

October 10, 2017
Charleston, SC

A meeting of Charleston County Council was held on the 10th day of October, 2017, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, North Charleston, South Carolina.

Present at the meeting were the following members of Council: A. Victor Rawl, Chairman, who presided, Henry Darby, Anna Johnson, Brantley Moody, Teddie Pryor, Joe Qualey, Herbert R. Sass, III, and Dickie Schweers. Mr. Summey was absent.

County Administrator Jennifer Miller and County Administrator Joe Dawson were also present.

Mr. Moody gave the invocation and Mr. Sass led the pledge to the flag.

Chairman Rawl asked for those in attendance to observe a moment of silence in memory of the lives lost in the recent Las Vegas tragedy.

The Clerk reported that in compliance with the Freedom of Information Act, notice of meetings and agendas were furnished to the news media and persons requesting notification.

Mr. Qualey moved approval of the minutes of September 26, 2017, seconded by Mr. Moody, and carried.

The Chairman announced that the next item was recognitions and resolutions.

Mr. Pryor moved approval of recognitions and resolutions, seconded by Ms. Johnson, and carried.

A resolution proclaiming October 2017 as Community Planning Month in Charleston County was presented to Zoning and Planning Director Joel Evans, members of his staff, Planning Commission Chairman Eric Meyer and other members of the Planning Commission in attendance by Chairman Rawl.

The resolution is as follows:

A RESOLUTION

OF CHARLESTON COUNTY COUNCIL

WHEREAS, change is constant and affects all of Charleston County and the Tri-County Region; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of Charleston County; and

WHEREAS, we recognize the many valuable contributions made by professional community and regional planners of Charleston County and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED, that Charleston County Council does hereby designate the month of October 2017 as

Community Planning Month

in Charleston County in conjunction with the celebration of National Community Planning Month.

CHARLESTON COUNTY COUNCIL
A. Victor Rawl, Chairman
October 10, 2017

A resolution honoring Planning Commissioner David Kent on his recent recognition as the 2017 South Carolina Realtor of the Year was presented to Mr. Kent by Councilmember Sass. The resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

Honoring the 2017 South Carolina REALTOR® of the Year, David Kent

WHEREAS, from time to time **Charleston County Council** has the privilege of recognizing individuals in this community who exemplify commitment, determination, dedication, and excellence; **and**,

WHEREAS, David Kent a member of the South Carolina REALTOR® (SCR) and Broker in Charge of The Real Buyer’s Agent was named the association’s 2017 REALTOR® of the Year at its annual conference and expo at the Hyatt Regency in Greenville, September 1, 2017. The REALTOR® of the Year award is designed to honor and recognize a Realtor® member who has contributed most to the advancement of the real estate profession and community; **and,**

WHEREAS, David Kent has served on many local, state and national Realtor® committees and boards and held positions such as president of SCR in 2016, president of the Charleston Trident Association of Realtors® (CTAR) in 2005, president of the Charleston Trident MLS in 2008, Region 1 vice president, REALTORS® Education Foundation director and was CTAR’s REALTOR® of the Year in 2008; **and,**

WHEREAS, David Kent is currently serving as a National Association of REALTORS® (NAR) director, completed SCR’s esteemed leadership program, LeadershipSCR in 2005 and is a 2010 graduate of NAR’s Leadership Academy; **and,**

WHEREAS, David Kent is active in his community having served on the Mt. Pleasant Rotary Club and the Charleston County Planning Commission. He was also named Honorary Commander of the 437th Mission Support Squadron.

NOW, THEREFORE BE IT RESOLVED THAT CHARLESTON COUNTY COUNCIL is proud to recognize **David Kent** for being named the 2017 South Carolina REALTOR® of the Year.

CHARLESTON COUNTY COUNCIL
A. Victor Rawl, Chairman
October 10, 2017

A resolution honoring Charleston County Register of Mesne Conveyance Charlie Lybrand on his pending retirement was presented to Mr. Lybrand by Councilmember Pryor. The resolution is as follows:

A RESOLUTION
OF CHARLESTON COUNTY COUNCIL
Honoring Charlie Lybrand on the Occasion of His Retirement
As Charleston County Register of Mesne Conveyance

WHEREAS, from time to time Charleston County Council has the privilege of recognizing an individual who exemplifies commitment, determination, and dedication to the citizens of Charleston County; and,

