered into a Resolution and Inducement Agreement on January 7, 2013 (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, subject to such approval by the State Budget and Control Board of South Carolina, Aiken County, Charleston County, and Richland County, South Carolina, as may be required by law, to issue not exceeding \$42,000,000 aggregate principal amount of Hospital Facilities Revenue Bonds (The Lutheran Homes of South Carolina, Inc.) Series 2013 (the "**Series 2013 Bonds**"), under and pursuant to Section 41-43-110 of the Act, for the purpose of (i) financing the acquisition, by construction and purchase, of land, a building or buildings, and necessary furnishings and equipment to construct a 44-bed skilled nursing facility on the Rice Estate campus in northeast Columbia, SC and renovations at the existing Heritage at Lowman campus in White Rock, SC (the "**2013 Project**"), both owned by the Institution; (ii) refunding the \$47,420,000 South Carolina Jobs-Economic Development Authority First Mortgage Health Facilities Revenue Refunding Bonds (The Lutheran Homes of South Carolina, Inc.) Series 1998 (the "**Prior Bonds**"), currently outstanding in the principal amount of \$22,570,000, the proceeds of which were used to refinance the acquisition, construction, furnishing, equipping, and/or improvement of (a) a 176-bed nursing care facility, a 48-bed Alzheimer addition, and related improvements in Richland County, South Carolina, located in White Rock, South Carolina, and a 100-bed continuing care retirement community in Richland County located on Powell Road near the intersection of Farrow Road and Interstate 77 (the "**Richland Project**"); (b) a 136-bed continuing care retirement facility in Charleston County, South Carolina, located at 1885 Rifle Range Road in Mt. Pleasant, South Carolina (the "**Charleston Project**"), and (c) a 76-unit continuing care retirement facility in Aiken County, South Carolina, located at 213 Laurens Street in Aiken, South Carolina (the "**Aiken Project**" and together with the 2013 Project, the Richland Project, and the Charleston Project, the "**Projects**"); and (iii) funding reserves and paying costs of issuance of the Series 2013 Bonds; and

WHEREAS, the Institution is projecting that the assistance of the Authority by the issuance of the Series 2013 Bonds will result in the creation or maintenance of employment of those engaged in the construction of the 2013 Project, by maintaining permanent employment (both direct and indirect) for approximately 1,108 people and providing additional employment in Richland County for approximately 29 people within 12 months and a total of 46 people within 24 months after the 2013 Project is placed in full operation and will stimulate the economy of Charleston County by maintaining payrolls, capital investment and tax revenues; and

WHEREAS, the County Council of Charleston County and the Authority have on this date jointly held a public hearing, duly noticed by publication in *The Post and Courier* on February 1, 2013, a newspaper having general circulation in Charleston County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Charleston County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared that (a) the 2013 Project and the refunding of the Prior Bonds will subserve the purposes of the Act; (b) the 2013 Project and the refunding of the Prior Bonds are anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation or other public benefits not otherwise provided locally; (c) the 2013 Project and the refunding of the Prior Bonds will give rise to no pecuniary liability of Charleston County or a charge against its general credit or taxing powers; (d) the amount of Series 2013 Bonds required for the purposes described herein is not exceeding \$42,000,000; and (e) the documents to be delivered by the Institution and the Authority with respect to the Series 2013 Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Series 2013 Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Series 2013 Bonds and the maintenance of the Projects (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Institution shall maintain the Projects and carry all proper insurance with respect thereto.

Section 2. The County Council of Charleston County supports the Authority in its determination to issue the Series 2013 Bonds to defray the costs related to the 2013 Project and the refunding of the Prior Bonds.

Section 3. 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.

Adopted this 26th day of February, 2013.

CHARLESTON COUNTY COUNCIL

Teddie T. Pryor, Chairman

ATTEST:

Beverly T. Craven, Clerk

Consent Agenda Item C

A report was read from the Finance Committee under date of February 21, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator and Barrett J. Tolbert, Director of Procurement, regarding Council approval of the purchase of automated residential front-end loader refuse/recyclables vehicles to be used by the Environmental Management Department. It was stated that the vehicles were approved in the FY 2013 budget to replace existing vehicles in an effort to continue the expansion of single stream recycling, the department is requesting the purchase four (4) additional replacement vehicles, to continue the roll-out of the single stream recycling program. It was further shown that for uniformity and maintenance purposes, Staff is recommending that the vehicles be purchased from Hughes Motors, Inc. who has sold Charleston County its current fleet of single stream vehicles. It was shown that Staff was requesting permission to purchase four (4) additional replacement vehicles at a price of \$1,136,088.00, and any additional automated front-end loader refuse/recyclables vehicles that the department identifies as necessary to complete the roll-out of single stream recycling in Charleston County to Hughes Motors, Inc. It was further stated that vehicles will be utilized at the Collections Division on Azalea Avenue by the Environmental Management Department.

