

June 16, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 16th day of June, 2009, at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 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; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; J. Elliott Summey; Dickie Schweers, and Paul R. Thurmond.

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

Rev. Robert Reid gave the invocation. Assistant Administrator for Human & Environmental Services Jennifer Miller 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. McKeown moved approval of the Minutes of May 21st, May 26th, and June 2nd, 2009, seconded by Mr. Summey, and carried.

**Amateur
Radio Week
Resolution**

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and the letter of Dennis R. Zabawa, Public Information Officer for Trident Amateur Radio Club, regarding a proposed resolution proclaiming June 22-28, 2009 as Amateur Radio Week in Charleston County.

Committee recommended that Council adopt the proposed resolution.

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

The Chairman request Mr. Dennis Zabawa and Mr. Vince Lombardo, Members of the Trident Amateur Radio Club to come forward, and asked Vice Chairman Thurmond to present the Resolution which was read into the record by the Clerk.

The Resolution is as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

WHEREAS, Amateur Radio has continued to provide a bridge between peoples, societies and countries by creating friendships and the sharing of ideas; **and**,

WHEREAS, Amateur Radio Operators have also provided countless uncompensated hours of community services; **and**,

WHEREAS, the County of Charleston also recognizes the services Amateur Radio's people provide to our many Emergency Response organizations, including Federal Emergency Management Agency, Department of Homeland Security, American Red Cross, Department of Health and Environmental Control, South Carolina Emergency Management Division, and Charleston County Emergency Preparedness Division; **and**,

WHEREAS, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs and other charitable public events; **and**,

WHEREAS, the County of Charleston recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the "Skywarn" program of the National Weather Service; **and**,

WHEREAS, Amateur Radio once again proved its undisputed relevance in the modern world by providing emergency communications when other systems failed in the devastation of Hurricanes Katrina and Rita and Northwest storms plus smaller crises; **and**,

WHEREAS, the Amateur Radio Relay League (ARRL) is the leading organization for Amateur Radio in the USA; **and**,

WHEREAS, the ARRL Amateur Radio Field Day exercise will take place on June 28-29, 2009, and is a 24 hour emergency encampment exercise and demonstration of the Radio Amateurs' skills and readiness to provide self-supporting communications even in fields without further infrastructure.

NOW, THEREFORE BE IT RESOLVED, Charleston County Council does hereby officially recognize and designate **June 22-28, 2009** as **Amateur Radio Week** in Charleston County.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
June 16, 2009

**Lowcountry
Local First 10%
Shift
Resolution**

A report was read from the Finance Committee under date of June 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council member Joe McKeown regarding a resolution praising the efforts of the Lowcountry Local First 10% Shift Committee to encourage the citizens of Charleston County to make at least 10% of their purchases from local businesses.

Committee recommended that Council adopt the requested resolution.

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

The Chairman request Ms. Ann Osborne, representing “the 10 per cent shift” to come forward, and asked Vice Chairman Thurmond to present the Resolution which was read into the record by the Clerk.

The Resolution is as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

WHEREAS, the multiplier effect of supporting Local Independent Business and farmers helps keep three dollars for every one dollar spent circulating in our community; and

WHEREAS, an economic study has indicated that by shifting 10% of all purchasing of goods or services to local independents local residents could create \$140 million in new economic activity through keeping money local; and

WHEREAS, the same shift of 10% can create 1600 new jobs and \$50 million in new wages; and

WHEREAS, the 10% Shift can increase local economic activity without relying on an increase in taxes; and

WHEREAS, supporting local independent businesses and farmers protects our historic and rural spaces; and

WHEREAS, the use of local Independent businesses and farmers can create less overall environmental impact; and

WHEREAS, local independent businesses foster more personal service; and

WHEREAS, studies have shown that nonprofit organizations receive an average of 350% more support from local independent businesses; and

WHEREAS, the local independent businesses and farmers are what keep our area unique; and

WHEREAS, the shift of a portion of consumer spending will still maintain support for regional and national vendors and merchants who form a strong part of our community;

Now, Therefore, Charleston County Council, in meeting duly assembled, we are asking all business owners, citizens, government agencies and nonprofits to shift 10% or more of their annual budget to locally owned and independent businesses.

**CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
June 16, 2009**

**Series 2009
General
Obligation
Bonds
Ordinance
3rd Reading**

An Ordinance providing for the issuance and sale of not exceeding \$72,250,000 General Obligation Bonds was given third reading by title only.

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$72,250,000 GENERAL OBLIGATION 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.

BE IT ENACTED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the County Council of Charleston County, South Carolina (the "County Council"), the governing body of Charleston County, South Carolina (the "County"), find that the facts set forth herein exist and the statements made with respect thereto are true and correct.

WHEREAS, by virtue of the County Bond Act (Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended) as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (collectively, the "Bond Act"), County Council is authorized to issue general obligation bonds of the County to defray the cost of any purpose for which the County might, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County; and

WHEREAS, the County Council have now determined that it is in the best interest of the County, and necessary and proper for the general welfare of the County and its citizens, that the County obtain funds for the purpose of defraying the costs of the Adult Detention Facility project and the Consolidated Dispatch project and other capital projects as designated by County Council from time to time (the "Series 2009 Projects") by the issuance of general obligation bonds; and

WHEREAS, County Council have determined that the estimated costs of the Series 2009 Projects, including the costs of issuance of the bonds authorized hereby, is approximately \$50,000,000; and

WHEREAS, pursuant to the authorization of Article X, Section 14, paragraph 7(a) of the South Carolina Constitution, and subject to an eight percent (8%) constitutional debt limit, the County is authorized to incur general obligation

indebtedness pursuant to the Bond Act; the assessed value of all taxable property in the County is \$2,895,931,120 for tax year 2008; the County has outstanding general obligation bonded indebtedness (as of June 30, 2009) in the amount of \$132,862,801 which counts against its 8% debt limit; consequently, the County may issue without an election an additional \$98,811,689 of general obligation bonds; and

WHEREAS, by virtue of the Refunding Act (Title 11, Chapter 15, Article 5 of the Code of Laws of South Carolina 1976, as amended), as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (the Refunding Act, as so amended and continued, being hereinafter called the "Refunding Act"), the County is authorized to issue general obligation refunding bonds of the County for the purpose of paying, in whole or in part, sums due on general obligation bonds previously issued by the County; and

WHEREAS, the County has previously issued its General Obligation Public Improvement and Refunding Bonds, Series 1999 (the "Series 1999 Bonds") and its General Obligation Refunding and Capital Improvement Bonds of 2001 (the "Series 2001 Bonds") (all or any part thereof that are refunded by the bonds issued hereunder being collectively referred to herein as the "Refunded Bonds"); and

WHEREAS, the County Council have determined, upon the advice of First Southwest Company, the County's Financial Advisor, that a savings in the debt service payments of the Refunded Bonds can be achieved by issuing refunding bonds at this time and using the proceeds thereof (i) to currently refund all or a portion of the outstanding Series 1999 Bonds by calling them for redemption; and (ii) to currently refund all or a portion of the outstanding Series 2001 Bonds by calling them for redemption; and (iii) to pay costs of issuance of the refunding bonds; and

WHEREAS, it is specifically recognized that changing market conditions as well as federal tax law may affect the savings expected to be achieved by the refunding described above, and thus the Chairman of County Council is authorized to approve changes to the refunding if such action results in a greater savings to the County or if such action is necessary as a result of federal tax law; and

WHEREAS, pursuant to the authorizations of Article X, Section 14 of the South Carolina Constitution and the Refunding Act, the County is authorized to issue general obligation refunding bonds for the purpose of refunding the Refunded Bonds in the original principal amount of not to exceed \$22,250,000;

NOW, THEREFORE, on the basis of the foregoing authorizations and for the purpose of raising the sum of not exceeding \$72,250,000 to be expended for the purposes set forth above, the County Council enact this Ordinance to effect the issuance and sale of general obligation bonds of the County authorized by the Bond Act and the Refunding Act.

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

Section 1 **Defined Terms.**

The terms defined in this Article (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Ordinance shall have the respective meanings specified in this Article.

“Authenticating Agent” shall mean the authenticating agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Beneficial Owner” shall mean the person in whose name a Bond is recorded as the beneficial owner of the Bond by a Participant on the records of the Participant or such person’s subrogee.

“Bond Act” shall mean Title 4, Chapter 15 of the Code of Laws of South Carolina 1976, as amended, as further amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Bonds” shall mean the General Obligation Refunding and Capital Improvement Bonds of 2009 of the County authorized to be issued hereunder in the aggregate principal amount of not exceeding \$72,250,000.

“Bond Registrar” shall mean the bond registrar designated pursuant to the provisions of Section 1 of Article II hereof.

“Book-Entry Only System” shall have the meaning attributed to that term in Article II, Section 14 hereof.

“Books of Registry” shall mean the registration books maintained by the Bond Registrar in accordance with Section 8 of Article II hereof.

“Chairman” shall mean the chairman of the County Council or, in his absence, the vice chairman of the County Council.