WHEREAS, Charlie Lybrand has exemplified such commitment through his 26 years of elected service to the citizens of Charleston County; and,

WHEREAS, Charlie Lybrand is the son of Erna and Jack Lybrand, born on August 13, 1946, in Miami, FL; and,

WHEREAS, Charlie Lybrand grew up in North Charleston where he graduated from

Chicora High School and The Citadel; and,

WHEREAS, Charlie Lybrand was elected to Charleston County Council in November 1990 and served on Council from 1991-1994 and as its Vice Chairman from 1992-1994; and,

WHEREAS, Charlie Lybrand was elected Charleston County Register of Mesne Conveyance in November 1994 and was re-elected to that office in five subsequent elections; and,

WHEREAS, as RMC, Charlie Lybrand has been at the forefront in pushing Charleston County into the digital age by advocating for the latest technology in order to make his office's services and records more easily accessible to Charleston County citizens; and,

WHEREAS, Lybrand has overseen the research and development of a plat imaging system, a deed and mortgage imaging system, a debit card system, a security camera system and the installation of a state-of-the-art fire suppressant system; and,

WHEREAS, Charlie Lybrand has been married to Phrona Lybrand for 49 years and they have two grown children, Whitney and Wesley, and two grandchildren, Ollie and Sarah Claire.

NOW, THEREFORE, BE IT RESOLVED, that **Charleston County Council** is proud to acknowledge the numerous contributions of Charlie Lybrand to Charleston County Government and to congratulate him on a career which has been distinguished by accomplishment and dedication to the citizens of Charleston County.

CHARLESTON COUNTY COUNCIL
A. Victor Rawl, Chairman
October 10, 2017

Human Resources Director Fagan Stackhouse made a presentation regarding the Emerging Leaders Program. The Emerging Leader Program is a two-year program, designed to grow and retain talent and to prepare individuals for future leadership opportunities in Charleston County. The first year is devoted to giving participants an in-depth understanding of the County's varied operations both internal and external and to develop effective and inspiring managers and leaders. Emphasis is on five core competencies: Understanding Local Government, Thought Leaders, Results-Driven Leaders, People Leaders and Personal Development. The second year moves out of the classroom and seeks to apply the ideas learned during the first year into practice under the guidance of senior staff and the participants' assigned coaches/mentors, who will work with participants to identify ways to improve any weaknesses identified from Year One and look for opportunities to continue building strengths.

Coaches:

Once selected, confirmed participants will be assigned a Coach who will meet with them on a regular basis throughout the two-year Program to monitor progress, ensure assignments and projects are being completed, assist with questions/concerns, and offer advice and encouragement. Coaching will be specialized to each individual and his/her preferred career path.

Committee:

In charge of developing curriculum, syllabus, evaluating participants and potential participants, and training.

Charleston County Council was pleased to recognize the first year graduates of the Emerging Leaders Program. This year's participants are:

ELP Graduates

- | | |
|--|--|
| Jon Apgar, The Charleston Center | Jared Hershberger, Emergency Medical Svc. |
| Cheryl Barrickman, Building Inspection Svc. | Arun Kanginakudru, Technology Services |
| Christopher Brokaw, Sheriff's Office | Leonard "Scott" Kirby, Auditor's Office |
| Sally Brooks, Zoning/Planning | Christine Martino-Lambert, Human Resources |
| Hans Brown, Sheriff's Office | Maggie Mohr, Library |
| Holly Chesser, Procurement | Naomi Morris, Sheriff's Office |
| Joe Coates, Emergency Management | AJ Nichols, Auditor's Office |
| Kip Cooke, Sheriff's Office | Peggy Potts, Administrator's Office |
| Hollen Dodds, Probate Court | Phil Sabatino, Facilities |
| Fletcher Ferguson, Sheriff's Office | LoElla Smalls, Budget |
| Terri Fife, Office of DCA-Community Services | Shawn Smetana, Public Information Office |
| William Gainey, Public Works | Edrian "Tra" Trakas, Revenue Collections |
| Andrew Grant, Sheriff's Office | Shiva "Sunshine" Trakas, Public Works |
| Kristin Graziano, Sheriff's Office | Rose Wigger, Assessor's Office |

