

Charleston, S. C.  
March 12, 2013

A regular meeting of County Council of Charleston County was held on the 12<sup>th</sup> day of March, 2013, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Chairman Pryor led the invocation and Deputy Clerk Kristen Salisbury led the pledge to the flag.

The Deputy 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 information.

Mr. Rawl moved approval of Council's minutes of February 26, 2013, seconded by Mr. Sass, and carried.

An ordinance amending the Charleston County Zoning and Land Development Regulations was given second 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).**

ZLDR  
Amendments

Ordinance  
2<sup>nd</sup> Reading

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

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

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

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

An ordinance authorizing a fee in lieu of taxes agreement with "Project Enjoy" was given second reading approval by title only.

**Project Enjoy  
FILOT**

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

**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 Council at the time of third reading.

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

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

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

An ordinance authorizing a fee in lieu of taxes agreement with SKF USA, Inc., was given second reading approval by title only.

**SKF  
Aerobearings  
FILOT**

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

**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 Charleston County Council at the time of third reading.

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

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

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

An ordinance authorizing a fee in lieu of taxes agreement with Millard Refrigerated Services was given second 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 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.**

Millard Refrigerated Services FILOT

Ordinance 2<sup>nd</sup> Reading

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

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

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

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

A report was read from the Finance Committee under date of March 7, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Jim Lake, Director of Consolidated 9-1-1 Center, regarding a Port Security Grant Fiscal Year 2010 Reverted funds in the amount of approximately \$185,000 which has become newly available and which has been identified for potential use to achieve some of the goals set forth in the Technology Roadmap identified below. It was stated that Charleston County Consolidated 9-1-1 Center, following June 15, 2010, approval by County Council,

submitted an application for a *Fiscal Year 2009 Port Security Grant Program* (PSGP) grant to develop a Port-wide Technology Roadmap. It was shown that this project was to provide guidance to incorporate individually acquired port partner capabilities and investments to ensure interoperability consistent with the Consolidated Dispatch Board's desire for seamless integrated systems operations which allow for optimal efficiency and information sharing capabilities associated with the SeaHawk IOC. This grant was awarded with the following established goals of this initiative:

**Port Security Grant/FY 10 Reverted Funds**

- provide a holistic view of how security, technology, and fiscal capabilities will come together to specifically meet the port security needs of the Charleston area, as identified Charleston's Port-wide Strategic Risk Management Plans (SRMP);
- improve the likelihood of increased threat detection ability and threat awareness, as well as reduce duplication/overlap of capabilities
- accomplish leveraging of PSGP investments (historic and future).

**Request to Approve**

It was further shown that through a contract with South Carolina Research Authority (SCRA), the Port-wide Strategic Risk Management Technology Roadmap was completed and delivered on September 28, 2012. This Technology Roadmap now serves as a guide as to how future Port Security Grant Program funds should be targeted and/or invested. It was further stated that Charleston County Consolidated 9-1-1 is now being considered for award of up to \$185,000 of recently reverted FY10 PSGP funds for the purpose of meeting Technology Roadmap project goals involving sensors and wide-area situational awareness. The FY10 PSGP does not have a cash or in-kind match requirement, however all work under this grant must be accomplished by May 31, 2013.

Committee recommended that Council authorize staff to submit an application for Port Security Grant FY-2010 Reverted Funds Grant in an amount up to \$185,000 to accomplish Technology Roadmap goals involving sensors and wide-area situational awareness, with the understanding that no funding or in-kind match is required.

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

**Station Alerting System**

A report was read from the Finance Committee under date of March 7, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Contracts and Procurement Director Barrett J. Tolbert. It was stated that in September 2011, RFP# 4520-12K was issued to procure a Station Alerting System to be used by the Consolidated 9-1-1 Center for dispatching to EMS and participating fire/rescue agencies and that on November 10, 2011, sealed proposals were received from the following offerors:

**Award of Contract**

<b>Offeror</b>
US Digital Designs, Inc. Tempe, AZ Principal: Dominic Magnoni
PURVIS Systems, Inc. Middletown, RI Principal: John Desposito

Motorola Solutions Principal: Gregory Brown
APS Firehouse Alerting * Manchester, MD Principal: Mark Hare

\*This vendor was deemed non-responsive due to its failure to meet the specifications.

It was further stated that on May 8, 2012, County Council gave the authorization to negotiate with US Digital Designs, Inc. for a station alerting system and that on October 11, 2012, negotiations with US Digital Designs, Inc., failed. Since that time, staff has more accurately determined the station alerting needs of the Consolidated Dispatch Center and has received a revised proposal and demonstration from Motorola and conducted a site visit to a working Purvis System in Washington, D.C. It was shown that after these reviews, Purvis is the preferred vendor.

Committee recommended that Council:

1. rescind Council action of May 8, 2012.
2. 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. authorize staff to negotiate and enter into a contract with Purvis Systems, Incorporated, for a Station Alerting System to be used by EMS and the multiple fire/rescue agencies who are currently or are planned to be dispatched by the Charleston County Consolidated 9-1-1 Center.

Mr. Summey moved approval of the Committee recommendation. The motion was seconded by Mr. Rawl.

Mr. Sass stated that since the beginning of Council's involvement in the procurement process for the Station Alerting System he thought it was a good idea, but he had a few concerns and that after speaking with Deputy Chief John Tippet, of the Charleston Fire Department, and others those concerns had been laid to rest. Mr. Sass said that he believed station alerting is an integral part of consolidated dispatch that is vitally needed by our first responders.