“Chief Financial Officer” shall mean the Chief Financial Officer of the County or, in his absence, any other officer or employee of the County designated in writing by the County Administrator to perform the duties of the Chief Financial Officer under this Ordinance.

“Clerk” shall mean the clerk of the County Council or, in her absence, the acting clerk.

“Closing Date” shall mean the date upon which there is an exchange of the Bonds for the proceeds representing the purchase price of the Bonds by the Original Purchaser.

“Continuing Disclosure Undertaking” shall mean the Disclosure Dissemination Agent Agreement hereby authorized to be executed by the Chairman on behalf of the

County Council, as it may be amended from time to time in accordance with the terms thereof.

“County” shall mean Charleston County, South Carolina.

“County Administrator” shall mean the County Administrator of the County.

“County Council” shall mean the County Council of Charleston County, South Carolina, the governing body of the County or any successor governing body of the County.

“Dated Date” shall mean the date of delivery of the Bonds.

“Debt Service” shall mean the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

“DTC” shall mean The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors pursuant to Article II, Section 14 hereof.

“Escrow Agent” shall mean the escrow agent appointed pursuant to Section 1 of Article IX hereof to serve as escrow agent under the Escrow Deposit Agreement, and its successors and assigns there under.

“Escrow Deposit Agreement” shall mean the Escrow Deposit Agreement, between the County and Escrow Agent, established with respect to the Refunded Bonds, as amended from time to time.

“Financial Advisor” shall mean First Southwest Company, the financial advisor to the County.

“Fiscal Agents” shall mean the Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent under Article VI hereof with respect to the Bonds.

“Interest Payment Date” shall mean any February 1 or August 1, commencing February 1, 2010.

“Letter of Representations” shall mean the Blanket Letter of Representations of the County to DTC dated December 15, 1995.

“Net Proceeds,” when used with reference to the Bonds, shall mean the face amount of the Bonds, plus accrued interest and premium, if any.

“Ordinance” shall mean this Ordinance as from time to time amended and supplemented by one or more supplemental ordinances enacted in accordance with the provisions of Article VII hereof.

“Original Purchaser” shall mean the first purchaser of the Bonds from the County.

“Participants” shall mean those broker-dealers, banks, and other financial institutions for which the Securities Depository holds Bonds as securities depository.

“Paying Agent” shall mean the paying agent for the Bonds designated pursuant to Section 1 of Article II hereof.

“Refunding Act” shall mean the Refunding Act (Title 11, Chapter 15, Article 5 of the Code of Laws of South Carolina 1976, as amended), as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

“Securities Depository” shall mean the administrator of the book-entry only system for the Bonds, as further described in Article II, Section 14 hereof and any successor appointed as provided in Article II, Section 14 hereof. The initial Securities Depository shall be DTC.

“Series 1999 Bonds” shall mean the General Obligation Public Improvement and Refunding Bonds, Series 1999 of the County.

“Series 2001 Bonds” shall mean the General Obligation Refunding and Capital Improvement Bonds of 2001 of the County.

“Series 2009 Projects” shall mean the Adult Detention Facility project and the Consolidated Dispatch project, and other capital projects as designated by County Council from time to time.

“Sinking Fund Account” shall mean the sinking fund account established and held by the Treasurer of Charleston County designed to provide for the payment of the principal of, premium, if any, and interest on the Bonds, as the same respectively fall due.

Section 2 General Rules of Interpretation.

For purposes of this Ordinance, except as otherwise expressly provided or the context otherwise requires:

(a) Articles, Sections, and Paragraphs, mentioned by number are the respective Articles, Sections, and Paragraphs, of this Ordinance so numbered.

(b) Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations, and the masculine includes the feminine and the neuter.

(c) Words importing the redemption or redeeming or calling for redemption of a Bond do not include or connote the payment of such Bond at its stated maturity

or the purchase of such Bond.

(d) Words importing the singular number include the plural number and *vice versa*.

(e) The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this Ordinance.

ARTICLE II

ISSUANCE OF BONDS

Section 1 Authorization of Bonds; Approval of Maturity Dates, Principal Amounts, and Interest Rates.

(a) Pursuant to the provisions of the Bond Act and for the purposes of funding the costs of the Series 2009 Projects and paying costs of issuance of the Bonds, there shall be issued not exceeding \$50,000,000 of general obligation bonds of the County; and pursuant to the provisions of the Refunding Act and for the purposes of refunding all or a portion of either the Series 1999 Bonds or the Series 2001 Bonds, or both, and paying the costs of issuance of the Bonds, there shall be issued not exceeding \$22,250,000 of general obligation bonds of the County. The Bonds shall be designated "General Obligation Refunding and Capital Improvement Bonds of 2009"; and may be issued in one or more series as designated by the Chairman. The Bonds shall be originally dated the Dated Date, shall be in fully-registered form, shall be in denominations of Five Thousand and no/100 Dollars (\$5,000.00) each or any integral multiple thereof, and may be numbered from R-1 upward.

(b) The Bonds will bear interest at such rates, payable on each Interest Payment Date, and will mature on the dates and in the amounts as are approved by the Chairman provided that:

(i) the Bonds shall bear interest at a true interest cost (TIC) not greater than 5.0% per annum.

(ii) The Bonds shall mature not later than August 1, 2029.

(iii) The Paying Agent, Authenticating Agent, and Bond Registrar shall be Wells Fargo Bank (or an affiliate thereof) or such other institution as designated by the Chairman as in the best interest of the County.

(c) The Chairman is hereby expressly delegated the authority to approve the sale and issuance of the Bonds so long as they conform to all of the parameters set forth in this Ordinance, including, but not limited to, this Section 1 of Article II.

Section 2 Redemption of Bonds.

(a) General. The Bonds may not be called for redemption by the County except as provided in this Section 2.

(b) Redemption. The Bonds may be subject to redemption prior to their maturity, in whole or in part, and by lot as to Bonds or portions of Bonds within a maturity (but only in integral multiples of \$5,000), upon the terms and on the dates and at the redemption prices as approved by the Chairman prior to the issuance of the Bonds.

(c) Partial Redemption of Bonds. In the event that only part of the principal amount of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of that Bond to the Paying Agent. Upon surrender of such Bond, the County shall execute and the Authenticating Agent shall authenticate and deliver to the holder thereof, at the office of the Authenticating Agent, or send to such holder by registered mail at his request, risk, and expense, a new fully-executed Bond or Bonds, of authorized denominations equal in aggregate principal amount to, and of the same maturity and interest rate as, the unredeemed portion of the Bond surrendered.

(d) Official Notice of Redemption. (i) Unless waived by any registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the County by mailing a copy of an official redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owners of the Bond or Bonds to be redeemed at the address shown on the Books of Registry. Notice of redemption shall describe whether and the conditions under which the call for redemption may be revoked. Failure to give notice by mail or any defect in any notice so mailed with respect to any Bond shall not affect the validity of the proceedings for such redemption for Bonds for which notice was properly given.

(ii) All official notices of redemption shall be dated and shall state:

- (A) the redemption date,
- (B) the redemption price,
- (C) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (D) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after such date, and
- (E) the place where such Bonds are to be surrendered for payment of the redemption price.

(e) Deposit of Funds. At least one day prior to any redemption date, the

County shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

(f) Effect of Deposit of Funds. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless (i) the County shall have revoked the redemption in accordance with the terms set forth in the official notice of redemption or (ii) the County shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. If said money shall not be available on the redemption date, such bonds or portions thereof shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption. Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled by the Paying Agent and shall not be reissued.

(g) Further Notice. In addition to the foregoing notice, further notice shall be given by the County as set out below, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed. Such further notice of redemption may be combined with official notice as above prescribed in a single notice.

(i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption and (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bond as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed.

(ii) Each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(iii) Upon the payment of the redemption price of Bonds, each cheque or other transfer of funds issued for that purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed and paid with such funds.

Section 3 Cancellation of Bonds.

All Bonds which have been redeemed shall be cancelled and either maintained or destroyed by the Paying Agent and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Paying Agent to the County upon the request of the Chief Financial Officer.

Section 4 Purchase of Bonds.

The Paying Agent shall, if and to the extent practicable, endeavor to purchase Bonds or portions of Bonds at the written direction of the County at the time, in the manner, and at the price as may be specified by the County. The Paying Agent may so purchase the Bonds; provided, that any limitations or restrictions on such redemption or purchases contained in this Ordinance shall be complied with. The expenses of such purchase shall be deemed an expense of the Paying Agent to be paid by the County. The Paying Agent shall incur no liability for any purchase made in accordance with this Section or for its inability to effect such purchase in excess of the redemption price thereof.

Section 5 Medium of Payment.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

Section 6 Place of Payments; Selection of Paying Agent.

Principal and premium, if any, of the Bonds, when due, shall be payable at the corporate trust office of the Paying Agent. Interest on any Bond shall be payable on each Interest Payment Date by cheque or draught mailed to the person in whose name such Bond is registered at the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding such Interest Payment Date (the Regular Record Date) by the Paying Agent. Principal of, redemption premium, if any, and interest payable to any person holding Bonds in aggregate principal amount of \$1,000,000 or more will be paid, upon the written request of any such registered owner in form and substance satisfactory to the Paying Agent, by wire transfer of immediately available funds to an account within any of the continental United States of America designated by such registered owner on or before the Regular Record Date.

