

Charleston, S. C.  
August 21, 2012

A regular meeting of County Council of Charleston County was held on the 21<sup>st</sup> day of August, 2012, at 7:00 p.m., in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Chairman Teddie Pryor gave the invocation. Clerk of Council, Beverly T. Craven, led in the pledge to the flag.

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

Mr. Sass moved approval of Council's minutes of July 24, 2012, seconded by Ms. Johnson, and carried.

The Chairman welcomed Judge Henley and her Business Law Students from Virginia College to Council's meeting.

**Project Aries  
Cummins  
Turbo  
Technologies  
A) FILOT  
Ordinance  
B) SSRC  
Ordinance**

An Ordinance authorizing a FILOT Agreement between Charleston County and Cummins, Inc. was given third reading by title only.

#### AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND CUMMINS, INC. AND ONE OR MORE SPONSORS, AND OTHER MATTERS RELATING THERETO INCLUDING WITHOUT LIMITATION PAYMENT OF A FEE IN LIEU OF TAXES

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute "projects" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") and will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus

utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee in lieu of tax agreement, as defined in the Act, with respect to such project; and

WHEREAS, Cummins, Inc. (previously identified by the County as Project Aries) together with one or more sponsors, or their assignees (the "Company") has requested the County to participate in executing a fee in lieu of tax agreement (the "Fee Agreement") pursuant to the Act related to the Company's acquisition by purchase, lease and construction certain real and personal property for the purpose of a distribution facility to serve its current manufacturing facility which involves an investment of approximately Nineteen Million Five Hundred Thousand Dollars (\$19,500,000) and the creation of approximately 76 new jobs (the "Project"), and to that end, the County Council by its Resolution adopted on May 22, 2012 gave preliminary approval thereto; and

WHEREAS, the County has determined on the basis of the information provided to by the Company that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee Agreement by and between the County and the Company which includes the agreement for payment of a payment-in-lieu of tax; and

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

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

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company to locate a distribution facility in the State and the acquisition by the Company of real and personal property related thereto, is hereby authorized, ratified and approved.

Section 2. It is hereby found, determined and declared by the County Council, as follows:

(a) Based solely upon representation of the Company, the Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;

(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;

(c) The Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally;

(d) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either;

(e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;

(f) The inducement of the location of the Project within the County and State is of paramount importance; and,

(g) The benefits of the Project will be greater than the costs.

Section 3. The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of up to twenty (20) years from the date of each of the annual capital investments made under the Fee Agreement for the first five years and any extension of the investment period. The amounts of such payments shall be determined by using an assessment ratio of 6%, a millage rate of 269.5, which millage rate shall be a fixed rate for the duration of the Fee Agreement, and the fair market value as determined pursuant to the Act and Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended.

The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee Agreement was set out in this Ordinance in its entirety. The Chairman of the County Council is and he is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Sponsors. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 4. The Chairman of the County Council and the County Administrator, for and on behalf of the County, are hereby authorized and directed to do any and all

things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

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

Passed and approved this 21<sup>st</sup> day of August, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Chairman  
Charleston County Council

ATTEST:

Beverly T. Craven  
Clerk to County Council

First Reading: May 22, 2012  
Second Reading: July 24, 2012  
Public Hearing: August 21, 2012  
Third Reading: August 21, 2012

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

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

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have passed third reading.

The Special Source Credits Ordinance between Charleston County and Cummins, Inc. was given third reading by title only.

AN ORDINANCE

AUTHORIZING THE GRANTING OF CERTAIN SPECIAL SOURCE CREDITS BY  
CHARLESTON COUNTY, SOUTH CAROLINA TO CUMMINS, INC. AND ONE OR  
MORE SPONSORS.

WHEREAS, Charleston County (the "County") is authorized by Sections 4-29-68 and 4-1-175 of the Code of Laws of South Carolina, 1976, as amended (the "Code") to provide infrastructure tax credits (the "Infrastructure Credits"), secured by and payable solely from revenues of the County from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution and Section 4-12-30 of the Code, for the purpose of defraying a portion of the cost of designing, acquiring, constructing, improving or expanding the infrastructure serving the County in order to enhance the economic development of the County; and

WHEREAS, in accordance with the provisions of an Inducement Resolution approved on May 22, 2012, Cummins, Inc. (previously known by the County as Project Aries) together with one or more sponsors, or their assignees (the "Company") has determined that it desires to construct a distribution facility to serve its current manufacturing facility, which facility will consist of certain land, buildings and equipment associated with the infrastructure (the "Infrastructure") to be owned, leased or used by the Company and to be located on the real property described in Exhibit A attached hereto (the "Project"); and

