

February 16, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 16th day of February, 2010, at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, North 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; Curtis B. Inabinett; J. Elliott Summey; and Dickie Schweers. Council Members Joe McKeown; A. Victor Rawl; and Paul R. Thurmond were absent.

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

Ms. Condon gave the invocation. Mr. O'Neal led in 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 notification.

Ms. Condon moved for approval of the Minutes of February 2, 2010, seconded by Mr. Summey, and carried.

**African
American
History
Presentation**

The Chairman recognized Council Member Darby who made a presentation in honor of African American History Month entitled "The Gullah Language: The Way My Grandmother Spoke It".

**Employee of
the Quarter
Recognition**

The Chairman asked the Administrator to present the Employee of the Quarter with a plaque. Mr. O'Neal recognized Dionne Brown and her son Koron Suber. Dionne is a manager with the Revenue Collections Department, and was selected as Employee of the Quarter for October-December, 2009. Dionne has been a County employee since December 29, 2003. She was chosen based on the customer service she provides, her job knowledge, her willingness to work extra hours when necessary, and her dedicated work on the tax sale in 2009.

**ZPDA-10-09-
5860, 6775
Bears Bluff
Rd.
Ordinance
2nd Reading**

An Ordinance to amend Zoning Ordinance 1202 was given first reading by title only.

AN ORDINANCE REZONING PROPERTY LOCATED AT 6775 BEARS BLUFF ROAD, PARCEL IDENTIFICATION NUMBER 133-00-00-041, FROM THE PLANNED DEVELOPMENT DISTRICT (PD-94A) TO THE PLANNED DEVELOPMENT DISTRICT (PD-94B)

The Chairman called for a roll call vote on second reading of the Ordinance as amended. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- absent
Mr. Rawl	- absent
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being six (6) ayes and three (3) absent, the Chairman declared the Ordinance to have received second reading approval.

**Greenbelt
Advisory Board
Recommendations**

A report was read from the Finance Committee under date of February 11, 2010, that it considered the information furnished by Allen O'Neal, County Administrator, Cathy Ruff, Greenbelt Program Director, and the presentation of Chuck Flink, with Greenways, Inc., the County's Greenbelt consultant, regarding the Greenbelt Advisory Board's review and evaluation of the Greenbelt Program. It was stated that in January 2010, the GAB began the process of evaluating the Greenbelt program by determining if the GAB members and County Council desired any changes to the fundamentals of the Greenbelt Program. Following a Greenbelt Advisory Board meeting, public comments in support of the Greenbelt Program were received, and the GAB voted unanimously to endorse the fundamentals of the program, as is.

Committee recommended that Council affirm the Greenbelt Plan's fundamentals and instruct the Greenbelt Advisory Board to craft specific recommendations to include, but not be limited to, outreach to small landowners, further funding for urban unincorporated areas, and the urban allocations for beach communities.

Mr. Schweers moved for approval of the committee recommendation, seconded by Mr. Summey, and carried.

Chairman Pryor mentioned to a group of middle school students who were observing the meeting that if it seemed like Council was rushing through the decision making process, each of these items was already discussed in length at the committee level and that during the committee meetings the members of Council had received answers to all of their questions and made a recommendation on each item.

**Saint Johns
Fire District
Commission
Appointment**

Revisit

A report was read from the Finance Committee under date of February 11, 2010, that it considered the information furnished by Allen O'Neal, County Administrator, Joe Dawson, County Attorney, regarding the application of Mr. Albert Thompson, Jr., who also serves on the Saint Johns Water Company Board, to serve on the Saint Johns Fire District Commission. It was stated that the County Attorney opined that the Ethics, Government Accountability, and Campaign Reform Act of 1991 does not provide as to who may serve on local boards or commissions, and that there is no prohibition for an individual from serving on two boards or commissions; therefore, there is no conflict of interest. It was

also stated that while a member that serves on the Saint Johns Water Company Board would not be prohibited from serving as a commissioner on the Saint Johns Fire District Commission, he/she would be required to follow the procedures of SC Code Ann. Section 8-13-700(B) on matters affecting the Saint Johns Water Company in his/her capacity as a member of the Board of the Company.

Committee recommended that Council recommend that the Governor appoint Albert Thompson, Jr. to the Saint Johns Fire District Commission representing Johns Island for a term to expire in December 2013.

Mr. Schweers moved for approval of the committee recommendation, seconded by Mr. Summey, and carried.