Section 7 Execution of Bonds; Designation of Authenticating Agent.

(a) The Bonds shall be executed in the name of the County by the manual or facsimile signature of the Chairman, and attested by the manual or facsimile signature of the Clerk, and the seal of the County shall be impressed or reproduced on each Bond. Any facsimile signature appearing on the Bonds may be those of the officers who are in office on the date of the enactment of this Ordinance. The Bonds

shall be executed in respect of any manual signature by the person or persons holding office when such Bonds are ready for delivery. The execution of the Bonds in this fashion shall be valid and effective notwithstanding changes in the personnel of any of the above offices subsequent to their execution.

(b) The Bonds shall bear a certificate of authentication, substantially in the form set forth in Exhibit A, duly executed by the Authenticating Agent. The Authenticating Agent shall authenticate each Bond with the manual signature of an authorized officer of the Authenticating Agent, but it shall not be necessary for the same authorized officer to authenticate all of the Bonds. Only such authenticated Bonds shall be entitled to any right or benefit under this Ordinance. Such certificate on any Bond issued hereunder shall be conclusive evidence that the Bond has been duly issued and is secured by the provisions hereof.

Section 8 Form of Bonds; Designation of Bond Registrar.

(a) The Bonds shall be issued in fully-registered form, and all principal, interest, or other amounts due there under shall be payable only to the registered owner thereof. The County Council hereby direct the Bond Registrar to maintain, at the County's expense, the Books of Registry for the registration or transfer of the Bonds.

(b) The form of the Bonds and assignment provisions to be endorsed thereon shall be substantially as set forth in Exhibit A attached hereto and made a part of this Ordinance with any appropriate variations, legends, omissions, and insertions as permitted or required by this Ordinance or law.

Section 9 Registration and Transfers of Bonds; Persons Treated as Owners.

(a) Each Bond shall be fully-registered and no Bond may be transferred except by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such registered Bond or Bonds, the County shall execute and the Authenticating Agent shall authenticate and deliver, subject to the provisions of Section 12 of this Article, in the name of the transferee, a new registered Bond or Bonds of the same aggregate principal amount as the unpaid principal amount of the surrendered Bond or Bonds.

(b) Any registered owner requesting any transfer shall pay all taxes or other governmental charges required to be paid with respect thereto. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on such Bonds shall be made only to or upon the order of the registered owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the County upon such Bond to the extent of the sum or sums so paid. No person other than the registered

owner shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under any Bond against the County. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in any Bond as against a person (including the registered owner) other than the County, as in the case where the registered owner is a trustee or nominee for two or more beneficial owners of an interest in any Bond.

(c) The Bond Registrar shall not be required to exchange or transfer any Bond or portion thereof (i) for which notice of redemption has been mailed to the registered owner thereof or (ii) for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date.

Section 10 Mutilated, Lost, or Stolen Bonds.

In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Authenticating Agent may authenticate a new Bond of like date, maturity, interest rate, and denomination, as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bonds, they shall first be surrendered to the Paying Agent, and in the case of any lost, stolen, or destroyed Bonds, there shall be first furnished to the County and the Paying Agent evidence of their loss, theft, or destruction satisfactory to the County and the Paying Agent, together with indemnity satisfactory to them; provided that in the case of a registered owner which is a bank or insurance company, the agreement of such bank or insurance company to indemnify the County and the Paying Agent shall be sufficient. In the event any such Bonds shall have matured, instead of issuing a duplicate Bond, the County may pay the same without surrender thereof. The County, the Paying Agent, and the Authenticating Agent, may charge the registered owner of such Bond with their reasonable fees and expenses to replace mutilated, lost, stolen, or destroyed Bonds.

Section 11 Exchange of Bonds.

Subject to the provisions of Section 9 of this Article, the Bonds, upon surrender thereof to the Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his duly authorized attorney, may, at the option of the registered owner thereof, and upon payment by such registered owner of any charges which the Paying Agent, the Authenticating Agent, or the Bond Registrar may make as provided in Section 12 of this Article, be exchanged for a principal amount of Bonds of any other authorized denominations equal to the unpaid principal amount of surrendered Bonds.

Section 12 Regulations with Respect to Exchanges and Transfers.

In all cases in which the privilege of exchanging or transferring the Bonds is exercised, the County shall execute and the Authenticating Agent shall authenticate and deliver the Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Paying Agent. There shall be no charge for such exchange or transfer of the Bonds except that the Paying Agent, the Bond Registrar, and the Authenticating Agent, may

make a charge sufficient to reimburse them, or any of them, for any tax or other governmental charge required to be paid with respect to such exchange or transfer.

Section 13 Temporary Bonds.

The Bonds may be initially issued in temporary form, exchangeable for definitive Bonds to be delivered as soon as practicable. The temporary Bonds may be printed, lithographed, or typewritten, shall be of such denominations as may be determined by the County Council, shall be without coupons, and may contain such reference to any of the provisions of this Ordinance as may be appropriate. Every temporary Bond shall be executed by the County upon the same conditions and in substantially the same manner as the definitive Bonds. If the County issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds shall be surrendered for cancellation at the office of the Paying Agent and the Paying Agent shall deliver and exchange for such temporary Bonds an equal, aggregate principal amount of definitive Bonds of like aggregate principal amount and in authorized denominations of the same maturity or maturities and interest rate or rates. Until so exchanged, the temporary Bonds shall be entitled to the same benefits under this Ordinance as definitive Bonds under this Ordinance.

Section 14 Book-Entry Only System for the Bonds.

(a) The provisions of this section shall apply with respect to any Bond registered to Cede & Co. or any other nominee of DTC while the book-entry only system (the "Book-Entry Only System") provided for herein is in effect and shall, during the period of their application, supersede any contrary provisions of this Ordinance.

(b) The Bonds shall be issued as a single Bond for each maturity. On the date of the initial authentication and delivery of all of the Bonds, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC as the registered owner of the Bonds. With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the County shall have no responsibility or obligation to any Participant (which means securities brokers and dealers, banks, trust companies, clearing corporations, and various other entities, some of whom, or their representatives, own DTC) or to any Beneficial Owner (which means, when used with reference to the Book-Entry Only System, the person who is considered the beneficial owner thereof pursuant to the arrangements for book entry determination of ownership applicable to DTC) with respect to the following: (i) the accuracy of the records of DTC, Cede & Co., or any Participant with respect to any ownership interests in the Bonds, (ii) the delivery to any Participant, any Beneficial Owner, or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant, or any Beneficial Owner, or any other person, other than DTC, of any amount with respect to the principal of or premium, if any, or interest on the Bonds. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective fully to satisfy and

discharge the County's obligations with respect to the principal of and premium, if any, and interest on such Bonds to the extent of the sum so paid. No person other than DTC shall receive a Bond. Upon delivery by DTC to the County of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." in this section shall refer to such new nominee of DTC.

(c) Upon receipt by the County of written notice from DTC to the effect that DTC is unable or unwilling to discharge its responsibilities hereunder, the County shall issue, transfer, and exchange Bonds as requested by DTC in authorized denominations, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to arrange for a substitute Securities Depository willing and able upon reasonable and customary terms to maintain custody of the Bonds registered in whatever name or names the registered owners transferring or exchanging such Bonds shall designate in accordance with this section.

(d) In the event the County determines that it is in the best interests of the Beneficial Owners that they be able to obtain Bonds registered in the name of a registered owner other than DTC, the County may so notify DTC, whereupon DTC will notify the Participants of the availability through DTC of such Bonds. In such event, upon the return by DTC of Bonds held by DTC in the name of Cede & Co., the County shall issue, transfer, and exchange Bonds in authorized denominations as requested by DTC, and whenever DTC requests the County to do so, the County will cooperate with DTC in taking appropriate action after reasonable notice to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging Bonds shall designate, in accordance with this section.

(e) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, to DTC as provided in the Letter of Representations delivered by the County to DTC.

(f) In the event that the Book-Entry Only System pursuant to this section is discontinued, the Bonds shall be issued, transferred, and exchanged through DTC and its Participants to the Beneficial Owners.

ARTICLE III

SECURITY FOR BONDS

Section 1 Pledge of Full Faith, Credit, and Taxing Power.

For the payment of the principal of and interest on the Bonds as the same respectively mature, and for the creation of such Sinking Fund Account as may be necessary therefore, the full faith, credit, and taxing power, of the County are

irrevocably pledged, and there shall be levied annually by the Auditor of Charleston County, and collected by the Treasurer of Charleston County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal and interest of the Bonds as they respectively mature, and to create such Sinking Fund Account as may be necessary therefore.

Section 2 Levy and Collection of Property Taxes.

The Auditor and Treasurer of Charleston County, South Carolina, shall be notified of this issue of Bonds and directed to levy and collect, respectively, upon all taxable property in the County, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bonds, as the same respectively mature, and to create such Sinking Fund Account as may be necessary therefore.

ARTICLE IV

SALE OF BONDS; DISPOSITION OF PROCEEDS OF SALE

Section 1 Sale of Bonds.