WHEREAS, pursuant to the provisions of the fee-in-lieu of tax agreement (the "Fee Agreement") to be entered into between the Company and the County pursuant to Title 12, Chapter 44 of the Code, the Company is obligated (i) to make or cause to be made payments in lieu of taxes ("Fee Payments") with respect to the Project, (ii) to maintain the Project in good repair at its own expense and (iii) to carry all proper insurance with respect thereto; and

WHEREAS, having determined that the Project will provide public benefits incident to conducting industrial operations, and in order to implement the public purposes enumerated in Title 12, Chapter 44 of the Code and in furtherance thereof to assist the Company, its sublessee, assignee or transferee in expanding and maintaining an industrial facility within the State of South Carolina, the County has agreed to assist in financing a portion of the costs of the Infrastructure through the granting of special source revenue credits (the "Special Source Credits") in an amount equal to five percent (5%) of the total Fee Payments expected to be paid by the Company pursuant to the Fee Agreement; provided that the maximum aggregate value of the Special Source Credits may not exceed \$250,000; and

NOW, THEREFORE, BE IT ORDAINED by Charleston County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State of South Carolina by assisting the Company to locate an industrial facility in the State of South Carolina, the financing of the Infrastructure by the County through the granting of the Special Source Credits is hereby authorized, ratified and approved.

Section 2. Pursuant to the authority of Title 4, Chapters 1 and 29 of the Code, there is hereby authorized to be provided, and shall be provided, Special Source Credits of the County in the amount of five percent (5%) of the total Fee Payments expected to be made during the duration of the Fee Agreement on such terms and conditions as may be determined by the County; provided that the maximum aggregate value of the Special Source Credits may not exceed \$250,000.

The County will rely on information obtained annually from SC Department of Revenue to monitor the capital investment assets which have been placed into service in association with the Project. In order for the County to ensure that required minimum additional annual payroll is in place, the Company will issue a letter on Company letterhead after approval of the Fee Agreement establishing the employment headcount and annual payroll which is in place at the outset of the Project to serve as a benchmark. The Company will then follow up with an additional letter at the time that it notifies the County of its intention to begin receiving the Special Source Credits as described in the paragraph above.

Nothing in this Ordinance shall be construed as an obligation or commitment by the County to expend any of its funds other than the portion of Fee Payments represented by the Special Source Credits derived by the County which shall be reimbursed to the Company, its sublessee, assignee or transferee following the payment of the Fee Payments to the County.

The County has determined that the purposes to be accomplished by the Project are proper governmental and public purposes and that the inducement of the location of the Project within the State of South Carolina is of paramount importance and the benefits of the Project are greater than the cost, and that the Project is anticipated to benefit the general public welfare of the County in that the proposed Project will provide services, employment, and other public benefits not otherwise provided locally; and that the Project will give rise to no pecuniary liability of the County, or a change against its general credit or taxing power.

Section 3. The Chairman of the County Council and the Clerk to the County Council and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

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

Passed and approved this 21<sup>st</sup> day of August, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA  
 Teddie E. Pryor, Chairman  
 Charleston County Council

ATTEST:

Beverly T. Craven  
 Clerk to County Council

First Reading: May 22, 2012  
 Second Reading: July 24, 2012  
 Public Hearing: August 21, 2012  
 Third Reading: August 21, 2012

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

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

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have passed third reading.

Saint Paul's  
 Fire District  
 A) Bond  
 Ordinance  
 B) FY 2013  
 Budget  
 Amendment  
 Ordinance

Ordinances regarding the issuance of Bonds by the St. Paul's Fire District and amending the Fiscal Year 2012-2013 Budget for St. Paul's Fire District were given third reading by title only.

#### AN ORDINANCE

FINDING THAT THE ST. PAUL'S FIRE DISTRICT MAY ISSUE NOT EXCEEDING \$1,600.000 OF GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF SAID FIND AND AUTHORIZATION.