**2010 State
Homeland
Security
Program**

**Request to
Approve**

A report was read from the Finance Committee under date of February 11, 2010, that it considered the information furnished by Allen O’Neal, County Administrator, and Sheriff Al Cannon, regarding a grant application to be submitted by the Sheriff’s Office for the 2010 State Homeland Security Program. It was stated that since September 11, 2001, local law enforcement has been given the added responsibility of being the first line of defense in terrorism prevention, response, and protection within their respective jurisdictions and that the Sheriff’s Office is also tasked with supporting the Charleston County Continuity Plan for assisting in man-made or natural hazards making the operational readiness on the part of the Sheriff’s Office’s special teams vital to the businesses, citizens, and critical infrastructure of this county. It was also stated that this funding opportunity will permit the Sheriff’s Office to procure vital equipment, training, and to sustain personnel positions responsible for these functions.

It was shown that this application in the amount of \$429,150 would be used to fund a replacement tactical bomb response vehicle, special teams equipment needs, Homeland Security Training, and sustaining two previously approved grant-funded FTEs.

Committee recommended that Council approve submission of the Sheriff’s Office grant application for the 2010 State Homeland Security Program in the amount if \$429,150, with the understanding that there is no match required, and that there are 2 previously approved FTEs requested in this grant, one of which will be used to supplement the salary of an existing position and the other will be dissolved if no further grant funding is available. The grant period will run from September 30, 2010, through October 31, 2011.

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

**2010 Port
Security
Grant
Program**

**Request to
Approve**

A report was read from the Finance Committee under date of February 11, 2010, that it considered the information furnished by Allen O’Neal, County Administrator, and Sheriff Al Cannon, regarding a grant application to be submitted by the Sheriff’s Office for the 2010 Port Security Grant Program, a competitive grant that seeks to increase port-wide risk management and harden our nation’s ports through Department of Homeland Security selected projects. It was stated that in order to meet objectives addressed in a series of post 9/11 laws, strategy documents, Executive Orders, and Homeland Security Presidential Directives, the Sheriff’s Office has been tasked with the added responsibility of providing capabilities to prevent, detect, respond to, and recover from terrorist attacks

and catastrophic natural disasters within the port and critical infrastructures. It was also stated that gaps in operational capabilities have been identified and will be addressed through this grant application.

It was shown that this application in the amount of \$670,500 would be used to fund three replacement tactical vessels, waterborne Homeland Security Training, and aging and dilapidated dive equipment.

Committee recommended that Council approve submission of the Sheriff's Office grant application for the 2010 Port Security Grant Program in the amount of \$670,500, with the understanding that there is neither a match nor additional FTEs required by this grant. The grant period will run from September 30, 2010, through October 31, 2011.

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

**Delfin Group
Incentives**

**A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of February 11, 2010, that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Economic Development Director, regarding the status of previously approved financial incentives extended to The Delfin Group USA, LLC, featuring fee-in-lieu-of-taxes and a Special Source Revenue Credit for the company's acquisition, modernization, and expansion of the former Texaco/Chevron oil refinery on Virginia Avenue in North Charleston which anticipated a capital investment of \$55 million and the creation of 160 new jobs. It was stated that the Economic Development Director had been contacted by the company and its attorneys who reported that their capital investment would fall short of the original \$55 million target only reaching \$30.1 million, which would make the company ineligible for fee-in-lieu-of-taxes status and causing the company to be taxed at the 10.5% industrial assessment rate. It was also stated that the Special Source Revenue Credit in the amount of \$250,000 had been extended to the company in order to offset a portion of infrastructure costs associated with the addition of a rail line through the complex and that the company had already expended approximately \$750,000 in rail siding improvements.

It was shown that despite the economic climate and the new taxation rate, the company is still on schedule to meet its commitment of 160 new jobs and that given the circumstances the Economic Development Director is recommending that County Council approve amendments to the original FILOT agreement, granting the Special Source Revenue Credit benefit despite the lower capital investment figure now in play.

Committee recommended that Council approve an ordinance authorizing the execution and delivery of amendments to the 2008 fee-in-lieu-of-taxes agreement between Charleston County and Delfin Group USA, LLC which reauthorizes the previously granted \$250,000 Special Source Revenue Credit, provided that the company makes a capital investment of at least \$25 million and creates at least 160 new jobs and consent to a change in the Delfin corporate structure from a LLC in the State of Georgia, allowing the company to reorganize as a South Carolina corporation.