The Bonds shall be sold at public sale, at the price of not less than 100% of par and accrued interest to the date of delivery, in accordance with Section 11-27-40(9)(b) of the Code of Laws of South Carolina 1976, as amended, on the terms and conditions as are approved by the Chairman. The Chairman is hereby expressly delegated the authority to approve the sale of the Bonds so long as they conform to all of the parameters set forth in Section 1 of Article II hereof. The sale of the Bonds shall be advertised as directed by the Chief Financial Officer in accordance with the Bond Act and the Refunding Act. The form of said Notice, and the conditions of sale, are substantially those set forth in Exhibit B attached hereto and made a part and parcel hereof. Bids for the purchase of the Bonds may be received in such form as determined by the Chief Financial Officer to be in the best interest of the County.

Section 2 Disposition of Proceeds of Sale of Bonds.

(a) The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be made use of by the County Council as follows:

(i) Any accrued interest shall be deposited in the Sinking Fund Account and applied to the payment of the first installment of interest to become due on the Bonds.

(ii) Any premium shall be applied as directed by the Chairman upon the advice of the Financial Advisor.

(iii) The remaining proceeds derived from the sale of the Bonds shall be applied as follows:

(A) Sufficient proceeds shall be applied to defray the costs of issuing the Bonds.

(B) The proceeds necessary to refund all the Refunded Bonds as designated for refunding pursuant to Section 3 of this Article shall be deposited with the Escrow Agent and applied to the payment of principal, interest, and redemption price of the Refunded Bonds in accordance with the Escrow Deposit Agreement.

(C) The remaining proceeds shall be applied by the County to fund costs of the Series 2009 Projects; provided, however, that if it becomes necessary in the judgment of County Council to expend such proceeds on other capital projects of the County, County Council, by resolution, may authorize and approve such other use of the proceeds of the Bonds.

(D) Any remaining proceeds of the Bonds, after their application to the purposes set forth in subparagraphs (A), (B), and (C) above, together with investment earnings on the proceeds of the Bonds, shall be applied as directed by the County Council to defray costs of other capital projects of the County or to the redemption of the Bonds as directed by the Chairman.

(b) No purchaser or registered owner of the Bonds shall be liable for the proper application of the proceeds thereof.

Section 3 Designation of and Redemption of Refunded Bonds.

(a) Based upon the advice of the Financial Advisor, the Chairman shall designate those maturities and the principal amounts, if any, of the Series 1999 Bonds and the Series 2001 Bonds which have been determined to be in the best interest of the County to refund from the proceeds of the Bonds.

(b) The Chairman, upon the advice of the Financial Advisor, shall take all necessary action to call the Refunded Bonds so selected for prior redemption on the dates that are most advantageous to the County.

ARTICLE V

TAX EXEMPTION OF BONDS

Section 1 Exemption from State Taxes.

Both the principal of and interest on the Bonds shall be exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes.

Section 2 Federal Tax Provisions.

The County Council hereby authorize the Chief Financial Officer to execute and deliver a tax regulatory agreement for the purpose of establishing and maintaining the excludability of interest on the Bonds from the gross income of the recipients thereof for federal income tax purposes.

ARTICLE VI

DEFEASANCE

Section 1 Release of Ordinance.

(a) If all of the Bonds issued pursuant to this Ordinance shall have been paid and discharged, then the obligations of the County under this Ordinance, and all other rights granted thereby shall cease and determine. Bonds shall be deemed to have been paid and discharged within the meaning of this Article in each of the following circumstances:

(i) If the Paying Agent shall hold, at the stated maturities of such Bonds, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of such Bonds or the interest thereon shall have occurred, and thereafter tender of such payment shall have been made, and the Paying Agent shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(iii) If the County shall have deposited with the Paying Agent or other escrow agent meeting the requirements of a Fiscal Agent hereunder, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer prior to the date of maturity of the Bonds to be defeased, the principal of and interest on which, when due, and without reinvestment thereof, will provide moneys, which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due or to become due on and prior to the maturity date or dates; or

(iv) If there shall have been so deposited either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, so deposited at the same time, shall be sufficient to pay, when due, the principal and interest due or to become due on the Bonds on the maturity thereof.

(b) In addition to the above requirements of paragraphs (i), (ii), (iii), or (iv), in order for this Ordinance to be discharged, all other fees, expenses, and charges of the Fiscal Agents, shall have been paid in full at such time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance, the Fiscal Agents shall continue to be obligated to hold in trust any moneys or investments then held by the Paying Agent for the payment of the principal of, premium, if any, and interest on, the Bonds, to pay to the registered owners of Bonds the funds so held by the Fiscal Agents as and when such payment becomes due.

(d) Any release under this Section shall be without prejudice to the rights of the Fiscal Agents to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges, and other disbursements and those of their respective attorneys, agents, and employees, incurred on and about the administration of trusts by this Ordinance created and the performance of the powers and duties under this Ordinance of the Fiscal Agents.

Section 2 Deposit of Moneys.

Any moneys which at any time shall be deposited with a Fiscal Agent by or on behalf of the County for the purpose of paying and discharging any Bonds shall be and are hereby assigned, transferred, and set over to the Fiscal Agent in trust for the respective registered owners of such Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the registered owners of such Bonds shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the Fiscal Agent to transfer such funds to the County.

Section 3 Notice of Release of Ordinance.

(a) In the event any of said Bonds are not to be redeemed within the sixty (60) days next succeeding the date the deposit required by Section 1(a)(iii) or (iv) of this Article is made, the County shall give the Fiscal Agent irrevocable instructions to mail, as soon as practicable by first class mail, a notice to the registered owners of such Bonds at the addresses shown on the Books of Registry that (i) the deposit required by subparagraph (a)(iii) or (a)(iv) of Section 1 of this Article has been made with the Fiscal Agent, and (ii) said Bonds are deemed to have been paid in accordance with this Article and stating such maturity or redemption dates upon which moneys are to be available for the payment of the principal of, and premium, if any, and interest on, said Bonds.

(b) The County covenants and agrees that any moneys which it shall deposit with the Fiscal Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Article.

ARTICLE VII

AMENDING AND SUPPLEMENTING OF ORDINANCE**Section 1 Amending and Supplementing of Ordinance Without Consent of Registered Owners of Bonds.**

(a) The County Council, from time to time and at any time and without the consent or concurrence of any registered owner of any Bond, may enact an ordinance amendatory hereof or supplemental thereto, if the provisions of such supplemental ordinance shall not materially adversely affect the rights of the registered owners of the Bonds then outstanding, for any one or more of the following purposes:

(i) To make any changes or corrections in this Ordinance as to which the County Council shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing and correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Ordinance, or to insert in this Ordinance such provisions clarifying matters or questions arising under this Ordinance as are necessary or desirable;

(ii) To add additional covenants and agreements of the County for the purpose of further securing the payment of the Bonds;

(iii) To surrender any right, power, or privilege reserved to or conferred upon the County by the terms of this Ordinance;

(iv) To grant or confer upon the registered owners of the Bonds any additional rights, remedies, powers, authority, or security that lawfully may be granted to or conferred upon them; or

(v) To make such additions, deletions, or modifications as may be necessary to assure compliance with section 148(f) of the Code relating to required rebate to the United States of America or otherwise as may be necessary to assure the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

(b) The County Council shall not enact any supplemental ordinance authorized by the foregoing provisions of this Section unless in the opinion of counsel (which opinion may be combined with the opinion required by Section 4 hereof) the enactment of such supplemental ordinance is permitted by the foregoing provisions of this Section and the provisions of such supplemental ordinance do not adversely affect the rights of the registered owners of the Bonds then outstanding.

Section 2 Amending and Supplementing of Ordinance With Consent of Registered Owners of Bonds.

(a) With the consent of the registered owners of not less than a majority in principal amount of the Bonds then outstanding the County Council from time to time

and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights or obligations of the County under this Ordinance, or modifying or amending in any manner the rights of the registered owners of the Bonds then outstanding; provided, however, that without the specific consent of the registered owner of each such Bond which would be affected thereby, no supplemental ordinance amending or supplementing the provisions hereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the registered owners of which are required to consent to any supplemental ordinance amending or supplementing the provisions of this Ordinance; or (iii) give to any Bond or Bonds any preference over any other Bond or Bonds secured hereby. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the registered owners of the Bonds of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

(b) It shall not be necessary that the consents of the registered owners of the Bonds approve the particular form of the wording of the proposed amendment or supplement or of the supplemental ordinance effecting such amending or supplementing hereof pursuant to this Section. The County shall mail a notice at least once, not more than thirty (30) days after the effective date of such amendment or supplement, of such amendment or supplement postage prepaid, to each registered owner of Bonds then outstanding at his address appearing upon the Books of Registry and to the Paying Agent, but failure to mail copies of such notice to any of the registered owners shall not affect the validity of the supplemental ordinance effecting such amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of this Ordinance authorized by Section 1 of this Article. No action or proceeding to set aside or invalidate such supplemental ordinance or any of the proceedings for its enactment shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

Section 3 Notation Upon Bonds; New Bonds Issued Upon Amendments.