**WHEREAS**, by action previously taken, the County Council of Charleston County, South Carolina which is the governing body of Charleston County, South Carolina (hereinafter called the "**County Council**"), ordered that a public hearing on the question of the issuance of not exceeding \$1,600,000 general obligation bonds (the "**Bonds**") of the St. Paul's Fire District, South Carolina (the "**District**") be held in the Charleston County Council Chambers in the Lonnie Hamilton III Public Service Building, located at 4045 Bridge View Drive, 2<sup>nd</sup> Floor, North Charleston, South Carolina 29045, on the 21st day of August, 2012 at 6:55 p.m., and notice of such hearing has been duly published once a week for three successive weeks in The Post and Courier, a newspaper of general circulation in Charleston County; and

**WHEREAS**, the said public hearing has been duly held at the above time, date and place and said public hearing was conducted publicly and both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189, enacted at the 1974 Session of the South Carolina General Assembly and approved July 9, 1974, now codified as Article 5 of Chapter 2 of Title 6 (Sections 6-11-810 through 6-11-1050, inclusive) (hereinafter called the "**Enabling Act**") of the South Carolina Code (the "**Code**") to make a finding as to whether or not the Bonds should be issued; and

**NOW THEREFORE, BE IT ORDAINED**, by the County Council in a meeting duly assembled:

**Section 1.** It is found and determined that each statement of fact set forth in the preamble of this ordinance (this "**Ordinance**") is in all respects true and correct.

**Section 2.** On the basis of the facts adduced at the public hearing held on August 21, 2012, it is found and determined that the St. Paul's Fire District Commission, the governing body of the District (the "**Commission**") should be authorized to issue the Bonds.

**Section 3.** The County Council finds that the Commission should issue the Bonds in an amount not exceeding \$1,600,000 as a single issue or from time to time as several separate issues, as the District shall determine.

**Section 4.** The County Council hereby authorizes the Commission to issue the Bonds of the District in the aggregate principal amount of not exceeding \$1,600,000 for the purpose of (A) defray the costs of (i) purchasing and rehabilitating equipment and apparatuses used or useful in furtherance of the operation of the District, including but not limited to water stations, water trailers, and trucks, (ii) acquiring real property, together with associated costs, and (iii) constructing, rehabilitating, repurposing, demolishing, improving, equipping and furnishing facilities of the District (collectively, the "**Project**"); and (B) paying the costs of issuance of such general obligation bonds (the "**Bonds**"). The Commission estimates that the cost of the Project, together with the costs of issuance of the Bonds will not exceed \$1,600,000. For the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay such principal of and interest on the Bonds as they respectively mature, and to create such sinking fund.

**Section 5.** The Chairman and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

**Section 6.** A certified copy of this Ordinance shall forthwith be transmitted to the Commission to advise it of the action taken by the County Council, whereby the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, the Bonds in the aggregate principal amount of not exceeding \$1,600,000.



DONE AT CHARLESTON, SOUTH CAROLINA, this 21<sup>ST</sup> day of AUGUST, 2012.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Sr., Chairman

Attest:

Beverly T. Craven, Clerk of Council

First Reading: July 19, 2012  
 Second Reading: July 24, 2012  
 Public Hearing: August 21, 2012  
 Third Reading: August 21, 2012

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

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

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have passed third reading.

**AN ORDINANCE**

TO AMEND THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE NO. 1740 TO PROVIDE FOR THE INCREASE OF THE ST. PAUL'S FIRE DISTRICT'S DEBT SERVICE MILLAGE FROM 3.1 MILLS TO 3.8 MILLS FOR FISCAL YEAR 2013.

**WHEREAS**, Charleston County Council enacted Ordinance Number 1740 on June 19, 2012 which, *inter alia*, provided approval of the Fiscal Year 2012-13 budget for the St. Paul's Fire District (the "District"), and

**WHEREAS**, the District desires to improve the level of service in the District through capital expenditures and a related general obligation bond issue, and

**WHEREAS**, as provided in Ordinance Number 1740, County Council must approve an amendment to said Budget Ordinance when millage rates are increased,

**NOW, THEREFORE, BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL** that Charleston County Ordinance No. 1740 is hereby amended as follows:

Section 1.

Section 3 is amended by increasing the debt service millage of 3.1 mills by 0.7 mills so that Section 4 shall read as follows:

“The Auditor of Charleston County shall levy 48.2 mills for operating expenditures and 3.8 mills for debt service of the District in the year 2012, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.”

Section 2.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 3.

The remainder of the original ordinance shall continue in full force and effect.

Section 4.

This Ordinance shall take effect upon approval following Third Reading.

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

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

The vote being six (6) ayes, one (1) nay and two (2) absent, the Chairman declared the Ordinance to have passed third reading.