ELP Coaches

- | | |
|---|------------------------------------|
| Eric Adams, Transportation Development | Rich Oliver, The Charleston Center |
| Reginald Davis, Emergency Medical Services | Frank Pandullo, Public Works |
| Christine DeStefano, DCA - General Services | Andrea Pietras, Zoning/Planning |
| Matthew Fountain, Public Works | Eric Watson, Sheriff's Office |
| Tami Fralick, Revenue Collections | Darrell Williams, Procurement |
| Jennifer Miller, County Administrator | |

ELP Committee

- | | |
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| Kelsey Barlow, Administrator's Office | Mina McCann, Human Resources |
| Christine DeStefano, DCA - General Services | Amanda Ramage, DCA – Transportation Development |
| Dominic DiSandro, Human Resources | Carolyn Russell, Human Resources |
| Terri Fife, Office of DCA - Community Services | Susan Steed, Human Resources |
| Patricia Garrison, Sheriff's Office | Fagan Stackhouse, Human Resources |
| Karen Green, Administrator's Office | Doug Wurster, DCA - Finance |
| Andrea Harris-Long, Zoning/Planning | |

At the conclusion of the recognitions, the Chairman disbanded the County Council meeting in order to hold public hearings regarding Parkers Ferry Zoning Overlay District, Charleston County General Obligation Bonds, Mercedes Benz Vans SSR Bonds, Mercedes Benz Vans Financial Incentives, and Isringhausen Financial Incentives, as well as to entertain public comments. Following the public hearings and public comments, the Chairman once again called the County Council meeting to order.

An ordinance rezoning a portion of the property located at 2704 Abbapoola Road was given third reading.

**AN ORDINANCE
REZONING A 2.694-ACRE PORTION OF THE REAL PROPERTY
LOCATED AT 2704 ABBAPOOLA ROAD, PARCEL IDENTIFICATION
NUMBER 275-00-00-032, FROM THE AGRICULTURAL/RESIDENTIAL
(AGR) ZONING DISTRICT TO THE AGRICULTURAL PRESERVATION
(AG-8) ZONING DISTRICT.**

WHEREAS, the property identified as parcel identification number 275-00-00-032 is currently zoned Agricultural/Residential (AGR) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of a 2.694-acre portion of the property, and a complete application for rezoning the portion of property was submitted to the Charleston County Zoning and Planning Department requesting, among other things, that the portion of property be rezoned to the Agricultural Preservation (AG-8) District, pursuant to Article 3.4 of the *Charleston County Zoning and Land Development Regulations* (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (County Council) approve the application for rezoning based on the procedures established in South Carolina law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least one public hearing and after close of the public hearing, County Council has determined the rezoning meets one or more of the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency; or
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

NOW, THEREFORE, be ordained it by the 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 PROPERTY

The 2.694-acre portion of property identified as parcel identification number 275-00-00-032 is hereby rezoned from the Agricultural Residential (AGR) Zoning District to the Agricultural Preservation (AG-8) Zoning 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 following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 10th day of October, 2017.

CHARLESTON COUNTY COUNCIL

By: _____

A. Victor Rawl

Chairman of Charleston County Council

ATTEST:

By: _____

Kristen L. Salisbury
Clerk of Charleston County Council

First Reading: September 12, 2017

Second Reading: September 26, 2017

Third Reading: October 10, 2017

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

| | |
|----------|----------|
| Darby | - aye |
| Johnson | - aye |
| Moody | - aye |
| Pryor | - aye |
| Qualey | - aye |
| Sass | - aye |
| Schweers | - aye |
| Summey | - absent |
| Rawl | - aye |

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

The Chairman announced that the next item on the agenda was third reading of an ordinance approving financial incentives for Mercedes Benz Vans, LLC.

Before third reading of the ordinance, Mr. Darby stated that he needed to recuse himself from the next two items citing a potential conflict of interest due to investments Mercedes Benz Vans had made at North Charleston High School, where he serves as principal and provided the Clerk of Council with a statement of conflict of interest.

Mr. Pryor stated that he had always been supportive of Mercedes and their expansion, but he was torn on tonight's vote because he believed Mercedes needed to step up to the plate regarding community investment and involvement and become true partners in the community.

Ms. Johnson stated that she also had concerns and about Mercedes' community involvement. She also implored the Mercedes representatives to consider the residents who live in the rural areas and bring information regarding training and job opportunities to those areas. She stated that she hoped Mercedes would find a way to start their employees at \$15/hour in the near future.

An ordinance approving financial incentives for Mercedes Benz Vans, LLC, was given third reading by title only.