Bonds delivered after the effective date of any action taken as provided in this Article may bear a notation as to such action, by endorsement or otherwise and in form approved by the County. In that case, upon demand of the registered owner of any Bond outstanding after such effective date and upon the presentation of the Bond for such purpose at the office of the Paying Agent, and at such additional offices, if any, as the County may select and designate for that purpose, a suitable notation shall be made on such Bond. If the County shall so determine, new Bonds, so modified as in the opinion of the County upon the advice of counsel to conform to the amendments or supplements made pursuant to this Article, shall be prepared, executed, and delivered, and upon demand of the registered owner of any Bond then

outstanding shall be exchanged without cost to such registered owner for Bonds then outstanding, upon surrender of such outstanding Bonds.

Section 4 Effectiveness of Supplemental Ordinance.

Upon the enactment (pursuant to this Article and applicable law) by the County Council of any supplemental ordinance amending or supplementing the provisions of this Ordinance and the delivery to the Paying Agent and the County Council of an opinion of bond counsel that such supplemental ordinance is in due form and has been duly enacted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the County, or upon such later date as may be specified in such supplemental ordinance, (a) this Ordinance and the Bonds shall be modified and amended in accordance with such supplemental ordinance, (b) the respective rights, limitations of rights, obligations, duties, and immunities, under this Ordinance of the County, the Fiscal Agents, and the registered owners of the Bonds, shall thereafter be determined, exercised, and enforced under this Ordinance subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such supplemental ordinance shall be a part of the terms and conditions of the Bonds and of this Ordinance for any and all purposes.

Section 5 Supplemental Ordinance Affecting Fiscal Agents.

No supplemental ordinance changing, amending, or modifying any of the rights, duties, and obligations of any Fiscal Agent appointed by or pursuant to the provisions of this Ordinance may be enacted by the County Council or be consented to by the registered owners of the Bonds without written consent of such Fiscal Agent affected thereby.

ARTICLE VIII

CONCERNING THE FISCAL AGENTS

Section 1 Fiscal Agents; Appointment and Acceptance of Duties.

The Paying Agent, the Bond Registrar, the Authenticating Agent, and any escrow agent with respect to the Bonds shall accept the duties and trusts imposed upon it by this Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Paying Agent, Bond Registrar, Authenticating Agent, or escrow agent shall signify its acceptance of the duties and trusts imposed by this Ordinance by a written acceptance.

Section 2 Responsibilities of Fiscal Agents.

The recitals of fact contained herein and in the Bonds shall be taken as the statements of the County and no Fiscal Agent shall be deemed to assume any responsibility for the correctness of the same except in respect of the authentication

certificate of the Authenticating Agent endorsed on the Bonds. No Fiscal Agent shall be deemed to make any representations as to the validity or sufficiency of this Ordinance or of any Bonds or as to the security afforded by this Ordinance, and no Fiscal Agent shall incur any liability in respect thereof. No Fiscal Agent shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiscal Agent. No Fiscal Agent shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiscal Agent shall be liable in the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 3 Evidence on Which Fiscal Agents May Act.

(a) Each Fiscal Agent, upon receipt of any notice, ordinance, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Ordinance, shall examine such instrument to determine whether it conforms to the requirements of this Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiscal Agent may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiscal Agent shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of the Chairman, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Ordinance; but in its discretion the Fiscal Agent may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as it may deem reasonable.

(c) Except as otherwise expressly provided in this Ordinance, any request, order, notice, or other direction required or permitted to be furnished pursuant to any provision hereof by the County to any Fiscal Agent shall be sufficiently executed if executed in the name of the County by the Chairman.

Section 4 Compensation.

The County shall pay to each Fiscal Agent from time to time reasonable compensation based on the then standard fee schedule of the Fiscal Agent for all services rendered under this Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Ordinance; provided, however, that any specific agreement between the County and a Fiscal Agent with respect to the compensation of that Fiscal Agent shall control the compensation to be paid to it.

Section 5 Certain Permitted Acts.

Any Fiscal Agent may become the owner or underwriter of any bonds, notes, or other obligations of the County, or conduct any banking activities with respect to the County, with the same rights it would have if it were not a Fiscal Agent. To the extent permitted by law, any Fiscal Agent may act as a depository for and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or this Ordinance.

Section 6 Resignation of Any Fiscal Agent.

Any Fiscal Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving not less than sixty (60) days' written notice to the County and not less than thirty (30) days' written notice to the registered owners of the Bonds (as established by the Books of Registry) prior to the next succeeding Interest Payment Date, and such resignation shall take effect upon the date specified in such notice unless a successor shall have been appointed previously by the County pursuant to Section 8 of this Article VIII, in which event such resignation shall take effect immediately upon the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 7 Removal of Fiscal Agent.

Any Fiscal Agent may be removed at any time by an instrument or concurrent instruments in writing, filed with the County and such Fiscal Agent, and signed by either the Chairman or the registered owners representing a majority in principal amount of the Bonds then outstanding or their attorneys in fact duly authorized.

Section 8 Appointment of Successor Fiscal Agents.

(a) In case any Fiscal Agent hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the County. Every such Fiscal Agent appointed pursuant to the provision of this Section 8 shall be a trust company or bank organized under state or federal laws and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$25,000,000 if there be such institution willing, qualified, and able to accept the trust upon reasonable and customary terms.

(b) If in a proper case no appointment of a successor Fiscal Agent shall be made by the County pursuant to the foregoing provisions of this Section 8 within forty-five (45) days after any Fiscal Agent shall have given to the County written notice as provided in Section 6 of this Article VIII or after a vacancy in the office of such Fiscal Agent shall have occurred by reason of its removal or inability to act, the

former Fiscal Agent or any registered owner may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after notice, if any, as the court may deem proper, appoint a successor.

Section 9 Transfer of Rights and Property to Successor.

Any successor Fiscal Agent appointed under this Ordinance shall execute, acknowledge, and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon the successor, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties, and obligations of the predecessor Fiscal Agent, with like effect as if originally named in that capacity; but the Fiscal Agent ceasing to act shall nevertheless, at the request of the County or at the written request of the successor Fiscal Agent, execute, acknowledge, and deliver, all instruments of conveyance and further assurance and do all things as may reasonably be required for more fully and certainly vesting and confirming in the successor Fiscal Agent all the right, title, and interest, of the predecessor Fiscal Agent in and to any property held by it under this Ordinance, and shall pay over, assign, and deliver, to the successor Fiscal Agent any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance, or instrument in writing, from the County be required by such successor Fiscal Agent for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers, and duties, any and all such deeds, conveyances, and instruments in writing, shall, on request, and so far as may be authorized by law, be executed, acknowledged, and delivered, by the County. Each successor Fiscal Agent shall promptly notify the other Fiscal Agents, if any, of its appointment as Fiscal Agent.

Section 10 Merger or Consolidation.

Any corporation or other organization into which any Fiscal Agent may be merged or converted or with which it may be consolidated or any corporation or other organization resulting from any merger, conversion, or consolidation or other organization to which it may be party or any corporation or other organization to which any Fiscal Agent may sell or transfer all or substantially all of its corporate trust business, provided such corporation or other organization shall be a bank or trust company organized under state or federal laws, and shall be authorized by law to perform all the duties imposed upon it by this Ordinance, shall be the successor to such Fiscal Agent without the execution or filing of any paper or the performance of any further act.

Section 11 Adoption of Authentication.

In case any of the Bonds contemplated to be issued under this Ordinance shall have been authenticated but not delivered, any successor Authenticating Agent may adopt the certificate of authentication of any predecessor Authenticating Agent so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Authenticating Agent may authenticate such Bonds in the name of the predecessor Authenticating Agent or

in the name of the successor Authenticating Agent, and in all such cases such certificate shall be of full force and effect.

ARTICLE IX

MISCELLANEOUS

Section 1 Execution of Closing Documents and Certificates.

(a) The Chairman, the Clerk, the County Administrator, the Chief Financial Officer of the County, and all other officers and employees of the County, are fully authorized and empowered to take all further action and to execute and deliver all closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bonds and the action of such officers or any one or more of them in executing and delivering any documents, in the form as he or they shall approve, is hereby fully authorized.

(b) There is hereby authorized an Escrow Deposit Agreement, in substantially the form attached hereto as Exhibit E, for use with the refunding of the Refunded Bonds designated pursuant to Section 3 of the Article IV hereof. The Chief Financial Officer of the County is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the County, with any changes as he shall approve, upon the advice of the Financial Advisor or counsel, his execution being conclusive evidence of his approval. The Chairman is hereby authorized and directed to designate a bank or trust company to serve as Escrow Agent.

Section 2 Vice Chairman May Act in Chairman's Absence; Acting Clerk May Act in Clerk's Absence.

In the absence of the Chairman, the vice chairman of the County Council is fully authorized to exercise all powers vested in the Chairman under this Ordinance. In the absence of the Clerk, the acting clerk of the County Council is fully authorized to exercise all powers and take all actions vested in the Clerk under this Ordinance.

Section 3 Official Statement.