**Consolidated  
Dispatch  
Center  
Easement  
Ordinance  
2<sup>nd</sup> Reading**

An Ordinance granting an easement at the Consolidated Dispatch Center was given second reading by title only.

**AN ORDINANCE  
APPROVING AND AUTHORIZING THE GRANT OF AN  
EASEMENT TO THE COMMISSIONERS OF PUBLIC WORKS  
OF THE CITY OF CHARLESTON, SOUTH CAROLINA, ON A**

**PORTION OF COUNTY PROPERTY KNOWN AS THE  
CONSOLIDATED DISPATCH CENTER**

The Ordinance in its entirety will appear in the minutes of 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	- absent
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have passed second reading.

**Smoking  
Ban  
Ordinance  
2<sup>nd</sup> Reading**

An Ordinance regulating smoking in unincorporated Charleston County was given second reading by title only.

The County Attorney stated that he felt that the Ordinance before Council required some revisions, as well as the deletion of Section 11 Wavier, and requested Council to give second reading to the proposed Ordinance at this time with the ability of Council to make changes prior to third reading when they received the final version of the Ordinance.

Mr. Schweers asked for verification that the Ordinance Council was giving second reading to tonight did not include Section 11.

Mr. Dawson acknowledged that Mr. Schweers was correct.

Ms. Condon moved to give second reading to the proposed "Smoking Ordinance", as amended, with the right of Council to make changes prior to third reading. This motion was seconded by Mr. Schweers, and carried.

**AN ORDINANCE**

**REGULATING SMOKING IN PUBLIC PLACES TO PROTECT THE PUBLIC FROM  
SECONDHAND SMOKE**

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

**ZREZ-4-12-  
13523, 1820  
First Dive  
Ordinance**

A report was read from the Planning/Public Works Committee under date of August 14, 2012 that it considered an application requesting a zoning change from the Residential

Office (OR) Zoning District to the Commercial Transition (CT) Zoning District. It was shown that a request to rezone the subject property from the Single-Family Residential Zoning District (RS-8), a medium density zoning district contained in the 1997 Charleston County Zoning Ordinance, to the Residential Office (OR) Zoning District was approved by County Council on April 15, 1997. It was further shown that the requested zoning district, Commercial Transition (CT), will aid in the implementation of commercial future land use of the subject property by expanding the list of potential uses; however, the existing size of the subject property (approximately 0.3 acres) and the applicable dimensional standards will serve to limit the intensity of any commercial activity on the subject property to a light, neighborhood commercial scale, which would be consistent with the adjacent commercial uses in the immediate area, and the proposed amendment corrects a zoning map error or inconsistency as well as addresses events, trends, or facts that have significantly changed the character or condition of the area.

Committee recommended approval.

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

An Ordinance rezoning the real property located at 182 First Drive was given first reading by title only.

#### AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1820 1<sup>ST</sup> DRIVE, PARCEL IDENTIFICATION NUMBER 350-05-00-155 FROM THE RESIDENTIAL OFFICE (OR) DISTRICT TO THE COMMERCIAL TRANSITION (CT) DISTRICT.

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

#### Ten non standard County Roads Status

A report was read from the Planning/Public Works Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and James Neal, Director of Public Works, regarding a request that County Council declare the status of Possum Trail Road and Feldman Road as private roads. It was stated that at the December 6, 2011, County Council meeting, Council acknowledged that the roads formerly identified as Charleston County Community Roads are public road and authorized staff to perform the necessary work to communicate with landowners and residents and to document each road's status and take the necessary steps to add them to the County maintenance system. It was shown that staff has completed consultations with land owners, surveying, plat preparations, research mapping and documenting right of way for ten non-standard roads.

The following roads desire to be included as public roads:

Abe White Road, Arman Road, Kidmore Road, Yough Hall Road, Lucys Lane, Holly Creek Road, Givens Road and Tarrington Lane.

The following roads requested the roads be private roads and not be included in the County maintenance system:

Possum Trail Road and Feldman Road.

Committee recommended that Council establish the status of Possum Trail and Feldman Road as private roads rescinding all previous public designations and remove them from the Charleston County maintenance system.

