

September 7, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 7th day of September, 2010 at 7:00 p.m. in 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; Curtis B. Inabinett; A. Victor Rawl; Dickie Schweers; and Paul R. Thurmond. Council Members Henry E. Darby; Joe McKeown and J. Elliott Summey were absent. Mr. Pryor announced that on Thursday night, Mr. Darby had been hit by a car and suffered a concussion. He stated that he was out of the hospital and at home, but it could be a month before he was able to return to Council.

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

Council Member Schweers gave the invocation. Council Member Condon 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. Inabinett moved approval of the minutes of August 12, and August 17, 2010, seconded by Ms. Condon, and carried.

**ZREZ 3-10-
7521, 10571
Highway 78
Ordinance
2nd Reading**

An Ordinance rezoning property at 10571 Highway 78 was given second reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 10571 HIGHWAY 78,
PARCEL IDENTIFICATION NUMBER 385-06-00-023 FROM THE SINGLE
FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO THE NEIGHBORHOOD
COMMERCIAL (CN) DISTRICT

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

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

Ms. Condon	- aye
Mr. Darby	- aye
Mr. Inabinett	- aye

Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

The vote being nine (9) 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.

- Consent Agenda**
- A) Charleston Collegiate School JEDA Bonds**
- B) FY2011 “C” Funds**
- C) Behr Heat Transfer Systems**
- D) Landfill Loader**
- E) Labrie Automizer Cab & Chassis**
- F) Enviromental Management Roll Carts/Software**

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

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and Samuel W. Howell, IV, Attorney for the Charleston Collegiate School, regarding a Resolution supporting the issuing of Job Economic Development Authority Bonds for consideration by County Council at its meeting on September 7th. It was stated that the Bonds will be payable by JEDA solely and exclusively out of payments to be made by the School under a loan agreement, and that the County is in no way financial liable for repayment for the \$3,500,000.

Committee recommended that Council approve the requested Resolution for Charleston Collegiate School to finance or re-finance JEDA bonds in the amount of \$3,500,000,

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and Jim Armstrong, Director of Transportation Development, regarding funding for the FY 2011 “C” Fund Road Improvement Program. It was stated that for many years Charleston County Staff has administered the funds, engineering design, contracts and performed construction management serves for the Charleston County Transportation Commission. It was further stated that “C” Funds are derived from 2.66 cents per gallon of the state gasoline use fee which is deposited in the County Transportation Fund to be allocated to all counties with the State, in the following manner.

1. One-third based on the ratio of the land area of the County to the land area of the State.
2. One-third based on the ratio of County population to State population as determined by the latest ten year census, and
3. One-third based on the ratio of rural road mileage in the County to rural road mileage in the State.

Committee recommended that Council authorize Staff to enter into necessary agreement(s) with the South Carolina Department of Transportation and others to enable County Staff to carry out project design, contract administration, and construction management for the CCTC's FY 2011 "C" Fund Road Improvement Program.

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Director of Economic Development, regarding acceptance of a Grant to be utilized by Behr Heat Transfer Systems. It was stated that The Company successfully built its business case to a \$3 million capital expansion and the addition of 70 new employees at the North Charleston Facility, and entitled the Company to a \$50,000 Closing Fund Grant for the purpose of defraying the Company's training expenses. In addition, it was shown that no match is required by Charleston County; that the approval process for the State is on a parallel track with that of the County and the County will pass through these funds.

Committee recommended that Council accept a \$50,000 Closing Fund grant from the S. C. Coordinating Council for Economic Development (S. C. Department of Commerce) to be utilized by Behr Heat Transfer Systems to assist with workforce training assistance associated with their recent \$3 million, 70 employee expansion at their North Charleston Facility.

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of the Procurement Department, regarding bids received for the purchase of one new additional rubber tire loader to be utilized by the Environmental Management Department at the Bee's Ferry Landfill. It was stated that this loader is a critical machine to the landfill operation and will enhance the approval of our working plan in the monthly inspection by the South Carolina Department of Health and Environmental Control.

Committee recommended that Council authorize award of bid for the purchase of an additional new rubber tire loader to the lowest responsive and responsible bidder, Stafford in the amount of \$204,146.96, with the understanding that funds are available in the FY 11 Environmental Management Budget.