Committee recommended that Council authorize the purchase of four (4) additional replacement vehicles at a price of \$1,136,088.00, and any additional automated front-end loader refuse/recyclables vehicles the department identifies as necessary to complete the roll-out of single stream recycling in Charleston County to Hughes Motors Inc., with the understanding that vehicles will be utilized at the Collections Division on Azalea Avenue by the Environmental Management Department.

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

Project Enjoy Financial Incentives

A report was read from the Finance Committee under date of February 21, 2013, that it considered the information furnished by W. Kurt Taylor, County Administrator and Steve Dykes, Director of Charleston County's Economic Development Department. It was stated that during the last months of 2012, the Economic Development Director held discussions with executives from 'Project Enjoy,' concerning a \$22 million expansion of their local facility which would add 22 additional jobs and an additional \$1.085 million to their current 155-employee workforce and that over the next twenty years, annual property tax revenues to the various taxing entities should approximate \$1.5 million, with approximately \$227,000 of that figure coming due to Charleston County.

It was shown that to support this recruitment effort, the Economic Development Director committed to the use of fee-in-lieu-of-taxes (FILOT), along with a special source revenue credit (SSRC) equivalent to approximately 5% of the FILOT revenues, and that specifically, the new investment would be taxed at a 6% assessment rate, with the millage 'fixed' at the rate of 274.3 (coinciding with Tax District 4-3 City of North Charleston for 2012) throughout the 20-year term. It was further shown that the SSRC, which is being offered to offset some of the initial costs of site preparation and infrastructure extension, would not exceed \$75,000. It was further stated that the FILOT inducement resolution and ordinance action is one of the final due diligence steps by the corporate leadership of 'Project Enjoy' leading to a final decision to proceed, and will serve as a formal commitment by the County to approve the financial incentives committed by the Economic Development Director and that upon making their final

decision, the company envisions returning to County Council for the subsequent steps of approving a FILOT ordinance and agreement through the statutorily-required three readings and public hearing during March – April of 2013.

Committee recommended that Council approve:

1. an inducement resolution and ordinance authorizing the use of fee-in-lieu-of-taxes (FILOT), and a special source revenue credit to support the \$22 million 22-person expansion project known as 'Project Enjoy with the understanding that FILOT terms include a 6% assessment, with millage 'fixed' at the rate of 274.3 (coinciding with Tax District 4-3 City of North Charleston for 2012) throughout the 20-year term.
2. a special source revenue credit of 5% (not to exceed \$75,000) will be made to the company during the first three years the company pays FILOT.

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

A RESOLUTION

SETTING FORTH THE COMMITMENT OF CHARLESTON COUNTY, SOUTH CAROLINA TO PROJECT ENJOY, WHEREBY, UNDER CERTAIN CONDITIONS, CHARLESTON COUNTY WILL ENTER INTO A FEE AGREEMENT WITH RESPECT TO CERTAIN PROPERTY AND COVENANT IN SUCH FEE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO SUCH PROPERTY; AND OTHER MATTERS RELATED 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 the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 of the Code (the "FILOT Act"), to enter into an inducement agreement which sets forth the commitment of the County to enter into a fee agreement to provide for payment of fees in lieu of taxes ("FILOT Payments") for a project qualifying as "economic development property" under the FILOT Act; and

WHEREAS, Project Enjoy (the "Company"), intends to expand its current operations by acquiring, constructing, equipping, and furnishing a center of excellence for its aerospace manufacturing facility, all of which will constitute a "project" within the meaning of the FILOT Act (and which is referred to herein as the "Project"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company of approximately \$22,000,000; and

WHEREAS, the County has been advised that within six (6) years of the completion of the Project, the Project is anticipated to employ an additional

approximately 22 full-time employees in addition to the current 155 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 is desirous of having the Incentives set forth herein for the purposes of establishing the framework for a working relationship between the County and the Company and for forming the basis for the negotiation and documentation of each of the specific Incentives into separate and definitive legally binding agreements; and

WHEREAS, the Company understands that to approve and implement any of the Incentives, the County will have to comply with all constitutional and statutory requirements, and those requirements may, depending upon the specific proposal involved, include the need to make certain findings with respect to the Project and obtain certain requisite approvals from other councils and bodies and their own governing bodies as required by law, all of which will be evidenced in the definitive documents;

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 a preliminary commitment for qualifying the Project under the FILOT Act as economic development property and to enter into a "fee agreement" (as defined in the FILOT Act) with respect thereto subject to the conditions described herein;

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

Section 1. Preliminary Evaluation of the Project.