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT AND RESTATEMENT OF THAT CERTAIN FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT DATED AS OF MAY 19, 2015 BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND MERCEDES-BENZ VANS, LLC (F/K/A DAIMLER VANS MANUFACTURING, LLC); AND (2) OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 4, Chapter 12 of the Code (the "Streamlined FILOT Act"); Title 12, Chapter 44 of the Code (the "Negotiated FILOT Act"); and Title 4, Chapter 1 of the Code (the "Multi-County Park Act", or as to Section 4-1-175 thereof, and, by incorporation, Section 4-29-68 of the Code, the "Special Source Act") (collectively, the "Act") and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to accept certain fee in lieu of ad valorem tax ("FILOT") payments with respect to a project, including, without limitation, negotiated FILOT payments; (iii) to permit investors to claim special source credits against their FILOT payments ("Special Source Credits") to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise in order to

enhance the economic development of the County (“Infrastructure Improvements”) or, in the alternative, to issue special source revenue bonds (“Special Source Revenue Bonds”), payable solely from special source revenues consisting of FILOT payments derived from a project or projects, to pay for such Infrastructure Improvements; and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park (“Multi-County Park”) in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits or the issuance of Special Source Revenue Bonds; and

WHEREAS, pursuant to the Negotiated FILOT Act and Ordinance No. 1852 enacted by the County Council on May 19, 2015, the County and Mercedes-Benz Vans, LLC (f/k/a Daimler Vans Manufacturing, LLC), a limited liability company organized and existing under the State of Delaware, (the “Company”) previously entered into that certain Fee in Lieu of Tax and Incentive Agreement dated as of May 19, 2015 (the “Original Fee Agreement”) pursuant to which, among other things, the Company agreed to make, and the County agreed to accept, Negotiated FILOT Payments (as defined in the Original Fee Agreement) with respect to certain manufacturing and related facilities to be acquired or constructed by the Company within the County (as defined more fully in the Original Fee Agreement, the “Project”); and

WHEREAS, pursuant to Section 3.02 of the Original Fee Agreement, the County agreed to issue Special Source Revenue Bonds and/or to allow the Company to claim Special Source Credits to provide funding for Infrastructure Improvements constituting a portion of the Project, subject to the requirements of the Special Source Act; and

WHEREAS, the Company now anticipates investing approximately \$495,000,000 in taxable property as part of the Project (as defined more fully in the Restated Fee Agreement referenced below, the “Base Investment”), which is substantially more than originally anticipated and which will permit an increase in the amount of Special Source Revenue Bonds pertaining to such Base Investment (the “Base Investment Special Source Revenue Bonds”) over that anticipated at the time of the Original Fee Agreement; and

WHEREAS, in consideration of such additional Base Investment and to ease the burdens on the Company stemming from higher than anticipated construction costs, the County has agreed to amend the provisions of the Original Fee Agreement, including particularly the provisions pertaining to the Special Source Revenue Bonds and Special Source Credits as they apply to the Base Investment, all in accordance with the First Amended and Restated Fee In Lieu of Tax and Incentive Agreement (the “Restated Fee Agreement”) presented at this meeting; and

WHEREAS, pursuant to the Restated Fee Agreement, the Company affirms its commitment to make minimum FILOT Payments with respect to the Base Investment annually in amounts sufficient to pay: 1) debt service the Base Investment Special Source Revenue Bonds; 2) certain fixed amounts due to any partner county or counties pursuant to the applicable Multi-County Park agreement; 3) certain fixed deposits to the County’s Economic Development Fund; and 4) certain fixed amounts to be distributed to the taxing entities having jurisdiction over the Project (collectively, the “Base Investment Minimum FILOT Payments”);

WHEREAS, the Base Investment Minimum FILOT Payments include amounts to be deposited into the County's Economic Development Fund and amounts to be distributed to the taxing entities which, in the aggregate, are sufficient to provide the County over the anticipated term of the Negotiated FILOT arrangement with the same aggregate amounts anticipated for such purposes at the time of the Original Fee Agreement; and

WHEREAS, in connection with the issuance of any Base Investment Special Source Revenue Bonds, the County and the Company will enter into a Supplemental Fee Agreement (the "Supplemental Fee Agreement") substantially in the form attached to the Restated Fee Agreement, to incorporate the final pricing of such bonds and fix the final amount of the Base Investment Minimum FILOT Payments and the amount to be distributed to the Company from bond proceeds (as defined in greater detail in the Restated Fee Agreement, the "Distributable Bond Proceeds"); and