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of County Procurement, regarding a request for a non-competitive procurement in which County Council tasked the Department of Environmental Management to develop a program to test single stream residential recycling and commercial recycling collection systems in Charleston County. It was stated that the purpose of this program is to test the effectiveness, productivity, safety and labor savings of mechanical automated curbside collection vehicles, carts of various sizes and the effectiveness of a software tracking system for asset management resident participation and customer service.

Committee recommended that Council authorize award of a non-competitive procurement to help with the development of the program to test single stream residential recycling and commercial recycling collection systems in Charleston County to Amick Equipment Company Incorporated in the amount of \$235,447 for use by the Environmental Management Department, and with the understanding that funding is available from Department of Environmental Management Funds.

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Charleston County Procurement Department, regarding a non-competitive procurement request to purchase residential and commercial cart programs consisting of roll-carts, data software, truck retrofits and hardware installation. It was stated that the Rehrig Pacific Company is recommended because it gives the County the following value added options that are not available by its competitors. It was shown that pursuant to the Procurement Ordinance Section 2-187, justification-documentation has been received, which supports purchasing these goods and services as a non-competitive procurement, and that a sole source or non-competitive contract award greater than \$150,000 for a supply, service or construction item is subject to County Council approval.

Committee recommended that Council authorize Staff to negotiate and enter into a contract by and between Rehrig Pacific Company for a residential and commercial cart program consisting of roll-carts, data software, truck retrofits and hardware installation.

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Director of the County Economic Development Department, regarding negotiations with the principals of Remount Venture, LLC to leverage a dramatic \$35 million expansion of the Park that is anticipated to create 600 or more new jobs during the next ten years. It was stated that in order to facilitate the \$35 million capital investment and to leverage the creation of 600 or more new jobs, the Economic Development Director has pledge the use of fee-in-lieu-of-taxes (FILOT) and a special source revenue credit (SSRC) to reimburse Remount Venture, LLC for a portion of the infrastructure costs which will occur with the expansion

Committee recommended that Council approve an Ordinance and agreement authorizing the execution and delivery of a fee-in-lieu of taxes and a special source revenue credit to facilitate the \$35 million, 600 employee expansion of Remount Road Business Park by Remount Venture, LLC.

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

**Remount
Ventures, LLC
A) Request to
Approve
B) Ordinance
1st Reading**

An Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement was given first reading by title only.

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND REMOUNT VENTURES, LLC, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH REMOUNT VENTURES, LLC; PROVIDING FOR PAYMENT BY R4EMOUNT VENTURES, LLC OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.

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

**Naming County
Facilities
A) Detention
Center
B) Council
Chambers
C) Election
Headquarters**

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Chairman of County Council, Teddie E. Pryor, regarding naming the Charleston County Detention Center the J. Al Cannon, Jr., Detention Center.

Committee recommended that Council approve the Detention Center Facility being named the J. Al Cannon, Jr., Detention Center.

Mr. Rawl moved approval of Committee recommendation, seconded by Ms. Condon, and carried. Council Member Schweers abstained.

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Teddie E. Pryor, Chairman of Charleston County Council, regarding Council naming the Charleston County Council Chambers the Beverly T. Craven Council Chambers.

Committee recommend that Council approved the naming of Council Chambers the Beverly T. Craven Council Chambers.

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

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Teddie E. Pryor, Chairman of Charleston County Council, regarding naming the Charleston County Election Headquarters the John L. Chisolm Election Headquarters.

The Committee also considered the information regarding Mr. Chisolm and the Council Directive regarding naming of County building policy.

Committee recommended that Council approve the naming of the Charleston County Election Headquarters in Memory of the late John L. Chisolm.

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

**Sub Allocation
Of ARRA
Funds
Request to
Approve**

A report was read from the Finance Committee under date of September 2, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and regarding available American Recovery and Reinvestment Act of 2009 (ARRA) funds for Recovery Zone Economic Development Recovery Zone Facility Bonds and Qualified Energy Conservation Bonds.

Committee also considered the request of the City of North Charleston that the County sub allocate its volume allocation to the City of North Charleston in lieu of the County declining the funds.

Committee recommended that Council approve a Resolution prepared by the County Legal Department which assigns its volume allocation to the City of North Charleston.

Mr. Thurmond moved approval of Committee recommendation, seconded by Mr. Pryor, and carried.

The Resolution is as follows:

A RESOLUTION

ALLOCATING THE FUNDS AVAILABLE TO CHARLESTON COUNTY THROUGH THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 TO THE CITY OF NORTH CHARLESTON.