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

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

Section 2. Findings by County Council.

Based upon their investigation of the Project and information provided by Company, including the criteria described in Section 1 above, and based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, 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 will be approximately \$22,000,000, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company expects to employ an additional 22 full-time employees at the Project, in addition to the current 155 employees;
- (d) the Project will be located entirely within Charleston County;
- (e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, 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;
- (i) the benefits of the Project to the public are greater than the cost to the public; and
- (j) this Inducement Resolution shall constitute an action reflecting or identifying the Project for purposes of Section 12-44-40(D) of the FILOT Act.

Section 3. Fee-in-Lieu of Taxes Arrangements.

If the Project locates in Charleston County, the County hereby agrees to enter into a fee agreement with respect to the Project under the FILOT Act (the “FILOT Agreement”) as to the real and personal property at the Project. The FILOT Agreement will provide for FILOT Payments to be made as follows:

- (a) the FILOT Payments shall be calculated on the basis of an assessment ratio of six percent (6%);
- (b) the fair market value of the property shall be as calculated in the FILOT Act including providing that the fair market value of real property portions of the Project established for the first year of the FILOT arrangement shall remain the fair market value for the entire term of the FILOT Agreement;
- (c) the FILOT Payments on each part shall be payable in 20 annual installments on the due date which would otherwise be applicable for *ad valorem* property taxes for each part of the Project, with the first installment for each part of the Project being due on the date when, but for the FILOT Agreement, property taxes would have been paid with respect to such part of the Project;

(d) the FILOT Payments on each part shall be calculated on the basis of the millage rate which shall be fixed for the full term of the FILOT Agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the FILOT Agreement is executed, or (2) the June 30 of the year in which the FILOT Agreement is executed; and

(e) the FILOT arrangement shall be available for 20 years for each part of the Project up to a maximum of 25 years for the FILOT arrangement should the Project be completed and put into service in more than one (1) year. At the conclusion of the twenty-year period after each part of the Project is placed in service, FILOT Payments shall be due to the County on such part of the Project equal to the property taxes that would be due on such part if it were taxable as provided in the FILOT Act.

Section 4. Fee Agreement.

The provisions, terms, and conditions of the FILOT Agreement with respect to the Project shall be prescribed by subsequent ordinance of the County Council. The FILOT Agreement will provide for a fee-in-lieu of taxes arrangement as set forth in this Inducement Resolution. All commitments of the County hereunder are subject to the condition that the County and Company do agree on acceptable terms and conditions of all documents, including the FILOT Agreement, the execution and delivery of which are contemplated by the provisions hereof

Section 5. Multi-County Park.

The County, in cooperation with Colleton County, and/or additional counties which shall be determined by subsequent ordinance(s) (collectively, the "Partner Counties"), will designate the Project site as a multi-county park pursuant to Article VIII, Section 13 of the Constitution of South Carolina and Sections 4-1-170, 4-1-172 and 4-1-175 of the Code (the "Multi-County Park") which term shall commence no later than the beginning of the first property tax year in which the Project is placed in service.

Section 6. Special Source Revenue Credits.

(a) After the identification of qualifying infrastructure and additional qualifying property (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 Code (the "MCIP Provision") in the form of special source revenue credits ("SSRCs") in the amount of \$25,000 per year for the first three years of the term of the FILOT Agreement (not to exceed an aggregate of \$75,000). The Company shall be entitled to claim SSRCs against each of the annual MCP FILOT payments made with respect to the Project for three (3) years in an amount equal to \$25,000 each year; provided, however, that such SSRCs 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 7. Continued Evaluation of Project.

The undertakings of the County hereunder are contingent upon the County Council continuing to evaluate the Project as beneficial to the public interest after considering all additional circumstances of which the County Council may hereafter become aware and upon the County receiving such further evidence as may be satisfactory to the County as to compliance with all applicable statutes and regulations.

