

Charleston, SC  
April 19, 2011

A regular meeting of County Council of Charleston County was held on the 19<sup>th</sup> day of April, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 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 B. Johnson; Joseph K. Qualey; A. Victor Rawl; Dickie Schweers; and J. Elliott Summey.

Also present were: Allen O'Neal, County Administrator; County Attorney Joe Dawson and Zoning and Planning Director Dan Pennick

Rev. Robert Reid gave the invocation. Deputy County Administrator, Kurt Taylor, 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. Summey moved approval of the minutes of County Council's meeting of April 5, 2011, seconded by Ms. Johnson, and carried.

An Ordinance rezoning the real property located at 4398 Highway 174 was given third reading by title only.

4398 Highway  
174  
Ordinance 3rd  
Reading

## **AN ORDINANCE**

### **REZONING PROPERTIES LOCATED AT 4398 HIGHWAY 174 FROM AGRICULTURAL PRESERVATION (AG-10) DISTRICT TO PLANNED DEVELOPMENT (PD-148) DISTRICT**

WHEREAS, the property located at 4398 Highway 174, identified as Tax Map Parcel Number 061-00-00-091, and is currently zoned Agricultural Preservation (AG-10) District; and

WHEREAS, the applicant requests the parcels be rezoned to the Planned Development (PD-148) District and has submitted a complete application for PD-148 Development Plan approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve with conditions the proposed development plan, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR;

WHEREAS, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.27 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

NOW, THEREFORE, BE IT ORDAINED, by County Council of Charleston County, South Carolina, 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 PROPERTIES

A. Charleston County Council rezones the property located at 4398 Highway 174 , identified as Tax Map Parcel Number 061-00-00-091, from the Agricultural Preservation (AG-10) District to the Planned Development (PD-148) District; and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for Captain Jimmy Bell's Right off the Boat Restaurant and Market" dated February 14, 2011, including the changes thereto and conditions approved by County Council that are attached hereto as Exhibit "A" and made a part of this Ordinance by reference, shall constitute the PD Development Plan for the parcel which shall be identified as Planned Development 148 or PD-148; and

C. Any and all development of PD-148 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Number 061-00-00-091 is amended to PD-148 in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

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 19<sup>th</sup> day of April, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

Beverly T. Craven  
Clerk to County Council

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. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance to amend the Zoning and Land Development Regulations Ordinance, Articles 6.7 and 12.1, Special Event Uses was given third reading by title only.

Special Events  
Ordinance  
3<sup>rd</sup> Reading

**AN ORDINANCE  
AMENDING THE CHARLESTON COUNTY ZONING AND LAND  
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS  
AMENDED: ARTICLES 6.7 AND 12.1, SPECIAL EVENT USES**

WHEREAS, Sections 6-29-310 et seq. and Sections 6-29-710 et seq. South Carolina Code of Laws, as amended, authorize the County to enact or amend Zoning

and Land Development Regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed text amendments in accordance with the procedures established in state law and the County Zoning and Land Development Regulations Ordinance (ZLDR), and has recommended that the County Council adopt the proposed text amendments to the Zoning and Land Development Regulations Ordinance as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR;

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, BE IT ORDAINED, by County Council of Charleston County, South Carolina, 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. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

#### 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 19<sup>th</sup> day of April 2011

CHARLESTON COUNTY, SOUTH CAROLINA

By: Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

Beverly T. Craven  
Clerk to County Council

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. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes, the Chairman declared the Ordinance to have received third reading approval.

**Comprehensive  
Plan  
Amendments  
Ordinance  
3<sup>rd</sup> Reading**

An Ordinance to amend the Zoning and Land Development Regulations Ordinance, Article 3.2, Comprehensive Plan Amendments (Approval Criteria) was given third reading by title only.