(a) The County Council hereby approve the form of the Preliminary Official Statement relating to the Bonds in substantially the form presented at third reading hereof and hereby direct the distribution thereof in connation with the sale of the Bonds.

(b) The County Council hereby authorize the Official Statement of the County relating to the Bonds substantially in the form of the Preliminary Official Statement presented at this meeting, with any modifications as the Chief Financial Officer of the County, upon the advice of the Financial Advisor and bond counsel, approves; the Chief Financial Officer of the County is hereby authorized and directed to execute copies of the Official Statement and deliver them to the Original Purchaser of the Bonds, which execution and delivery shall be conclusive evidence of the

approval of any such modifications; and the County hereby authorize the use of the Official Statement and the information contained therein in connection with the public offering and sale of the Bonds.

Section 4 Benefits of Ordinance Limited to the County and Registered Owners of the Bonds.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County and the registered owners of the Bonds, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County and the registered owners from time to time of the Bonds as herein and therein provided.

Section 5 Ordinance Binding Upon Successors or Assigns of the County.

All the terms, provisions, conditions, covenants, warranties, and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the registered owners of the Bonds.

Section 6 No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in this Ordinance or the Bonds, against any member of the County Council, or any officer or employee of the County, as such, in his or her individual capacity, past, present, or future, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee as such, past, present, or future, either directly or by reason of any of the obligations, covenants, promises, or agreements, entered into between the County and the registered owners of the Bonds or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every such member, officer, and employee is, by the enactment of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Bonds, expressly waived and released. The immunity of the members, officers, and employees, of the County under the provisions contained in this Section shall survive the termination of this Ordinance.

Section 7 Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the action shall be taken on the first secular or business day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in a state where the office of any Fiscal Agent is located, the time shall continue to run until midnight on the next succeeding secular or business day.

Section 8 Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or any Fiscal Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the registered owners of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

(b) If any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 9 Continuing Disclosure Undertaking.

(a) Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended ("Section 11-1-85"), the County Council covenant to file with a central repository for availability in the secondary bond market when requested:

- Council's
- (i) An annual independent audit, within thirty days of the County receipt of the audit; and
 - (ii) Event specific information within 30 days of an event adversely affecting more than five percent of the aggregate of revenues of the County.

The only remedy for failure by the County Council to comply with the covenant in this Section 9 shall be an action for specific performance of this covenant. The County Council specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any registered owner of any Bonds.

(b) In addition, the County Council hereby authorize the Chief Financial Officer of the County to execute the Continuing Disclosure Undertaking, in substantially the form attached hereto as Exhibit C, with any changes therein as may be approved by the Chief Financial Officer of the County, upon the advice of the Financial Advisor or counsel. The County Council further hereby covenant and agree that they will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the County Council to comply with the Continuing Disclosure Undertaking shall not be considered an event of default with respect to the Bonds; however, any registered owner may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County Council to comply with their obligations under this paragraph.

Section 10 Law and Place of Enforcement of the Ordinance.

This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 11 Repeal of Inconsistent Ordinances and Resolutions.

All ordinances and resolutions of the County Council, and any part of any resolution or ordinance, inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

Section 12 Notice of Enactment of Ordinance.

Upon enactment of this Ordinance, notice, substantially in the form attached hereto as Exhibit D, of the enactment of this Ordinance shall be published in *The Post and Courier*, a newspaper published in Charleston, South Carolina of general circulation in the County.

Section 13 Effective Date of this Ordinance.

This Ordinance shall become effective upon approval following third reading.

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

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

The vote being eight (8) ayes and one (1) nay, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance rezoning properties located at 3421 & 3417 Maybank Highway, Johns Island was given third reading by title only.

ZREZ 3-09-3118, 3417 & 3421 Maybank Hwy Ordinance 3rd Reading

AN ORDINANCE

REZONING THE PROPERTIES LOCATED AT 3421 & 3417 MAYBANK HIGHWAY, JOHNS ISLAND, PARCEL IDENTIFICATION NUMBERS 279-00-00-180 AND 279-00-00-618, FROM THE SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO THE COMMERCIAL TRANSITION (CT) DISTRICT.

WHEREAS, the properties known as parcel identification numbers 279-00-00-180 and 279-00-00-618 are currently zoned Single Family Residential (R-4) District; and

WHEREAS, the current owner or an agent thereof has applied for a change in the zoning district applicable to the parcels, and

WHEREAS, the application has been reviewed by the Charleston County Planning Department and has been found to be complete and in proper form, and

WHEREAS, the Charleston County Planning Commission has reviewed the application in accordance with the procedures established in state law and the Charleston County Zoning and Land Development Regulations; and

WHEREAS, the rezoning complies in all respects with Article 3.4 of the Charleston County Zoning and Land Development Regulations; and

WHEREAS, the rezoning would conform to and implement the Charleston County Comprehensive Plan;

NOW, THEREFORE, be ordained it 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. REZONING OF PROPERTIES

The properties identified as parcel identification numbers 279-00-00-180 and 279-00-00-618 are hereby rezoned from the Single Family Residential (R-4) District to the Commercial Transition (CT) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must

conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

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.

The Chairman called for third 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.

An Ordinance rezoning property located at 1925 Ashley River Road was given second reading by title only.

AN ORDINANCE

REZONING PROPERTY LOCATED AT 1925 ASHLEY RIVER ROAD, ST. ANDREWS, PARCEL IDENTIFICATION NUMBER 351-06-00-123, TO AMEND PLANNED DEVELOPMENT (PD-136) TO PLANNED DEVELOPMENT (PD-136A)

WHEREAS, the property located at 1925 Ashley River Road, St. Andrews, identified as parcel identification number 351-06-00-123, is currently zoned Planned Development (PD-136); and

WHEREAS, the applicant requests an amendment to the approved PD Development Plan, PD-136, and has submitted a complete application for a PD Development Plan amendment pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR); and

ZPDA 3-09-3157, 1925 Ashley River Road Ordinance 3rd Reading

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan amendment and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve with conditions the proposed PD 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 amendment based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR; and

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

- A. The PD Development Plan and amendment 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 ordained it 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. REZONING OF PROPERTIES

A. Charleston County Council rezones the property located at 1925 Ashley River Road, St. Andrews, parcel identification number 351-06-00-123, to amend Planned Development (136) to Planned Development (PD-136A); and

B. The PD Development Plan amendment submitted by the applicant and identified as the "Planned Development District Guidelines for PD-136A, Charleston County, South Carolina Dated March 4, 2009", including the changes and conditions approved by County Council that are attached hereto as Exhibit A and made a part of this Ordinance by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-136A must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Parcel Identification Number 351-06-00-123 is amended to PD-136A 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.

The Chairman called for third 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.

**ZREZ 4-08-3648m 7092
Lorrie Pope Road
Ordinance
1st Reading**

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Dan Pennick, Director of Zoning/Planning, regarding a request to change 9073 Lottie Pope Road, from a Planned Development (PD 99) District to an Agricultural/Residential (AGR) District.

Committee recommended that Council approve the requested zoning change.

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

An Ordinance to rezone property at 9073 Lottie Pope Road, Edisto Island, was given first reading by title only

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 9073 LOTTIE POPE ROAD, EDISTO ISLAND, PARCEL IDENTIFICATION NUMBER A PORTION OF 027-00-00-034, FROM A PLANNED DEVELOPMENT (PD-99) TO AN AGRICULTURAL-RESIDENTIAL (AGR) DISTRICT.

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

ZDPA 4-08-3649, 9073 Lottie Pope Road, 8331, 8231, 8401 Simmons Point Road Ordinance 1st Reading

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Dan Pennick, Director of Zoning/Planning, regarding a request to change 9073 Lottie Pope Road, 8331, 8231 and 8401 Simmons Pond Road by amending Planned Development (PD 99).

Committee recommended that Council approve the requested zoning change, with conditions.

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

An Ordinance to amend Planned Development (PD 99) was given first reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 9073 LOTTIE POPE ROAD, 8331, 8231 AND 8401 AIMMONS POND ROAD, TAX MAP PARCEL NUMBERS 027-00-00-034, 002, 004, 057 EDISTO ISLAND FROM A PLANNED DEVELOPMENT (PD-99) TO A PLANNED DEVELOPMENT AMENDMENT (PD-99A).

The Ordinance in its entirety will appear in the minutes of Charleston County Council at the time of Third Reading

**Consent Agenda
A) ARRA Justice Assistance Grant
B) ARRA Adult Education Grant
C) Workforce Investment Act Funding
D) Assistance to Firefighters Grant
E) Citizen Corps Grant
F) BEVR Board Pay Policy Change**

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

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

The Consent agenda is as follows:

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Charleston County Coroner Rae Wooten, regarding the American Recovery and Reinvestment Act Justice Assistance Grant. It was stated that the Coroner recently applied for this grant through the SC Department of Public Safety, Office of Justice Programs to fund improvements to its remote communication capability by creating a safer, more effective and efficient system.

It was shown that the request of \$27,755 will be used to purchase equipment, supplies, and specialized training to improve the staff efficiency, safety, interviewing, and interrogation skills.