**Consent**

**Agenda**

**A) SC**

**Forestry**

**Commission**

**Funds**

**B) E-911**

**Reimbursable**

**Funds**

**C) Roper St.**

**Francis JEDA**

**Bonds**

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

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

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Jason Patno, Emergency Management Director, regarding the Awendaw District Fire Department's request to receive Title III funds in the amount of \$17,132 from the South Carolina Forestry Commission. It was stated that if approved, funding would be used to purchase equipment and educational materials to assist the department with the implementation of a FIREWISE program. It was shown that one of the main objectives of the FIREWISE program is to reduce the threat of fire to homes located within areas that are prone to wild land fires. It was shown that "*The Community Wide Protection Plan*", developed by the South Carolina Fire Commission in conjunction with several County departments including: Building Services, Emergency Management, Technology Services, Greenbelts, and Planning has identified the Awendaw Consolidated Fire District as an area at high risk from the threat of wild land fires. It was further stated that if approved, the aforementioned funding would be used to purchase equipment and educational materials to assist with the implementation of a FIREWISE program within the Awendaw Consolidated Fire District and that educational materials would be distributed to residents within the Awendaw Consolidated Fire District, providing information to homeowners, informing them on the measures that they can take to protect their homes from the dangers associated with wild land fires. It was further shown that the equipment to be purchased would be used by Awendaw District Fire Department personnel to create defensible spaces between homes and woodland areas and the equipment associated with this program, and the labor provided by department personnel will allow for proactive measures to be taken that may not be financially possible for homeowners.

Committee recommended that Council approve the Awendaw District Fire Department's request to receive funding in the amount of \$17,132 from the South Carolina Forestry Commission, with the understanding that matching funds are not required and there are no FTEs or vehicles associated with the receipt of these funds.

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Jim Lake, Consolidated 9-1-1 Director, regarding reimbursement of non-recurring monthly and annual costs. It was stated that each year Charleston County Public Safety Answering Points (9-1-1 Centers) expend General Fund, Capital Fund and E9-1-1 Fund money in support of the Charleston County 9-1-1 System and that many of these non-

recurring, monthly and annual costs are reimbursable to Charleston County, the City of Charleston, the Towns of Mount Pleasant and the City of Isle of Palms. It was shown that South Carolina legislation governs both wireline and wireless 9-1-1 funds, and Section 23-47-50 defines what can and cannot be paid for from the 9-1-1 Fund. It was also shown that this legislation allows the County 9-1-1 Coordinator to submit documentation requesting reimbursement for allowable expenses and the following is a list of reimbursable items from the Compliance Costs portion of the South Carolina CMRS 911 Surcharge Fund.

**Non-Recurring Charges**

**Percent of Expenditures**

9-1-1 System	40%
Computer Aided Dispatch	40%
Recorder / UPS/ Generator	40%
GIS/Mapping	100%
Statistical Package for counting/reporting Wireless Calls	100%
Other Dedicated Wireless Phase II Cost	100%

**Monthly Recurring Charge**

9-1-1 System	40%
Computer Aided Dispatch	40%
Network Service Charges	40%
Language Translation Services	40%
GIS/Mapping	100%
9-1-1 System/Lines Dedicated to Wireless Calls	100%
Other Dedicated Wireless Cost	100%

**Annual Maintenance Cost**

9-1-1 System	40%
Computer Aided Dispatch	40%
Recorder / UPS / Generator	40%
GIS/Mapping	100%

Committee recommended that Council:

1. Approve the Consolidated Dispatch Center Director/County 9-1-1 Coordinator to apply for reimbursements as allowed in the Compliance Costs portion of the South Carolina CMRS 911 Surcharge Fund.
2. Approve County staff to disburse reimbursements to the appropriate budgets or entities from where the original allocations were made.

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and

Jeremy L. Cook, Attorney representing Roper-St. Francis JEDA Bonds request. It was stated that the JEDA bond issue in an amount not exceeding \$100,000,000 will be used to refund a portion of the outstanding Charleston County Revenue Bonds issued in 1999 by Charleston County on behalf of Roper St. Francis Healthcare to finance certain expenditures; to refund certain prior indebtedness of Roper St. Francis Healthcare and to defray the cost of capital expenditures by Roper St. Francis Healthcare throughout its healthcare system and to defray the costs of insurance. It was shown that since this is a JEDA bond issue there is no impact on any political subdivision's millage, and, 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. It was further shown that there is no impact on a County's general obligation debt capacity and no pecuniary liability for a County.

Committee recommended that Council hold a public hearing on August 21, 2012, and if appropriate, approve a resolution in support of the issuance of bonds by the South Carolina Jobs- Economic Development Authority in an amount not exceeding \$100,000,000 for Roper-St. Francis Healthcare.