**AN ORDINANCE  
AMENDING THE CHARLESTON COUNTY ZONING AND LAND  
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS  
AMENDED: ARTICLE 3.2, COMPREHENSIVE PLAN AMENDMENTS  
(APPROVAL CRITERIA)**

WHEREAS, Sections 6-29-310 et seq. and Sections 6-29-710 et seq. South Carolina Code of Laws, as amended, authorize the County to enact or amend Zoning and Land Development Regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed text amendments in accordance with the procedures established in state law and the County Zoning and Land Development Regulations Ordinance (ZLDR), and has recommended that the County Council adopt the proposed text amendments to the Zoning and Land Development Regulations Ordinance as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR;

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Charleston County *Comprehensive Plan* and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, BE IT ORDAINED, by 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. AMENDMENT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

#### 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

April 19, 2011

Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 19<sup>th</sup> day of April 2011

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

Beverly T. Craven  
Clerk to County Council

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. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes, the Chairman declared the Ordinance to have received third reading approval.

**PRC Bond  
Ordinance  
3<sup>rd</sup> Reading**

An Ordinance approving of the issuance of not exceeding \$30,000,000 in General Obligation Bonds of the Charleston County Park and Recreation District was given third reading by title only.

### **AN ORDINANCE**

**FINDING THAT CHARLESTON COUNTY PARK AND RECREATION DISTRICT MAY ISSUE NOT EXCEEDING \$30,000,000 GENERAL OBLIGATION BONDS, TO AUTHORIZE CHARLESTON COUNTY PARK AND RECREATION DISTRICT TO ISSUE SUCH BONDS AND TO PROVIDE FOR THE PUBLICATION OF THE NOTICE OF THE SAID FINDING AND AUTHORIZATION.**

WHEREAS, pursuant to the provisions of a Resolution passed by County Council on July 20, 1982, a Public Hearing was held in the Charleston County Park and Recreation District (the "District") on Monday, January 24, 2011, in the District's Office, 861 Riverland Drive, James Island, South Carolina. The Notice of said Hearing was published in *The Post & Courier*, a newspaper of general circulation in Charleston County, on January 5, 12 and 19, 2011. According to the Petition signed by the District dated January 24, 2011, the Hearing was conducted in accordance with Section 6-11-850, Code of Laws of South Carolina, 1976, as amended

(hereinafter referred to as the "Code") and no one opposed the action proposed by the District in issuing not exceeding \$30,000,000 of General Obligation Bonds of the District; and

WHEREAS, by action previously taken, County Council of Charleston County, which is the governing body of Charleston County (hereinafter called "County Council"), ordered a public hearing on the question of the issuance of not exceeding \$30,000,000 of General Obligation Bonds of the District to be held in County Council Chambers, County Office Building, Charleston, South Carolina, beginning at 6:55 P.M., on Tuesday, March 15, 2011, and Notice of such public hearing was duly published once a week for three successive weeks in *The Post & Courier*, which is a newspaper of general circulation in Charleston County, on February 18, February 25 and March 4, 2011; and

WHEREAS, the said hearing has been duly held and it is now in order for County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189 of 1974, as amended by Act No. 212 of 1975, now codified as Article 5, Chapter 11, Title 6 of the Code (hereinafter collectively called the "Enabling Act") to make a finding as to whether and to what extent the bonds or notes of the District should be issued;

NOW, THEREFORE, BE IT ORDAINED by County Council of Charleston County, in meeting duly assembled:

SECTION 1: County Council finds that the District has complied in all respects with the requirements of the Resolution adopted by County Council on July 20, 1982.

SECTION 2: County Council finds that the District should be authorized to issue general obligation bonds to the extent of not exceeding \$30,000,000 as a single issue or from time to time as several separate issues, as the District shall determine; provided the series or several series of general obligation bonds authorized by this Ordinance shall be issued no later than December 31, 2013.

SECTION 3: County Council hereby authorizes the District to issue general obligation bonds in the aggregate principal amount of not exceeding \$30,000,000 as a single issue or from time to time as several separate issues, as the District shall determine, for the purpose of providing funds to defray the cost of the acquisition of certain property and the cost of renovations and improvements to the facilities of the District pursuant to the District's capital improvement program, as well as costs of issuance.

For the payment of the principal of and interest on such bonds, as they respectively mature, 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 District sufficient, after considering revenues applied to such purpose by the District, to pay such principal of and interest on the said bonds as they respectively mature.