Section 8. Company May Proceed Without Incentives.

The County understands that Company may choose not to proceed with the Project as herein provided, in which event this Inducement Resolution shall become void upon written notice by the Company to the County as to such choice.

Section 9. No Liability of County.

All commitments of the County under this Inducement Resolution are subject to all of the provisions of the FILOT Act and the condition that nothing contained in this Inducement Resolution or the FILOT Agreement shall constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Accordingly, Company will hold the County harmless from all pecuniary liability and reimburse it for all legal expenses which it might reasonably incur in implementation of the terms and provisions of this Inducement Resolution. Subject to the provisions of Section 5 hereof, the County agrees to provide the incentives set forth in this Inducement Resolution as long as Company agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project.

Section 10. Repeal of Conflicting Resolutions; Effective Date.

All resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force upon its adoption by the County Council.

Adopted this 26th day of February, 2013.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman

An Ordinance authorizing a fee in lieu agreement for project Enjoy was given first reading approval by title only.

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND PROJECT ENJOY, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PROJECT ENJOY; PROVIDING FOR PAYMENT BY PROJECT ENJOY OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

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

A report was read from the Finance Committee under date of February 26, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator and Steve Dykes, Director of the County Economic Development Department regarding SKF Aerobearings. It was stated that in 2000 SKF Aerobearings entered the Charleston market with the establishment of their precision bearings facility in North Charleston, investing \$4 million and hiring 40 employees to provide FAA-certified repair and overhaul services for aviation engines. It was shown that the company expanded in 2006, with a \$12.5 million investment and additional hiring and that during 2012, the Economic Development Director held discussions with company executives concerning a \$3 million expansion of the local facility which would host an "incubator cell" for an exciting new super-precision bearing business line. It was further shown that this new expansion will add 25 additional jobs and an additional \$850,000 in annual payroll to their current 79-employee workforce and that over the next twenty years, annual property tax revenues to the various taxing entities should approximate \$210,000. It was further stated that to support this recruitment effort, the Economic Development Director committed to the use of fee-in-lieu-of-taxes (FILOT), and that specifically, the new investment would be taxed at a 6% assessment rate, with the millage 'fixed' at the rate of 274.3 (coinciding with Tax District 4-3 City of North Charleston for 2012) throughout the 20-year term.

Committee recommended that Council approve an inducement resolution and give first reading to the proposed ordinance authorizing the use of fee-in-lieu-of-taxes (FILOT) for SKF Aerobearings to support the \$3 million, 25-person expansion with the understanding that FILOT terms include a 6% assessment, with millage 'fixed' at the rate of 274.3, which coincides with Tax District 4-3 City of North Charleston for 2012 throughout the 20 year term.

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

A RESOLUTION

SETTING FORTH THE COMMITMENT OF CHARLESTON COUNTY, SOUTH CAROLINA TO SKF USA INC., WHEREBY, UNDER CERTAIN CONDITIONS, CHARLESTON COUNTY WILL ENTER INTO A FEE AGREEMENT WITH RESPECT

**SKF
Aerobearings
Financial
Incentives**

TO CERTAIN PROPERTY AND COVENANT IN SUCH FEE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO SUCH PROPERTY; AND OTHER MATTERS RELATED 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 the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 of the Code (the "FILOT Act"), to enter into an inducement agreement which sets forth the commitment of the County to enter into a fee agreement to provide for payment of fees in lieu of taxes ("FILOT Payments") for a project qualifying as "economic development property" under the FILOT Act; and

WHEREAS, SKF USA Inc., a Delaware corporation (the "Company"), intends to expand its operations in Charleston County by acquiring, constructing, equipping, and furnishing a super precision ball bearing production facility, all of which will constitute a "project" within the meaning of the FILOT Act (and which is referred to herein as the "Project"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company of approximately \$3,000,000; 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; 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 is desirous of having the Incentives set forth herein for the purposes of establishing the framework for a working relationship between the County and the Company and for forming the basis for the negotiation and documentation of each of the specific Incentives into separate and definitive legally binding agreements; and

WHEREAS, the Company understands that to approve and implement any of the Incentives, the County will have to comply with all constitutional and statutory requirements, and those requirements may, depending upon the specific proposal involved, include the need to make certain findings with respect to the Project and obtain certain requisite approvals from other councils and bodies and their own governing bodies as required by law, all of which will be evidenced in the definitive documents;

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 a preliminary commitment for qualifying the Project under the FILOT Act as economic development

property and to enter into a “fee agreement” (as defined in the FILOT Act) with respect thereto subject to the conditions described herein;

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

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

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

Section 2. Findings by County Council.