A report was read from the Finance Committee that it considered the information furnished by W. Kurt Taylor, County Administrator, and Jeremy L. Cook, Attorney representing Roper-St. Francis JEDA Bonds request. It was stated that the JEDA bond issue in an amount not exceeding \$100,000,000 will be used to refund a portion of the outstanding Charleston County Revenue Bonds issued in 1999 by Charleston County on behalf of Roper St. Francis Healthcare to finance certain expenditures; to refund certain prior indebtedness of Roper St. Francis Healthcare and to defray the cost of capital expenditures by Roper St. Francis Healthcare throughout its healthcare system and to defray the costs of insurance. It was shown that since this is a JEDA bond issue there is no impact on any political subdivision's millage, and, 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. It was further shown that there is no impact on a County's general obligation debt capacity and no pecuniary liability for a County.

Committee recommended that Council hold a public hearing on August 21, 2012, and if appropriate, approve a resolution in support of the issuance of bonds by the South Carolina Jobs- Economic Development Authority in an amount not exceeding \$100,000,000 for Roper-St. Francis Healthcare.

A report was read from the Finance Committee meeting of August 14, 2012, that it considered the information furnished by W. Kurt Taylor, County Administrator, and Cathy Ruff, Greenbelt Director, regarding Veterans' Park Rural Greenbelt Project. It was stated that in accordance with Section 5.6.1 of the Charleston County Comprehensive Greenbelt Plan this project has been reviewed by the Greenbelt Bank Board and was unanimously recommended by the Board for disapproval at their July 12, 2012 meeting.

**Veterans'  
Park Rural  
Greenbelt  
Project**

<b>Applicant</b>	<b>Type</b>	<b>Project Name</b>	<b>Acres</b>	<b>Funding</b>
Carolina Homeless Veterans, Inc.	Fee Simple	Veterans Park	9.68	194,000

It was shown that this property is a 9.68 acre wooded lot located on the corner of Doctor Whaley Road and Old Pond Road, Johns Island zoned RR-3 and contains a utility

easement totaling approximately 2 acres. It was stated that Carolina Homeless Veterans, Inc. requested to purchase the property in order to place a garden area in the utility easement. This garden area would provide a location for veterans to socialize with the community and together farm a portion of the land. They also planned for a passive park with picnic tables that could be rented out for gatherings/events. It was further stated that the Greenbelt Bank Board voted unanimously to recommend disapproval of this project as Board members felt that the nearly 10 acre property is too large for the proposed small scale garden and the Board also expressed concern about the agency's financial ability to raise funds to cover the cost of clearing the heavily forested land in order to use and maintain it for gardening.

Committee recommended that Council direct staff to work with the applicant and the Greenbelt Bank Board to come to a resolution to meet the objectives of Carolina Homeless Veterans, Inc. and bring back a recommendation to the Finance Committee of September 16, 2012.

After questions by Council regarding concerns related to this request the Chairman announced that he was asking Staff to secure additional information for Council and to return this item to the Finance Committee of September 13 for further discussion.

**Urban  
Greenbelt  
Allocation  
James Island**

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Cathy Ruff, Greenbelt Director, regarding greenbelt funds for the Town of James Island. It was stated that in accordance with Section 5.6.2 of the Charleston County Comprehensive Greenbelt Plan urban greenbelt funds were divided among the urban municipalities and unincorporated areas according to the population of each per the 2000 U.S. Census and at the time the Plan was adopted in 2006, the Town of James Island was allocated \$1,898,151. It was shown that when the Town lost their incorporation in 2011, Council reprogrammed the funds back to the urban unincorporated category. It was shown that a portion of the funding from the Town's allocation was used for an urban unincorporated project in the Ten Mile Community of Mount Pleasant, and the remaining funds (\$1,102,130) were reserved for projects on James Island. It was further stated that with the Town's recent incorporation, Council is being requested to reprogram the balance of funds (\$1,102,130) back to the Town of James Island's urban allocation and that in accordance with the Greenbelt Plan, the Town must submit an application to use the urban greenbelt funds, and the application will be reviewed by the Urban Grants Review Committee and the Charleston County Park and Recreation Commission before being presented to County Council for final approval.

Committee recommended that Council re-program \$1,102,130 in urban greenbelt funds from the urban unincorporated category to the Town of James Island's urban allocation.