SECTION 4: After the third reading of this Ordinance as provided for by Section 4-9-120 of the Code, there shall be forthwith published once a week for three successive weeks in *The Post & Courier*, a newspaper of general circulation in Charleston County, a notice of the aforesaid action taken by the County Council in substantially the form of Exhibit "A" attached hereto as required by Section 6-11-870 of the Code.

SECTION 5: No election shall be required in connection with the issuance of the bonds authorized hereinabove.

SECTION 6: After its final adoption a certified copy of this ordinance, which is being adopted pursuant to the requirements of Article I, Chapter 9, Title 4, of the Code in lieu of the Resolution provided for under Section 6-11-860 of the Code, shall be forthwith transmitted to the District to advise it of the action taken by County Council, whereby the District is authorized to issue, pursuant to the provisions of the Enabling Act, its general obligation bonds in the aggregate principal amount of not exceeding \$30,000,000.

SECTION 7: This Ordinance shall become effective upon third reading.

DONE AT CHARLESTON, SOUTH CAROLINA, this 19<sup>th</sup> day of April, 2011.

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

ATTEST:

Beverly T. Craven, Clerk,  
County Council of Charleston County

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. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes, the Chairman declared the Ordinance to have received third reading approval.

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

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

A report was read from the Finance Committee under date of April 14, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jeremy L. Cook, Esquire, Attorney representing the Medical Society of South Carolina in their request for the issuance of not exceeding \$30,000,000 in JEDA Bonds, It was stated that the proceeds from the bonds will be used to:

1. Refund the JEDA bonds issued in 2007 on behalf of the Medical Society of South Carolina to finance or reimburse the costs of acquiring one or more tracts of land, consisting of approximately 66 acres on the north side of Highway 17-A, and
2. To finance certain office center on one or more tracts of land consisting of approximately 24 acres at the intersection of Palmetto Commerce Parkway and Patriot Boulevard in North Charleston, SC by the Medical Society of South Carolina.

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

Committee recommended that Council hold a public hearing on April 19, 2011, at 6:55 and, if appropriate, approve a resolution in support of the issuance of not exceeding \$30,000,000 in JEDA bonds by the South Carolina Jobs-Economic Development Authority for the Medical Society of South Carolina.

A report was read from the Finance Committee under date of April 14, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids received for Airport Area Infrastructure Improvements at the intersection of South Aviation Avenue at West Aviation Avenue and South Aviation Avenue at Remount Road in North Charleston.

Committee recommended that Council authorize award of a contract for Airport Area Infrastructure Improvements to O. L. Thompson Construction Co. Inc., the lowest responsive and responsible bidder satisfying all specifications, in the amount of \$242,838.10, with the understanding that funding is available through the Transportation Sales Tax.

A report was read from the Finance Committee under date of April 14, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Probate Judge Irvin Condon, regarding Judge Condon's request for approval to accept an award in the amount of \$2,000 from the American Bar Association for funding to serve as a pilot court in the Volunteer Guardianship Monitoring and Assistance Project of the American Bar Association Commission on Law and Aging.

Committee recommended that Council accept an award of \$2,000 from the American Bar Association under the Volunteer Guardianship Monitoring and Assistance Project

of the American Bar Association Commission on Law and Aging with the understanding that:

1. these funds will allow the Probate Court to establish a volunteer guardianship program.
2. there is no match requirement for this grant.
3. there are no FTEs associated with this grant.
4. the Grant period runs from March 15, 2011 through October 31, 2011.

A report was read from the Finance Committee under date of April 14, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Consolidated Dispatch Director Jim Lake regarding the request for Council to approve a Resolution recognizing April as National Public Safety Telecommunicators and 9-1-1 Education Month.

Committee recommended that Council approve the requested resolution recognizing April as National Public Safety Telecommunicators and 9-1-1 Month.

The Chairman requested the Assistant Director of Consolidated Dispatch and the Dispatchers and Dispatch Supervisors to come forward to accept Council's Resolution.