WHEREAS, the American Recovery and Reinvestment Act of 2009 amends the Internal Revenue Code of 1986 to authorize alternate borrowing mechanisms for local governments; and

WHEREAS, the State Budget and Control Board notified Charleston County of its volume cap allocation available for Recovery Zone Economic Development, Recovery Zone Facility Bonds and Qualified Energy Conservation Bonds; and

WHEREAS, the City of North Charleston requested that Charleston County sub allocate its volume allocation to the City of North Charleston in lieu of the County declining the funds; and

WHEREAS, on August 5, 2010, Charleston County submitted to the State Budget and Control Board its Notice of Intent to Use Volume Cap Allocations of Recovery Zone Bonds or Qualified Energy Conservation Bonds ("Notice") and therein requested to sub allocate its volume allocation to the City of North Charleston; and

WHEREAS, pursuant to Section 11-18-40 of the Code of Laws of South Carolina, 1976, as amended, the Notice must be accompanied by another form of designation, such as a resolution sub allocating the use of the Recovery Zone Bonds or Qualified Energy Conservation Bonds to a municipality; and

WHEREAS, on August 26, 2010, the City of North Charleston passed a *Resolution Designating a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds* (“North Charleston Resolution”) (Attachment A) designating the areas in North Charleston bordered by Rivers Avenue, MacMillan Avenue, Meeting Street Road and Dorchester Road as a Recovery Zone (“Recovery Zone”) pursuant to Section 1400U-2 or 1400U-3 of the Internal Revenue Code of 1986; and

WHEREAS, the County recognizes the City of North Charleston’s Recovery Zone pursuant to the North Charleston Resolution; and

NOW, THEREFORE, BE IT RESOLVED, in Council assembled, that the Charleston County Council hereby sub allocates the funds available to it through The American Recovery and Reinvestment Tax Act of 2009 to the City of North Charleston and directs Charleston County staff to finalize the requirements of this sub allocation with the City of North Charleston and the State Budget and Control Board.

ADOPTED this 7th day of September, 2010.

Teddie E. Pryor, Chairman
Charleston County Council

ATTEST:
Beverly T. Craven, Clerk
Charleston County Council

**Courthouse
Lawsuit
Request to Settle**

The Chairman stated that the County Attorney had an item that he wished to put on this evening’s agenda, and that the addition of this item required unanimous consent.

Ms. Condon moved approval of adding an item to the agenda, seconded by Mr. Inabinett, and unanimously carried.

Mr. Dawson stated that he was requesting Council to make a formal motion to settle the lawsuit in the case captioned Charleston County Government and Charleston Public Facilities Corporation –versus- Bill Harbert Construction Et al, case number 2005-CP-10-4947, in the amount of \$3,500,000.

Ms. Condon moved that Charleston County Council wishes and hereby resolves to settle the lawsuit in the case captioned Charleston County Government and Charleston Public Facilities Corporation –versus- Bill Harbert Construction Et al, case number 2005-CP-10-4947, in the amount of \$3,500,000.

This motion was seconded by Mr. Thurmond and carried.

Public Forum

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

Knox Grant of 889 Robert E. Lee Blvd, James Island, had a program he wanted to present to Council regarding use of the Incinerator.

The Chairman stated that a contract for the demolition of the incinerator has been signed, and that there is a contract for the purchase of the land on which the incinerator is being prepared for Council's approval.

Mr. Anthony Bryant, a former Member of the Board of Zoning Appeals spoke regarding several regulatory agencies and potential grievances. The time frame he referenced is 8/2008 – 8/2010.

Mr. Wilbur Jones, personally and as a representative of St. Paul's Preservation Group expressed his pleasure that the request for rezoning of property in the Southern portion of Charleston County would not be zoning for a construction landfill.

Ms. Anna Johnson, 1334 Jeffords Street, the Democrat nominee for County Council District 8 seat told Council that they had a great Staff working for them and expressed her appreciation for furnishing her with the information she requested.

Rev. Glover of Adams Run said that Mead Westvaco needed to hold informational meetings in their community to explain the zoning changes they are planning.

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

Mr. Thurmond asked that everyone pray for Mr. Darby's speedy recovery.

The Chairman said that he had visited Mr. Darby during lunchtime and that he was still in a great deal of pain and could possibly be out for a month.

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

Beverly T. Craven
Clerk of Council