Committee recommended that Council approve application submission for the American Recovery and Reinvestment Act Justice Assistance Grant program in the amount of \$27,755, with the understanding that there is no match or FTE associated with this request, that the grant period is July 1, 2009 through June 30, 2010, and that there is no ongoing commitment for the County associated with this grant.

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Grants Administrator Christine DuRant, regarding the American Recovery and Reinvestment Act 2009 Adult Education Funding. It was stated that the American Recovery and Reinvestment Act of 2009 has made funding available through the South Carolina Department of Commerce to ensure availability of and access to adult basic education services for Workforce Investment Act participants for the summer. It was shown that the Trident Workforce Investment Board was allocated \$183,600 to support the continuation of adult education services for the summer months which were in the process of being cut due to budget constraints.

Committee recommended that Council approve the acceptance of \$183,600 for Tri-County Adult Education services to be managed by the Trident Workforce Investment Board, with the understanding that there is no match or FTE associated with this request, that the grant period is May 1, 2009 through September 30, 2009, and that there is no ongoing commitment for the County associated with this grant.

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Grants Administrator Christine DuRant, regarding Workforce Investment Act funds for Program Year 2009 (FY 2010). It was stated that the Trident Workforce Investment Board has been notified by the South Carolina Department of Commerce that the total award for FY 2010 is \$4,371,458. It was shown that this funding is used to provide a wide range of employment and employer services most of which is handled through the Trident One Stop System.

Committee recommended that Council approve the acceptance of \$4,371,478 from the US Department of Labor through the South Carolina Department of Commerce to provide Workforce Services in the Tri-County Area, with the understanding that no match or additional FTEs are associated with this request, that the funds are to provide services from April 1, 2009 through June 30, 2011, and that there is no ongoing commitment for the County associated with this grant.

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patina, Emergency Management Director, regarding a request from the Awendaw Fire Department for funding in the amount of \$52,504 from the Federal Emergency

Management Agency. It was stated that the funding would be used to develop a comprehensive health and wellness program for department personnel, and that the implementation of such a program could potentially reduce the risks traditionally associated with the performance of firefighter duties.

Committee recommended that Council approve the receipt of funding from the Federal Emergency Management Agency to develop a comprehensive health and wellness program within the Awendaw Fire Department with the understanding that matching funds in the amount of \$2,763 are available in the Department's annual operating budget, no FTE's or vehicle are associated with the acceptance of the above grant but ongoing funding for physical examinations and workout attire for new employees would be required on behalf of the County to sustain the program once the initial grant award has been exhausted.

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of the County's Emergency Management Department regarding funding in the amount of \$4,773.67 through the U. S. Department of Homeland Security's Citizen Corps program. It was stated that the Charleston County Community Emergency Response Team (CERT) provides basic disaster response skills, such as fire safety, light search and rescue and disaster medical operations to the citizenry of Charleston County. It was shown that if received, funding would be utilized to pay for materials needed during the delivery of CERT training.

Committee recommended that Council approve the \$4,773.67 in funding from the U. S. Department of Homeland Security through the South Carolina Law Enforcement Division to continue the Charleston County Community Emergency Response Team (CERT) program, with the understanding that matching funds are not required, no FTE's are associated with the acceptance of the grant and the performance period ends May 31, 2010 with no ongoing commitment for the County associated with the grant.

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Director of the County's Budget Department regarding payments to the Members of the Board of Elections and Voter Registration. It was stated that on December 16, 2008, Council directed that the Board of Election & Voter Registration (BEVR) board payments be reduced beginning in FY 2010, if legally possible. It was stated that BEVR board members are compensated with both State and County funds. It was shown that on June 2, 2009 Council allotted additional County funds to BEVR to restore board payments, and Council's directive of December 16, 2008 should be reversed.

Committee recommended that Council reverse the December 16, 2008 Council directive to reduce the County-funded portion of the Board of Elections & Voter Registration board pay beginning in FY 2010.

**AARA CDBG-R
Funding
Request to
Apply**

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Grants Administrator Christine DuRant, regarding the American Recovery and Reinvestment

Act Community Development Block Grant Recovery funds. It was stated that the US Department of Housing and Urban Development has announced the availability of Community Development Block Grant Recovery funds for the administration of CDBG eligible projects that are "shovel-ready" and will maximize job creation and economic benefit for the County of Charleston. It was also stated that to receive these funds, an amendment to the 2008 Consolidated Plan was submitted to HUD along with a request of \$543,478 for allocation and that the CDBG-R funding is split between Charleston County and the City of North Charleston based on the established Urban Entitlement Agreement.

It was shown that due to the timeliness associated with the funds, proposals submitted in the Project Year 2008 and 2009 RFP process were identified as the projects to be considered and that in keeping with HUD's guidelines, projects that addressed infrastructure and/or economic benefit were presented to the Community Development Advisory Board for consideration. It was also shown that the Community Development Advisory Board met and furnished their recommendations, which are as follows:

<u>Requesting Organization</u>	<u>Project Title</u>	<u>Recommended Funding</u>
Mount Pleasant Water Works	Marginal Road Wastewater Project	\$142,200.00
James Island PSD	Battery Island/Arsburn Lane Wastewater Project	\$ 92,500.00
North Charleston Community Development Office	Hope VI Four Poles Park Development	\$254,430.20
Charleston County Grants Administration	Administration and Management of CDBG-R Program	\$ 54,347.80
	TOTAL	\$543,478.00

Committee recommended that Council allocate \$543,478 of US Department of Housing and Urban Development CDBG-Recovery funds for Program Year 2008 (FY 2010) through the American Recovery and Reinvestment Act Title XII, as follows:

1. Allocate to the City of North Charleston 52 per cent of the total Community Development Block Grant Recovery (CDB-R) allocation based upon the established formula provided by HUD.
2. Direct Staff in the Grants Administration to administer the remaining 48 per cent of the funds received for the County's Community Development Block Grant Recovery program, with the understanding that that there is no match or FTE associated with this request, that the grant period is October 1, 2009 through September 30, 2010, and that there is no ongoing commitment for the County associated with the grant.

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

**Mount Pleasant
Election
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Board of Elections and Voter Registration Executive Director Marilyn Bowers, regarding a

request from the Town of Mount Pleasant to transfer certain authority to conduct Mount Pleasant Municipal Elections to the Board of Elections and Voter Registration of Charleston County.

Committee recommended that Council approve and give first reading to an Ordinance to transfer certain authority to conduct Mount Pleasant Municipal Elections to the Board of Elections and Voter Registration of Charleston County.

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

An Ordinance accepting the transfer of Authority to the Board of Election and Voter Registration was given first reading by title only.

AN ORDINANCE

ACCEPTING THE TRANSFER OF CERTAIN FURTHER AUTHORITY TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF MOUNT PLEASANT.

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

Rural Greenbelt Applications Request to Approve

A report was read from the Finance Committee meeting of June 11, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Cathy L. Ruff, Director of Greenbelt Programs, regarding rural greenbelt projects that have received review from the Greenbelt Bank Board and are being recommended to County Council for funding. It was stated that if approved these projects will protect 2345 acres at an average cost of \$1,667 per acre with \$12.8 million provided in match.

Committee recommended that:

1. Council approve funding for the following rural greenbelt projects provided that upon approval, grant agreements will be executed between the County and appropriate parties.

Applicant	Project Name	Acres	Funding
Edisto Island Open Land Trust	C. Belier Sunnyside Plantation	63	\$224,000
Lowcountry Open Land Trust	Palmetto Point	146	\$123,750
Lowcountry Open Land Trust	White Point Plantation	1762	\$2,381,500
The Nature Conservancy	Wanda River Tract	374	\$1,180,000
	Total:	2345	\$3,909,250

2. Council authorizes the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Council approves the use of \$3,909,250 from the 2007 General Obligation Bonds for Greenbelt projects.

4. The Seafood Lane Project and the Jefferson Tract Project be sent to Council without recommendation.

5. Council disapprove the Awendaw Associates Tract.

Council Member Rawl moved that the Planning/Public Works Committee recommendations be considered separately. This was approved by common consent.

Committee recommendations # 1.

Edisto Island Open Land Trust, C. Belser Sunnyside Plantation, 63 acres, \$224,000. Approved 8 to 1, Mr. Rawl voted nay.

Lowcountry Open Land Trust, Palmetto Point, 146 acres, \$123,759. Approved unanimously.

Lowcountry Open Land Trust, White Point Plantation, 1762 acres, \$2,381,500. Approved 6 to 3. Messrs. Darby, Pryor and Rawl voted nay.

The Nature Conservancy, Wando River Tract, 374 acres, \$1,180,000. Approved 8 to 1. Mr. Pryor voted nay.

Committee recommendation 2

Council authorizes the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies. Approved unanimously.

Committee recommendation 3

Council approves the use of \$3,909,250 from the 2007 General Obligation Bonds for Greenbelt projects. Approved unanimously.

Committee recommendation 4

Mr. Summey moved a substitute recommendation for Committee recommendation 4. Mr. Summey moved approval of the Seafood Land Project and the Jefferson Tract Project. This motion was seconded by Mr. Darby.

Mr. Rawl request that these items be separated. Messrs. Summey and Darby agreed to the amendment.