The Clerk read the Resolution into the record. The Resolution is as follows:

### **A RESOLUTION OF CHARLESTON COUNTY COUNCIL**

Honoring our Public Safety Telecommunicators and Recognizing April as  
"National Public Safety Telecommunicator and 9-1-1 Education Month"

Whereas, 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from law enforcement, fire, EMS or other appropriate emergency response entities; and,

Whereas, Charleston County's 9-1-1 system, through Intergovernmental Agreement, is undergoing consolidation of emergency response communications, evolving toward one Public Safety Answering Point (PSAP) for the County by 2014; and,

Whereas, the Public Safety telecommunicators are at the core of the 9-1-1 system and all emergency response efforts, making them our first "first responders", and recognizing that their jobs answering 9-1-1 calls and dispatching emergency response units are among the toughest of public service jobs; and,

Whereas, our Public Safety telecommunicators provide critical service to our citizens and emergency response entities which requires enormous personal dedication, ongoing training, and professional skill; and,

Whereas, our Public Safety telecommunicators are facing significant change and

unique challenges due to the process of transition to full consolidated dispatch in Charleston County; and,

Whereas, in 2010, the Charleston County Consolidated 9-1-1 Center, having achieved partial consolidation serving 15 emergency response entities (law enforcement, EMS, Fire, Rescue), answered nearly one million calls, with a growing number of 9-1-1 calls from wireless and IP-based communications services; and,

Whereas, the growth and variety of means of communications, including mobile and IP-based systems, impose challenges for accessing 9-1-1 and require increased technology, transition, education and awareness; and,

Whereas, Charleston County Council is proud of our County's 9-1-1 System, the transition to full Consolidated Dispatch, the dedication and professionalism of our Public Safety telecommunicators, and the ongoing public safety awareness events which teach the importance and proper use of 9-1-1.

**NOW, THEREFORE BE IT RESOLVED**, that Charleston County Council honors our Public Safety Telecommunicators and recognizes April as "National Public Safety Telecommunicator and National 9-1-1 Education Month".

#### **CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Sr., Chairman  
April 19, 2011

A report was read from the Finance Committee under date of April 14, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and the request of the Charleston County School District that Charleston County Council recognize April 2011 as Global Youth Service Month in Charleston County. It was stated that Global Youth Service Day is the largest service event in the world and in 2011 is being observed for the 22<sup>nd</sup> consecutive year in all 50 States and for the 11<sup>th</sup> year globally in more than 100 Countries.

Committee recommended that Council approve the requested resolution proclaiming April, 2011 as Global Youth Service Month in Charleston County.

The Chairman asked the Clerk to read the Resolution into the minutes and stated that Council Member Condon would deliver the Resolution to the School Board at one of their meeting

The Resolution is as follows:

### **A RESOLUTION OF CHARLESTON COUNTY COUNCIL**

**WHEREAS**, the entire community can inspire, equip, and mobilize people to take action

that changes the world; **and**

**WHEREAS**, individuals and communities are at the center of social change, discovering their power to make a difference; **and**

**WHEREAS**, during this week all over the nation, service projects will be performed and volunteers recognized for their commitment to service; **and**

**WHEREAS**, the giving of oneself in service to another empowers the giver and the recipient; **and**

**WHEREAS**, experience teaches us that government by itself cannot solve all of our nation's social problems; **and**

**WHEREAS**, our country's volunteer force of over 61 million is a great treasure; **and**

**WHEREAS**, volunteers are vital to our future as a caring and productive county, state, and nation.

**NOW, THEREFORE BE IT RESOLVED** that in recognition of the many volunteers in Charleston County who give so freely of themselves to make our community a better place, **Charleston County Council**, does hereby proclaim

## April 2011 Volunteer Month

in Charleston County, South Carolina, and urges its citizens to volunteer in their respective communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

### CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman  
April 19, 2011

**Completion  
of I-526  
Recommendation**

A report was read from the Finance Committee under date of April 14, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Joseph Dawson, County Attorney, regarding Completion of I-526.

Committee recommended:

- A. That Council rejected the SCDOT's Alternative G for the completion of I-526.
- B. That in recognition of the following:
  1. The County did not originate the I-526 proposal, but instead, was encouraged to host this project originated by the State.