WHEREAS, Daimler North America Corporation, a Delaware corporation which is a member of the same corporate group as the Company, (the "Guarantor") has agreed, in the event the County issues its Base Investment Special Source Revenue Bonds, to execute a Guaranty Agreement substantially in the form attached to the Restated Fee Agreement, pursuant to which it will guaranty to the County payment of amounts equal to that portion of the annual Base Investment Minimum FILOT Payments attributable to any such Base Investment Special Source Revenue Bonds or, in lieu of or in replacement of such Guaranty Agreement, to provide or to coordinate with the Company for the provision of Alternative Security (as described in the Restated Fee Agreement); and

WHEREAS, in connection with any Alternative Security consisting of the deposit of cash or Government Obligations (as defined in the Restated Fee Agreement), the County and the Company and/or the Guarantor, as the case may be, will enter into an Escrow Deposit Agreement substantially in the form attached to the Restated Fee Agreement (the "Escrow Agreement"); and

WHEREAS, in connection with any Alternative Security consisting of a letter of credit, the Company or the Guarantor shall deliver to the County a Letter of Credit substantially in the form attached to the Restated Fee Agreement (the "Letter of Credit"); and

WHEREAS, it appears that the Restated Fee Agreement, the Supplemental Fee Agreement, the Guaranty, the Escrow Agreement and the Letter of Credit (collectively, except for the Restated Fee Agreement, the "Ancillary Documents") now before this meeting are in appropriate form and are appropriate instruments to be executed and delivered by the County for the purposes intended.

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

Section 1. Based upon information provided to the County by the Company, the County hereby ratifies and affirms the findings and determinations previously made with respect to Project pursuant to Section 1 of Ordinance No. 1852 enacted by the County Council on May 19, 2015 and, additionally, finds and determines that the increase in investment in the Project by the Company as described in the recitals hereto

does not change the findings and determinations heretofore made pursuant to said Ordinance No. 1852.

Section 2. The form, provisions, terms, and conditions of the Restated Fee Agreement presented to this meeting and filed with the Clerk to Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Restated Fee Agreement were set out in this Ordinance in their entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute the Restated Fee Agreement in the name and on behalf of the County; the Clerk to Council is hereby authorized, empowered and directed to attest the same; and the County Administrator is further authorized, empowered, and directed to deliver the Restated Fee Agreement to the Company. The Restated Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the official or officials of the County executing the same, upon the advice of legal counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the forms of the Restated Fee Agreement now before this meeting.

Section 3. The form, provisions, terms, and conditions of the Ancillary Documents presented to this meeting and filed with the Clerk to Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if such Ancillary Documents were set out in this Ordinance in their entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute the Ancillary Documents to be executed by the County in accordance with the provisions of the Restated Fee Agreement in the name and on behalf of the County; the Clerk to Council is hereby authorized, empowered and directed to attest the same; and the County Administrator is further authorized, empowered, and directed to deliver the Ancillary Documents so executed by the County to the Company and/or the Guarantor in accordance with the provisions of the Restated Fee Agreement. The Ancillary Documents are to be in substantially the forms now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the official or officials of the County executing the same, upon the advice of legal counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the forms of the Ancillary Documents now before this meeting.

Section 4. The Chairman of the Council and the County Administrator are hereby authorized to approve the final sizing and pricing of any Base Investment Special Source Revenue Bonds and the final amount of any Distributable Bond Proceeds and, based upon such final pricing, the final schedules of Base Investment Minimum FILOT Payments and Guaranteed Obligations to be incorporated into the Ancillary Documents. The Chairman of the Council, the County Administrator, the Executive Director of Economic Development for the County and the Clerk to Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effectuate the performance of all obligations of the County under and pursuant to the Restated Fee Agreement and the Ancillary Documents; including,

without limitation, execution and delivery of the certifications, estimates, approvals, draw requests, documents and instruments described in the Restated Fee Agreement and the Ancillary Documents.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phases, and provisions hereunder.

Section 6. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its passage and approval.

Section 7. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Enacted and approved, in meeting duly assembled, this 10^h day of October, 2017.