Mr. Summey moved approval of the Seafood Lane Project, seconded by Mr. Darby and unanimously carried.

Mr. Schweers moved that the Jefferson Tract Project be referred back to the Greenbelt Bank Board.

This motion was seconded by Mr. McKeown, and failed. Messrs. Darby, Summey, Rawl, Inabinett and Pryor voted nay.

Mr. Summey moved approval of the Jefferson Tract Project, seconded by Mr. Darby. The roll was called on the Jefferson Tract Project and votes recorded as follows:

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

The vote being five (5) ayes and four (4) nays, the Chairman declared the motion to have carried.

A discussion regarding the "dirt mining" and proceeds from the sale of the dirt on the Jefferson Tract Project was had among Council Members.

Mr. Summey moved that in the event the Charleston County Park and Recreation Commission or any entity other than the Town of Awendaw agrees to manage the Jefferson Tract Project, then all monies coming from "Dirt Mining" or any similar activity on the Jefferson Tract are to be returned by the Town to the Rural Greenbelt Projects Fund.

This motion was seconded by Mr. Darby.

The roll was called concerning proceeds of the Jefferson Tract "Dirt Mining" project, and votes recorded as follows:

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

The vote being five (5) ayes and four (4) nays, the Chairman declared the motion to have carried.

Committee recommendation 5.

Council disapprove the Awendaw Associates Tract Project.

Mr. Rawl moved approval of Committee recommendation 5, seconded by Mr. Summey, and carried unanimously.

Mr. Rawl moved to reopen recommendation 3 in order to approve the additional funding from the 2007 General Obligation Bonds for Greenbelt project from the \$3,909,250 to add \$5,170,000 for the Jefferson Tract Project and \$220,142 for the Seafood Lane Project for a total of \$9,299,392.

This motion was seconded by Mr. Inabinett and carried.

**Grand Palm
Development
Request
Resolution**

A report was read from the Finance Committee under date of June 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member J. Elliott Summey, regarding a requested Resolution that 17.08 acres of Charleston County property, owned by Grand Palm Development, Inc, be annexed into Dorchester County. It was stated that the Charleston property is surrounded on three sides by Dorchester County and on one side by Charleston County wetlands. It was also stated that Dorchester County has acknowledged it would accept the property by annexation.

Committee recommended that Council approve the Resolution approving the annexation of 17.06 acres of Charleston County Property, designated as TMS No. 395-00-00-171 through 379-00-00-190 owned by Grand Palm Development, Inc. from Charleston County into Dorchester County.

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

The Resolution is as follows:

A RESOLUTION

APPROVING THE PROPOSED ANNEXATION OF 17.06 ARCES OF CHARLESTON COUNTY TMS NO. 379-00-00-065 AND TMS. NOS. 379-00-00-171 THROUGH 379-00-00-190 OWNED BY GRAND PALM DEVELOPMENT, INC., FROM CHARLESTON COUNTY INTO DORCHESTER COUNTY.

WHEREAS 100% of the property owners of the following listed property have indicated a desire that a certain 17.06 acre parcel of land, comprising of the following Charleston County TMS Nos.: 379-00-00-065 (15.39 acres) acres; 379-00-00-171 (.15 acres); 379-00-00-172 (.09 acres); 379-00-00-173 (.12 acres); 379-00-00-174 (.04 acres); 379-00-00-175 (.06 acres); 379-00-00-176 (.06 acres); 379-00-00-177 (.06 acres); 379-00-00-178 (.16 acres); 379-00-00-179 (.11 acres); 379-00-00-180 (.06 acres); 379-00-00-181 (.06 acres); 379-00-00-182 (.06 acres); 379-00-00-183 (.09 acres); 379-00-00-184 (.1 acres); 379-00-00-185 (.06 acres); 379-00-00-186 (.06 acres); 379-00-00-187 (.07 acres); 379-00-00-188 (.06 acres); 379-00-00-189 (.14

acres); and 379-00-00-190 (.06 acres) be annexed by the County of Dorchester, South Carolina; and

WHEREAS, the County of Dorchester has acknowledged it would accept the property by annexation; and

WHEREAS, the parcel is surrounded on three (3) sides by Dorchester County and bordered on the other sides by Charleston County wetlands and privately owned property and further the parcel is located within the town limits of Summerville, South Carolina; thus access to the parcel can be made through Dorchester County property; and

WHEREAS, should the parcel be developed, it would be advantageous, due to the parcel's location and limited access, to the future landowners to have access to Dorchester County schools, emergency medical systems, and law enforcement authorities alleviating the necessity of Charleston County school buses, ambulances, and law enforcement vehicles to travel into and through a portion of Dorchester County and then into Charleston County to provide services to the landowners there; and,

WHEREAS, Council believes that the annexation would not be harmful to the health, safety and welfare of the citizens of Charleston County;

NOW, THEREFORE, BE IT RESOLVED, in Council assembled, that the Charleston County Council approves the proposed annexation of 17.06 acres with Charleston County TMS No. 379-00-00-065 and TMS Nos. 379-00-00-171 through 379-00-00-190, from Charleston County into Dorchester County and, further, desires to work together with Dorchester County to effect such annexation.

CHARLESTON COUNTY COUNCIL

**Detention Center
Tele-
communications
Award of
Contract**

A report was read from the Finance Committee under date of June 11, 2009 that That it considered the information furnished by Allen O'Neal, County Administrator, and Procurement Director Steve Taylor, regarding the need to award a contract for Information Technology, Radio and Telecommunications Infrastructure for the Detention Center Expansion. It was stated that in December 2008, a request for proposals with a mandatory 14% SBE requirement and a 20% DBE goal was issued to procure the material and labor necessary to install an Information Technology, Radio and Telecommunication Infrastructure for the Detention Center Expansion and that sealed proposals were received in February 2009. It was shown that an evaluation committee individually evaluated and scored the proposals and that Integral Solutions Group was the highest ranked firm. It was also shown that after the evaluations were complete, the Director of Radio and Telecommunications noted that during the process, he had identified additional work that needed to be addressed by this contract since the vertical size of the jail expansion building caused radio interference in the existing jail's housing units and a system would need to be put in place to ensure the same level of radio coverage would be available to staff working in both the existing facility and the

expansion. It was additionally shown that rather than issue a change order after the contract award, the Procurement Director advised that the additional scope should be provided to all Offerors with the opportunity to provide a best and final offer. It was finally shown that based on the revised project plan and price, the evaluation committee continued to recommend Integral Solutions Group of Charleston, SC.

Committee recommended that Council authorize the County to enter into a contract with Integral Solutions Group to provide the IT and Communications infrastructure for the Detention Center Expansion in the amount of \$1,621,489, with the understanding that the funds are available in the 2007 General Obligation Bond Capital Projects Fund, and that the contact will be reviewed and approved by the County Attorney.

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

**Inmate Health
Care
Request to
Approve**

The Chairman stated that a matter has come up since Council's Finance Committee of June 11, 2009 that needed action by Council. He added that since this item was not on Council's agenda for this evening, it would require unanimous consent of Council to bring this matter before the Body. He said the issue concerned Inmate Medical Health Services at the Charleston County Detention Center.

Mr. McKeown moved to allow the matter to be considered, seconded by Ms. Condon.

The motion was approved unanimously.

Council considered the information furnished by Chief Deputy Mitch Lucas, the questions, answers and concerns of Council Members, and the information solicited from the County Attorney regarding contractual matters.

Ms. Condon moved that Council authorize its Staff to negotiate and, if negotiations proved successful, sign a non-competitive procurement contract with Charleston County Occupational Health (CCOH) a local vendor, for six months, with the understanding that CCOH will provide virtually the same level of services that Prison Health Services (PHS) provides under their current contract which expires on June 30, 2009.

This motion was seconded by Mr. McKeown, and carried.

**Public
Forum**

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

Mrs. Louise Maybank, Chairman of the Greenbelt Advisory Board stated that Council should refer items back to the Greenbelt Board for further study if no recommendation is made. Council Members stated that projects should not be sent to Council for action by the Greenbelt Advisory Board until they have studied the matter thoroughly and are ready to make a recommendation.

Mrs. Carmen Rivers of Belvedere Road, John Island thanked Council for upholding the Comprehensive Plan, but stated that there needs to be changes to the process,

which is much too long.

Dan Martin, Administrator for the Town of Awendaw expressed his pleasure that the majority of Council saw fit to authorize the purchase of the Jefferson Tract. He added that he personally felt that the Awendaw Area received no support from their District representative.

Mayor Alston also thanked Council for their positive vote on the purchase of the Jefferson Tract.

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

Mr. Thurmond said that people are not perfect, and that "self interest" often comes into the picture. He added that he welcomes inquires.

Mr. Rawls thanked Cathy Ruff, Director of the Greenbelt Programs for all her hard work on these projects. He said that he felt it would be difficult to reach the easement goal of 40,000 acres.

Mr. Darby said that he admires Council Member Dickie Schweers and appreciates all he has done. He said that Mr. Schweers is thorough in his studies, always votes his convictions and the Citizens East of the Cooper are lucky to have his representation.

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

Beverly T. Craven
Clerk of Council

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