Based upon their investigation of the Project and information provided by Company, including the criteria described in Section 1 above, and based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, 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 will 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;
- (d) the Project will be located entirely within Charleston County;
- (e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, 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;

- (i) the benefits of the Project to the public are greater than the cost to the public; and
- (j) this Inducement Resolution shall constitute an “inducement resolution,” and is an action reflecting or identifying the Project for purposes of Section 12-44-40(D) of the FILOT Act.

Section 3. Fee-in-Lieu of Taxes Arrangements.

If the Project locates in Charleston County, the County hereby agrees to enter into a fee agreement with respect to the Project under the FILOT Act (the “FILOT Agreement”) as to the real and personal property at the Project. The FILOT Agreement will provide for FILOT Payments to be made as follows:

- (a) the FILOT Payments shall be calculated on the basis of an assessment ratio of six percent (6%);
- (b) the fair market value of the property shall be as calculated in the FILOT Act including providing that the fair market value of real property portions of the Project established for the first year of the FILOT arrangement shall remain the fair market value for the entire term of the FILOT Agreement;
- (c) the FILOT Payments on each part shall be payable in 20 annual installments on the due date which would otherwise be applicable for *ad valorem* property taxes for each part of the Project, with the first installment for each part of the Project being due on the date when, but for the FILOT Agreement, property taxes would have been paid with respect to such part of the Project;
- (d) the FILOT Payments on each part shall be calculated on the basis of the millage rate which shall be fixed for the full term of the FILOT Agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the FILOT Agreement is executed, or (2) the June 30 of the year in which the FILOT Agreement is executed; and
- (e) the FILOT arrangement shall be available for 20 years for each part of the Project up to a maximum of 25 years for the FILOT arrangement should the Project be completed and put into service in more than one (1) year. At the conclusion of the twenty-year period after each part of the Project is placed in service, FILOT Payments shall be due to the County on such part of the Project equal to the property taxes that would be due on such part if it were taxable as provided in the FILOT Act.

Section 4. Fee Agreement.

The provisions, terms, and conditions of the FILOT Agreement with respect to the Project shall be prescribed by subsequent ordinance of the County Council. The FILOT Agreement will provide for a fee-in-lieu of taxes arrangement as set forth in this

Inducement Resolution. All commitments of the County hereunder are subject to the condition that the County and Company do agree on acceptable terms and conditions of all documents, including the FILOT Agreement, the execution and delivery of which are contemplated by the provisions hereof.

Section 5. Continued Evaluation of Project.

The undertakings of the County hereunder are contingent upon the County Council continuing to evaluate the Project as beneficial to the public interest after considering all additional circumstances of which the County Council may hereafter become aware and upon the Company providing the County with such further evidence as may be satisfactory to the County as to compliance with all applicable statutes and regulations.

Section 6. Company May Proceed Without Incentives.

The County understands that Company may choose not to proceed with the Project as herein provided, in which event this Inducement Resolution shall become void upon written notice by the Company to the County as to such choice.

Section 7. No Liability of County.

All commitments of the County under this Inducement Resolution are subject to all of the provisions of the FILOT Act and the condition that nothing contained in this Inducement Resolution or the FILOT Agreement shall constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

Section 8. Repeal of Conflicting Resolutions; Effective Date.

All resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force upon its adoption by the County Council.

Adopted this 26 day of February, 2013.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman

ATTEST:

Beverly T. Craven, Clerk of County Council

An Ordinance between Charleston County and SKF USA, INC was given first reading by title only.

AN ORDINANCE

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.

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

A report was read from the Finance Committee under date of February 21, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator and Steve Dykes, Director of the County Economic Development Department, regarding financial incentives extended to Millard Refrigerated Services. It was stated that the company proposes to hire 87 persons, with an annual payroll of over \$2.6 million, and that over a twenty year period, annual property tax revenues to the various taxing entities should approximate \$12 million, with approximately \$2 million of that figure coming due to Charleston County. It was further stated that the fee-in-lieu-of-taxes (FILOT) incentives included: the new investment being taxed at a 6% assessment rate, with the millage 'fixed' at the rate of 269.5 (coinciding with Tax District 4-3 City of North Charleston for 2011) throughout the 20-year term and that the special source revenue credit (SSRC) which was approved equates to 4% of revenues) not to exceed (\$500,000). It was shown that on December 18, 2012 Millard Refrigerated Services announced 'Project Epsilon,' with the inducement resolution acting as a formal commitment by the County to approve the financial incentives committed by the Economic Development Director, and the company is now returning to County Council for the subsequent steps of approving a FILOT ordinance and agreement through the statutorily-required three readings and public hearing.