2. The County is required under federal law to consider all options resulting from an Environmental Impact Study.
3. SCDOT's alternatives yielded by the Environmental Impact Study exceed the funding approved by the State Infrastructure Bank.
4. Funding shortfalls are the responsibility of the County.
5. All reimbursements are at the discretion of the State Infrastructure Bank.
6. Based on extensive public hearings, the public's preference of the SCDOT allowable alternatives unexpectedly appears to be "No Build".
7. Widespread opposition, including many elected bodies and regulatory agencies, exists to SCDOT's build alternatives.

Therefore, if enhancements to existing transportation infrastructure to accomplish the project goals are still being refused for consideration by the SC Department of Transportation, then County Council directs staff, in cooperation with SCDOT and SIB, to negotiate a "No Build" agreement.

Mr. Summey stated that he wished to read into the Minutes the letter received from the State Infrastructure Bank regarding this issue and would have a substitute motion to present to Council.

The Letter is as follows:

April 18, 2011  
Chairman Teddie E. Pryor, Sr.  
Charleston County Council

Re: Intergovernmental Agreement with Charleston County

Dear Chairman Pryor:

The South Carolina Transportation Infrastructure Bank Board (the "SIB") has followed, in part, the recent media reports regarding Charleston County Council's subcommittee's conduct as it relates to the *Intergovernmental Agreement for Charleston County* dated as of June 8, 2007, between Charleston County, the South Carolina Department of Transportation, and the County Carolina Transportation Infrastructure Band (the "Contract"). In response to numerous requests for clarification, the SIB offers the below guidance.

As you recall, the Contract resulted from Charleston County's preparation and submission of a substantial application to the SIB requesting financial assistance for the completion of the Mark Clark Expressway, and included, among others, engineering reports, certain consents, several meetings, a tour, etc. As a result of Charleston County's successful efforts, the SIB subsequently approved Charleston County's funding application, and the parties then mutually entered into the Contract (along with the SCDOT). Since then, Charleston County has requested, in writing, and the SIB has expended in excess of \$11.6 million in furtherance of the Contract (\$6.7 million in right-of-way and the balance in engineering and environmental studies).

In preface to the below discussion, the SIB has participated in numerous transactions which have greatly expedited the construction of transportation infrastructure in South Carolina including: Charleston County's Ravenel Bridge and Mt. Pleasant's I-526/Highway 17 interchange; Horry County's Conway Bypass and Carolina Bays Parkway; Beaufort County's SC 170; Aiken County's I-520; Greenville County's Upstate Grid project; Lexington County's Lake Murray Dam – Highway 6 project; the S.C. Interstate Cable Barriers project; Your County's roads project; Florence County's roads project, and others. Indeed, as you may know, the SIB has helped fund more infrastructure projects than all other state infrastructure banks combined.

Importantly, the SIB has been able to participate in and fund these transportation projects through the issuance of bonds. And, in that vein, as to the Contract and specifically to avoid any current misperceptions (and any potentially subsequent ill will), Charleston County should be aware that the SIB's bonding compels the SIB to protect the SIB's and the bondholders' interests in the event of any default in SIB transactions. Indeed, the SIB's ability to provide financing on projects is conditioned upon the bond underwriters having confidence that the SIB will invoke its protective rights. Consequently, the SIB's fortitude in protecting the bondholders is a regular topic of discussion with bond underwriters in the due diligence efforts prior to each bond issuance.

One such protective mechanism is the withholding of a defaulting applicant's "State Aid to Subdivisions" which is codified at S.C. Code Ann. Section 11-43-210 (a/k/a the intercept). Such mechanism is also incorporated into the Contract at, amongst other sections, Sections 7 and 8.4.

Accordingly because of the SIB's obligations to protect the bondholders and to continue to fulfill its statutory mission in funding projects,<sup>1</sup> for purposes of analysis, Charleston County would be prudent to presume that – should Charleston County default under the Contract – the SIB would seek prompt reimbursement for the funds expended. And, if Charleston County failed to reimburse the SIB then the County would be prudent to further presume, to protect the SIB's interests and the bondholders' interests, that the SIB would pursue all remedies available to the SIB – including, if needed, the intercept of State Aid to Subdivisions. Certainly, in the context of Charleston County expending its promised \$117 million under the Contract for its matching roads, then repaying the SIB the \$11.6 million (or roughly 10% of the County's obligations) should result in very little impact to the County.