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

**TIGHTCO  
Financial  
Incentives  
Ordinance  
1<sup>st</sup> Reading**

A report was read from the Finance Committee under date of August 14, 2012 that It considered the information furnished by W. Kurt Taylor, County Administrator, and Steve Dykes, Director of Charleston County Economic Development, regarding a request for Council to approve an ordinance authorizing a Fee In Lieu of Taxes and Special Source Revenue Credits. It was stated that at its meeting of December 8, 2011,



Council gave third and final reading to an Ordinance authorizing financial incentives for TIGHITCO, Inc. an aerospace firm which was locating a new \$14.5 million, 300 employee manufacturing facility in Palmetto Commerce Park in North Charleston. It was shown that the financial incentives package approved by County Council to facilitate this relocation included fee-in-lieu of taxes (FILOT), a Special Source Revenue Credit (SSRC) and a utility infrastructure grant of up to \$50,000 to be drawn from the Economic Development Fund (EDF). It was further stated that following passage of the financial incentives package, attorneys representing TIGHITCO, Inc. contacted the Economic Development Director with the revelation that the previously anticipated corporate structure for the North Charleston facility had changed, and plans now include ownership of the real estate assets by a third party, Avian Aerospace, Inc., which will in turn lease the plant facility to TIGHITCO, Inc. It was further shown that attorneys must revise the Ordinance to include the third party Avian Aerospace, Inc.

Committee recommended that Council approve a revised Ordinance between Charleston County, TIGHITCO, Inc., and Avian Aerospace authorizing the execution and delivery of fee-in-lieu-of-taxes, a special source revenue credit (SSRC), and use of a \$50,000 infrastructure assistance grant to be drawn from the Economic Development Fund to facilitate the relocation of TIGHITCO (\$14,500 million skilled manufacturing facility, employing 300 persons), with the understanding that the FILOT terms include 6% assessment, with millage fixed at 269.5 over a twenty year period and a 30% SSRC each year.

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

An Ordinance authorizing a Fee Agreement between Charleston County and TICHITCO, Inc., et al was given first reading by title only,

#### AN ORDINANCE

AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND AMONG CHARLESTON COUNTY, SOUTH CAROLINA, TIGHITCO, INC. AND AVIAN AEROSPACE, INC.; PROVIDING FOR SPECIAL SOURCE REVENUE OR INFRASTRUCTURE UNORIGINATED CREDITSL ORIGINATED BY THE TIGHITCO IF FEES-IN-LIEU OF TAXES UNDER THE AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK BETWEEN CHARLESTON COUNTY AND COLLETON COUNTY; AND MATTERS RELATING THERETO ("THE ORDINANCE")

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

#### **Magistrates' Oversight Recommendation**

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and the recommendation of the Magistrate Oversight Committee, regarding two requests for additional hours submitted by Chief Magistrate David Coker. It was stated that the first request was for additional hours for Judge M. Brian Rawl due to the Centralized Criminal Domestic Violence Court having been transferred to him and an additional 4.8 hours per

week has been recommended for him in order to handle the additional caseload. It was further stated that the second request for additional hours was for Judge Stephanie Ganaway-Pasley to handle citations issued by a specialized DUI task force being prosecuted by the Solicitor's office. Judge Coker was requesting an additional 5 hours per week to handle these cases. It was shown that the Committee voted to approve the additional 4.8 hours for Judge Rawl and not to approve any additional hours for Judge Ganaway-Pasley. It was further shown that funding is available from the monies left remaining (\$14,708.40) as a result of the retirement of the North Area 3 Magistrate. Magistrates' salaries are statutorily set on a graduated program therefore we will be able to fund the increase for FY 2013.

Committee recommended that Council approve the recommendation made by the Magistrate Oversight Committee which would provide Judge Rawl 4.8 additional hours per week (\$10,183.68 annually) effective immediately and make no change in the hours of Judge Ganaway-Pasley.

Ms. Condon moved approval of Committee recommendation, seconded by Ms. Johnson, and carried. Council Member Rawl abstained and furnished the Clerk with a Statement of Conflict of Interest showing that he was abstaining since the subject of the Motion was his brother.

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Dan Chandler, Facilities Director, regarding the County's lease of a 1,012 square foot space in Suite 412 in the King and Queen Building for Guardian ad Litem. It was stated that this program has requested to move from its present space to Suite 312, which contains 200 additional square feet. It was shown that they are in the process of hiring a new disabled veteran, and also need more room for file storage. It was further shown that the Landlord will build out the space within 30 days to suit their needs, and the County can lease this space long term, for five (5) years at a discounted rate of \$21,477.60 per year, for the first year vs. \$24,967.20 per year for a two year lease. It was further stated that the County is currently paying \$21,053.00 per year for a full service lease, and that the Guardian ad Litem Program reimburses the County \$11,040.00 per year for parking. The Director of Facilities said that the lease will begin upon completion of the build out, anticipated to be October 1, 2012.