**Millard
Refrigerated
Services
Financial
Incentives**

Committee recommended that Council approve and give first reading to an Ordinance authorizing the execution and delivery of fee-in-lieu-of-taxes (FILOT), and a special source revenue credit to support the \$42 million 87-person refrigerated distribution facility by Millard Refrigerated Services, with the understanding that the FILOT terms include a 6% assessment, with millage 'fixed' at the rate of 269.5 (coinciding with Tax District 4-3 City of North Charleston for 2011) throughout the 20-year term and a special source revenue credit not to exceed \$500,000 will be made to the company during the first five years the company pays FILOT.

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

AN ORDINANCE

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.

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

**SCE&G Set
Aside Grant/
Millard**

A report was read from the Finance Committee under date of February 21, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Steve Dykes, Director of the County Economic Development Department, regarding a commitment from the SCE&G of a \$100,000 Economic Development grant for use by Millard Refrigerated Services. It was that stated at its December 13, 2012 meeting, County Council approved financial incentives for 'Project Epsilon.' and on December 18, 2012 Millard Refrigerated Services announced its plans to construct a new \$42.2 million state-of-the-art refrigeration facility at Palmetto Commerce Park in North Charleston which will create 87 new jobs, with an annual payroll of \$2.6 million. It was further stated that at its January 22, 2013 meeting, County Council also accepted a state Set-Aside grant awarded to the company. It was shown that as a third piece of the recruitment effort, SCE&G committed to provide a \$100,000 Economic Development grant designed to offset a portion of site preparation costs associated with the expansion. It was further stated that proceeds designed to be passed thru to Millard Refrigerated Services be administered by the Economic Development Department to the company on a reimbursement basis.

Committee recommended that Council approve the acceptance and administration by the County of the \$100,000 SCE&G economic development grant for use by Millard Refrigerated Services in association with establishment of its new North Charleston facility which is anticipated to create 87 new jobs and \$2.6 million in annual payroll with the understanding that grant funds will be made available to the Company by the Economic Development on a reimbursable basis.

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

**Station
Alerting
System**

A report was read from the Finance Committee under date of February 21, 2013 that it considered the information furnished by W. Kurt Taylor, County Administrator and Barrett J. Tolbert, Director of the County Procurement Department, regarding a Request for Proposal issued in September 2011 to procure a Station Alerting System to be used by the Consolidated 9-1-1 Center for dispatching to EMS and participation fire/rescue agencies and on November 10, 2011 sealed proposals were received. It was stated that on May 8, 2012 County Council gave the authorization to negotiate with US Digital Designs, Inc. for an alerting system for emergency response stations utilizing programmable message centers zone coded lighting and audio modules to alert only selected personnel for a particular type of emergency, for example, fire, medical, etc. in order to decrease response time while reducing stress to remaining personnel who do not need to be notified. It was shown that on October 11, 2012, negotiations with US Digital Designs, Inc. failed and staff has determined that County Council should rescind its action of May 8, 2012 and move forward to negotiate and enter into a contract with Purvis System.

Committee recommendations were as follows:

1. That Council rescind its action of May 8, 2012.

2. That Council appropriate \$1,230,000 of fund balance from the Emergency 9-1-1 Fund for the Dispatch Center Project, and reallocate \$1,230,000 of bond funds from the Dispatch Center project to the Station Alerting System.
3. That Council authorize staff to negotiate and enter into a contract with Purvis Systems in an amount not to exceed \$3,500,000 for a Station Alerting System to be used by EMS and the multiple fire/rescue agencies that are currently or are planned to be dispatched by the Charleston County Consolidated 9-1-1 Center.

After a lengthy discussion regarding this item, Ms. Condon moved to defer this matter to the next Finance Committee meeting to receive additional information from staff. This motion was seconded by Mr. Schweers.

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

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

The vote being six (6) ayes and three (3) nays, the Chairman declared the motion to defer to be approved.

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

Hearing no affirmative response, the Chairman declared the meeting to be adjourned.

Beverly T. Craven
Clerk of Council