Should Charleston County desire to discuss this matter further, please feel free to contact the SIB. On behalf of the SIB, we continue to reserve all rights.

Sincerely,  
Richard L. Tapp, Jr.  
Corporate Secretary

<sup>1</sup> Moreover, I presume that Charleston County seeks to collect sums owed to the County in furtherance of its fiduciary obligations in protecting Charleston County taxpayers and the County fisc. Obviously, the SIB has similar obligations towards its own operations.

Mr. Summey moved that County Council:

1. Hereby rejects the preferred alternative developed by the SCDOT for the Mark Clark Expressway Completion and directs staff to so notify SCDOT and SIB of such.
2. Council authorizes and directs the Chairman and County Attorney to negotiate with the SCDOT and the South Carolina State Transportation Infrastructure Bank as necessary to find a different preferred alternative for the project that either modifies and/or reduces the scope of the current preferred alternative to be within the available funding commitment identified by the SIB in the inter-governmental agreement entered into among the County, SCDOT, and the SIB.
3. The County Council Chairman is also authorized to enter into any appropriate amendments or modifications to the inter-governmental agreement and/or the County's SIB grant application as necessary or helpful to accomplish these directives.

This motion was seconded by Mr. Rawl.

After a lengthy discussion among Members of County Council, the Chairman called for a roll call vote on Mr. Summey's motion.

The roll was called and votes were as follows:

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

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

Mr. Schweers moved that Council reject the SCDOT's Alternative G for the completion of I-526.

This motion was seconded by Ms. Johnson.

The Chairman called for a roll call vote. The roll was called and votes were as

follows:

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

The vote being six (6) members voting aye and two (2) members abstaining, the Chairman declared the motion to have carried.

Mr. Schweers moved approval of item B of the Finance Committee recommendation, seconded by Ms. Condon.

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. Schweers	- aye
Mr. Summey	- nay
Mr. Pryor	- nay

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

**Public  
Forum**

The Chairman asked if any Member of the audience wished to address Council.

Mr. David Coe of James Island told Council that there should be a moratorium on building on James Island until a decision is reached regarding James Island traffic problems.

The following individuals spoke against Council's action regarding completion of I-526.

Mrs. Jan Tempel of Headquarters Road questioned how Council could vote against the completion of the I-526 project since the public had approved it by referendum.

Mrs. Betty Hodge of Howland Avenue stated that the completion of I-526 was

a primary concern because of Safety issues.

The following individuals spoke in favor of the motion Council passed.

Mr. Rich Thomas of Betsy Kerrison Parkway; Mr. Eugene Platt of James Island, Mr. Thomas Legare of 2861 River Road, Johns Island, Joe Hoedapt, Ms. Kate Parks of the South Carolina Coastal Conservation League, Mr. Dan Ceman and Mr. Dan Brown.

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

Ms. Condon stated that it was most important that Council do the projects that the people want, and the State will probably say no to our next request. She added that it was her hope that, if given the choice of no build or fixing existing infrastructures, they will choose making the improvements that people want.

Mr. Schweers said that he is of the opinion that the selected Chairman and Vice Chairman of Council have been elected by the Members of County Council to carry out the wishes of the majority.

Mr. Darby stated that it was his opinion that the majority of the Citizens were opposed to the completion of the Mark Clark Freeway.

Ms. Johnson said that she felt that too many people on James and Johns Island were against the completion of I-526, and that she believes in being a good steward of the peoples' money.

Mr. Summey stated that he feels that the action taken by Council tonight will insure that the County never gets another penny from the State Infrastructure Bank, and if we have a problem/project that we are required to complete, that we can count on having to fix it ourselves.

Mr. Pryor said that he hoped the South Carolina Department of Transportation will take another look at the alternative plans that Council has asked them to study. He added that unfortunately he did not feel that the State Infrastructure Bank was going to waive the money that they have spent on this project, but he would be very happy to be proven wrong.

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

Beverly T. Craven  
Clerk of Council