Committee recommended that Council:

- Authorize the Chairman of Council to execute a five-year lease with the King and Queen Company for 1,212 square feet located at 145 King Street, Suite 312, Charleston, SC, to provide space for Guardian ad Litem, with the understanding that the annual rental will be \$21,477.60 per year, for the first year and will be increased by 2-2 ½% per year for four years, beginning October 1, 2012, or as soon as the build out is completed.
- Authorize the Lease Agreement to be reviewed by the Legal Department.

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

**Guardian Ad  
Litem Lease  
Agreement**

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Dan Chandler, regarding the Medical University of South Carolina (MUSC) leased space on the McClellanville 800 MHz tower site. It was stated that the MUSC has leased this space since November 1997 and the Lease Agreement will expire on November 5, 2012, with no remaining options. It was shown that MUSC has requested to extend the Lease Agreement for five years, commencing on November 6, 2012 at an annual rental of \$9,514.01, to be increased annually, by the CPI, in accordance with the original Lease Agreement, and that all other terms and conditions will remain the same as in the original Lease Agreement.

Committee recommended that Council authorize the Chairman of Council to execute an Agreement to Amend the Original Lease Agreement to extend the term for five years, commencing on November 6, 2012, for space on the 800 MHz Tower located at 840 Society Road, McClellanville at an annual rental of \$9,514.01, to be increased by the CPI on each anniversary date and with the understanding that all documents will be submitted to the Legal Department for approval.

**Accommoda-  
tions tax  
Expenditures  
Policy**

A report was read from the Finance Committee under date of August 14, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator, and Finance staff, regarding the process by which outside entities make requests for local Accommodations Tax funding. It was stated that staff proposes a policy that will allow Council's consideration of requests twice a year, sets out a notification process, and includes a Charleston Metro Visitors and Convention Bureau and the College of Charleston review.

Committee recommended that Council approve the following policy for considering requests from outside entities for local Accommodations Tax funding:

- All requests for appropriations from the Local Accommodations Tax will only be considered twice a year: as part of the annual budget process and as part of the mid-year budget review.
- Annual Budget Process
  - Staff will develop a schedule for the application process and publish the application due date on the County's web site.
  - All applicants will submit a complete application.
  - The requests will be evaluated by the Charleston Metro Visitors and Convention Bureau and the College of Charleston, as appropriate.
  - The Administrator will propose an overall dollar amount in the annual budget, and Council will appropriate an overall funding level.
  - Funds appropriated as part of the annual budget will be allocated to applicants as soon as practical after the fiscal year begins.
- Mid-year Budget Review
  - Applications that are received after the due date for the annual budget process and before December 31 will be held for consideration at the mid-year budget review.

- Staff will provide a revised revenue estimate at the mid-year budget review.
- The requests will be evaluated by the Charleston Metro Visitors and Convention Bureau and the College of Charleston, as appropriate.
- If funds are available, Council will consider requests during the mid-year budget review.

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

Mr. Sass asked if all requests would go to the CVB/CoC.

County Administrator Kurt Taylor explained the process and said basically the answer was yes.

Mr. Rawl stated that he liked the multitude of request, and added that Council did not need to have these items popping up at the time.

Mr. Schweers said that if Council routinely makes exceptions, people will seek these exceptions.

Mr. Qualey stated that he felt that this action was too rigid.

The Chairman called for a roll call vote on item 16. The roll was called and vote recorded as follows:

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

The vote being five (5) ayes, two (2) nays and two (2) absent, the Chairman declared the motion to have passed.

#### **BZA Appointment**

The Chairman announced that Council Member Qualey's appointee to the Board of Zoning Appeals has resigned and he was requesting permission for this item to be placed on the agenda by Common Consent. He added that apparently the Planning Department was having some problems with securing a quorum for hearing appeals.

There was no objection to the Chairman's request.

Mr. Qualey nominated Mr. John E. Bevon, Jr. as his appointee with a term to run co-terminus with his office. This motion was seconded by Mr. Schweers and unanimously carried.

The Chairman thanked Staff for all they had done to make the PGA Event on Kiawah such a wonderful success.

He asked Christine DuRant, Assistant County Administrator for Community Service, to stand and be recognized. He said much credit should go to her for the excellence coordination between the County and the PGA Association.

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

Beverly T. Craven  
Clerk of Council