Mr. Qualey stated that while all Council Members agree that this is necessary, he wondered if this was the right time to make the purchase and if this vendor was the right choice. He stated that he wasn't convinced that the checks and balances of the procurement process had been met and that the contract should have been rebid.

Ms. Johnson stated that at the Finance Committee of March 7, 2013, she had requested that this item be tabled in order to receive more information, but that since that time Council had been provided additional information and she was satisfied with the information and became convinced that Council should move forward with this contract.

Mr. Schweers asked Contracts and Procurement Director Barrett Tolbert if he had any idea why only three firms had responded to the Request for Proposals. Mr. Tolbert stated that he couldn't be sure, but that in his research he had found that one firm that produces station alerting systems had recently filed for bankruptcy and that two other firms have unproven products, so he remains convinced that Purvis would be the best vendor to fulfill the County's needs even if the contract were to be rebid.

Mr. Schweers asked if Mr. Tolbert was satisfied with the price provided by Purvis even though it was considerably more than the price provided by US Digital.

Mr. Tolbert stated that staff had not been authorized to negotiate with Purvis yet, but that he was hopeful that through the negotiation process the contract amount may be adjusted. Mr. Tolbert also stated that during the failed negotiation process with US Digital, their price kept going up and the firm would never give the County an exact price for how much it would cost to install their system in all stations. He also stated that the price for the third offeror was much more expensive for an unproven product than what was suggested by Purvis for a system which is currently working in New York City and Washington, DC.

Ms. Condon asked why Mr. Tolbert thought the price of the system would go up if the contract were rebid.

Mr. Tolbert stated that the price the County would be negotiating from is a price Purvis provided in November 2011 and based on the time that had passed he thought it was likely that the price would go up.

Mr. Darby called for the question.

The Chairman called for a roll call vote on the motion to approve the Finance Committee recommendation. The roll was called and votes recorded as follows:

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

The vote being six (6) ayes and three (3) nays, the Chairman declared the motion to have passed.

A report was read from the Special Finance Committee under date of March 12, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Chief Deputy County Administrator Keith Bustraan, regarding the potential refunding opportunities for selected bonds. It was stated that Charleston County's Financial Policies state that the County may undertake refinancing of outstanding debt when "such refinancing allows the County to realize significant debt service savings (net present value savings equal to at least 2.5 percent of the refunded par amount.)" It was shown

**Bond Refinancing**

**A) Request to Approve  
B) Ordinances  
1<sup>st</sup> Reading**

that potential refunding opportunities have been identified for selected maturities of the 2004 and 2007 General Obligation Bonds and the 2006 and 2007 General Obligation Transportation Sales Tax Bonds and that staff is also monitoring an opportunity to refund a portion of the 2004 Certificates of Participation. It was further shown that current estimates show a net present value savings of over \$10 million.

Committee recommended that Council approve and give first reading to ordinances:

1. to issue General Obligation refunding bonds.
2. to issue General Obligation Transportation Sales Tax refunding bonds.
3. to issue Certificate of Participation refunding bonds.

Mr. Summey moved approval of the Committee recommendation, seconded by Mr. Rawl, and carried.

The ordinances were given first reading by title only.

**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA; TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO**

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

**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION TRANSPORTATION SALES TAX REFUNDING BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO**

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

**AN ORDINANCE**

**AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE REFUNDING OF CERTAIN LEASE-PURCHASE FINANCINGS OF ESSENTIAL COUNTY FACILITIES AND CONSENTING TO THE ISSUANCE OF CHARLESTON PUBLIC FACILITIES CORPORATION REFUNDING CERTIFICATES OF PARTICIPATION, CONSENTING TO THE FORM OF A SUPPLEMENTAL TRUST AGREEMENT BETWEEN CHARLESTON PUBLIC FACILITIES CORPORATION AND THE CORPORATE TRUSTEE; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDATORY PROJECT LEASE AGREEMENT BETWEEN CHARLESTON COUNTY AND CHARLESTON PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT AMONG CHARLESOTN COUNTY, CHARLESTON PUBLIC FACILITIES CORPORATION, AND THE UNDERWRITER; AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW DEPOSIT AGREEMENTS BETWEEN CHARLESTON COUNTY AND THE**

**ESCROW AGENT; AND AUTHORIZING A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT OF CHARLESTON COUNTY; AND OTHER MATTERS RELATING THERETO**

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

**Council  
Member  
Comments**

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

Ms. Johnson thanked Mr. Tolbert for providing additional information on Station Alerting.

Mr. Rawl thanked staff, especially the Contracts and Procurement Department, for their diligent work on the Station Alerting Request for Proposals.

County Administrator Taylor thanked the fire and EMS administrators and first responders who were present at the meeting.

Chairman Pryor also thanked the emergency personnel and Consolidated Dispatch Director Jim Lake for their work and stated that as a County we have to provide our first responders with the tools to work with and that he believed the public understands when Council spends money on public safety.

**Executive  
Session**

Mr. Pryor stated that there was a need for an Executive Session for items covered by attorney-client privilege regarding a case coming before the administrative law court.

Mr. Qualey moved for an Executive Session, seconded by Ms. Condon, and carried.

At the conclusion of the Executive Session, the Chairman announced that no action had been taken during Executive Session.

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

Kristen L. Salisbury  
Deputy Clerk of Council