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

An ordinance amending the 2008 fee-in-lieu-of-taxes agreement between Charleston County and Delfin Group USA, LLC, was given first reading by title only.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO 2008 FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA, AND DELFIN GROUP USA LLC AND ITS SUCCESSORS AND ASSIGNS; AND OTHER MATTERS RELATED THERETO

**Extend
Johnnie
Dodds Blvd
Project**

**Request to
Approve**

A report was read from the Finance Committee under date of February 11, 2010, that it considered the information furnished by Allen O’Neal, County Administrator, and Kurt Taylor, Deputy Administrator, regarding a request received from the Town of Mount Pleasant, to include the redesign and construction of the Shem Creek Bridge on Johnnie Dodds Boulevard in the County’s Johnnie Dodds Boulevard project. It was stated that the Town of Mount Pleasant intends to award a contract to widen Bowman Road from Mathis Ferry Road to Rifle Range Road and that design of the Town’s Bowman Road project includes widening the small bridge over Shem Creek because the current design of this bridge does not meet current SCDOT design standards. It was also stated that design firms representing the County’s Johnnie Dodds project and the Town’s Bowman Road project, staff from SCDOT, Charleston County, and the Town of Mount Pleasant had met several times to discuss the impacts this will bring to the design, construction cost, schedules, and construction staging coordination between the two projects and concluded that allowing the Johnnie Dodds Boulevard project design-build firm to complete the re-design and construct that portion of the Bowman Road widening project will provide the most economical and efficient redesign, construction, and coordination between the two projects.

Committee recommended that Council authorize the County Administrator and County Attorney to enter into an intergovernmental agreement with the Town of Mount Pleasant and Charleston County to extend the limits of the design-build contract for the Johnnie Dodds Boulevard project to include the bridge over Shem Creek on Bowman Road.

Mr. Schweers moved for approval of the committee recommendation, seconded by Mr. Summey, and carried.

**Voluntary
Retirement
Incentive
Plan**

**Request to
Approve**

A report was read from the Special Finance Committee under date of February 16, 2010, that it considered the information furnished by Allen O’Neal, County Administrator, and Assistant Administrator for Human Services Jennifer Miller, regarding a proposed Voluntary Retirement Incentive Plan. It was stated that for the past two fiscal years, Charleston County has continued to provide essential services to our citizens, while facing deficits in our operating budget, and that cost containment measures to address the County’s operating budget have been ongoing and have included freezing and eliminating vacant positions, elimination of non-essential services, and many other cost containment measures identified and implemented in Functional Review I and II. It was further stated that in Fiscal Year 2011 the County will face additional funding shortfalls, and that the Administrator was recommending a Voluntary Retirement Incentive Plan as a specific tool to reduce personnel cost by providing an incentive to retirement-eligible employees whose agency heads can show that voluntary retirements under the program will produce a cost savings of at least 75% for each of the next two fiscal years.

It was shown that the Voluntary Retirement Incentive Plan offers participating employees a choice of one of two incentive options: 1) a payout of one week's base pay up to a 40-hour work week, for every full year employed by Charleston County as of December 31, 2009, up to a maximum of 26 weeks of pay; or 2) Charleston County will purchase one year of service credit in the South Carolina Retirement System or the Police Officers Retirement System payable directly to the South Carolina Retirement Systems on behalf of the participating employee. It was also shown that Charleston County's proposed Plan mirrors state guidelines developed by the South Carolina Office of Human Resources, under the State Budget and Control Board, for a retirement incentive program approved for state employees with two exceptions: the State plan does not include the Option 1 incentive payout or the actual percentage of cost savings required.

Committee recommended that Council approve the Voluntary Retirement Incentive Plan, excluding eligible Elected and Appointed Officials, as a tool to reduce personnel cost in Fiscal Years 2011 and 2012 and direct staff to immediately proceed with implementation.

Mr. Schweers moved for approval of the committee recommendation, seconded by Ms. Condon, and carried. Mr. Summey voted nay.

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

**Public
Forum**

Mr. David Coe, of 1206 West Capers Road on James Island, addressed Council regarding issues with the Auditor's Office and taxation of boats. Mr. Coe distributed written remarks and other data he had collected to the members of Council.

The Chairman remarked that he admired Mr. Coe's persistence and determination with this issue, but he reminded Mr. Coe that since the Auditor is an elected official, County Council has no authority over her or the operation of her office.

Mr. Summey stated that Mr. Coe has opened his eyes and he asked the County Attorney to report back to Council regarding what legal options Council has in investigating this situation.

Mr. Coe also stated that he would like the County to televise County Council meetings.

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

Mr. Summey stated that he enjoyed Mr. Darby's African American History Month presentation and thanked Mr. Darby for sharing it.

Mr. Inabinett commended a group of middle school students who were in attendance at the meeting on their interest in community issues and encouraged them to become more involved in issues they felt passionately about. Mr. Inabinett also announced that at 6:00 PM on February 22, 2010, the Charleston County Agricultural Issues Committee would address the Charleston County Legislative Delegation. He stated that the meeting would be held at Orange Grove Charter Elementary School.

Mr. O'Neal made Council aware of the fact that the County's Public Works crews had assisted the South Carolina Department of Transportation during the inclement weather over the weekend and also announced that by the end of February, Charleston would no longer be a site for repatriation of US citizens who had been stranded in Haiti following the recent earthquake as commercial flights to and from Haiti were beginning to resume and the need for military airlifts would soon come to an end.

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