CHARLESTON COUNTY, SOUTH CAROLINA
By: _____
A. Victor Rawl, Chairman
Charleston County, South Carolina

ATTEST:
By: _____
Kristen Salisbury, Clerk to County Council,
Charleston County, South Carolina

First Reading: August 17, 2017
Second Reading: September 19, 2017
Public Hearing: October 10, 2017
Third Reading: October 10, 2017

Exhibit A

First Amended and restated fee in lieu of tax and incentive Agreement

The Chairman called for a roll call vote on third reading of the proposed ordinance. The roll was called and votes recorded as follows:

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|----------|----------|
| Darby | - recuse |
| Johnson | - aye |
| Moody | - aye |
| Pryor | - aye |
| Qualey | - aye |
| Sass | - aye |
| Schweers | - aye |
| Summey | - absent |
| Rawl | - aye |

The vote being seven (7) ayes, one (1) recusal, and one (1) absent, the Chairman declared the ordinance to have received third reading approval.

An ordinance approving Special Source Revenue Bonds for Mercedes Benz Vans, LLC, was given third reading by title only.

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$38,000,000 CHARLESTON COUNTY, SOUTH CAROLINA, TAXABLE SPECIAL SOURCE REVENUE BONDS; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY FROM CERTAIN REVENUES DERIVED FROM THE PAYMENT OF FEES IN LIEU OF TAXES FROM A DESIGNATED MULTI-COUNTY PARK LOCATED IN CHARLESTON COUNTY AND PLEDGING CERTAIN REVENUES OF SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS; AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID BONDS, INCLUDING A SECOND SUPPLEMENTAL TRUST INDENTURE AND CERTAIN OTHER MATTERS RELATING THERETO.

WHEREAS, the County Council of Charleston County, South Carolina (the "Council"), the governing body of Charleston County, South Carolina (the "County"), is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 and Section 4-29-68 of the Code of Laws of South Carolina 1976, as amended (the "Act"), to provide for the issuance of special source revenue bonds by the County payable solely from revenues derived from payments in lieu of taxes ("FILOT Payments") pursuant to Section 13 of Article VIII of the South Carolina Constitution for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding (i) the infrastructure serving Charleston County or any project, (ii) for improved or unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing or commercial enterprise, (iii) aircraft which qualifies as a project pursuant to Section 12-44-30(16) of the Code of Laws of South Carolina 1976, as amended, or (iv) such other purposes as may be permitted, from time to time, by the Act, which property is determined by the Council to enhance economic development of Charleston County (each, an "SSRB Project"); and

WHEREAS, the County heretofore created a multicounty park (the "Multi-County Park") pursuant to the Agreement for Development for a Joint County Industrial Park, effective as of September 1, 1995 (the "Multi-County Park Agreement"), between the County and Colleton County, South Carolina, in accordance with Section 13 of Article VIII of the South Carolina Constitution pursuant to which the property owners located in the Multi-County Park pay FILOT Payments with respect to such properties; and

WHEREAS, the County expects to issue and sell from time to time special source revenue bonds (the "Bonds"), in one or more series as provided herein, secured by and payable solely from the Pledged FILOT Payments (as defined in the below) for the payment of the costs of designing, acquiring, constructing, and improving SSRB Projects, including the payment of capitalised interest on the Bonds and BANs (as defined below) authorized hereby, for the funding of any necessary reserve or other funds, and for the payment of costs of issuance with respect to the Bonds and BANs, all as set forth herein and permitted by the Act; and

WHEREAS, in order to induce Mercedes-Benz Vans, LLC (“Mercedes”), to expand its manufacturing operations in Charleston County by acquiring, constructing, and installing a manufacturing facility for the Sprinter Vans and related vehicles (and related activities), directly or through related companies (the “Project”), resulting in a significant expansion of its operations in Charleston County by investing an additional not less than \$495,000,000 and creating an additional not less than 1,300 new jobs in Charleston County, the Council approved a First Amended and Restated Fee-in-lieu of Tax and Incentive Agreement (the “FILOT Agreement”) and determined to fund the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving Charleston County and improved or unimproved real estate used in the operation of a manufacturing enterprise, or such other purposes as may be permitted from time to time, by the Act, all of which will constitute “infrastructure” within the meaning of the Act; and

WHEREAS, the Council determined that the Project is for the benefit of the economic welfare and improvement of the people who are residents of Charleston County and for the benefit of the economic welfare and economic improvement of Charleston County and its citizens; and

WHEREAS, the Council determined that it is in the best interest of the citizens of Charleston County to issue taxable special source revenue bonds to pay a portion of the costs of the Project, such taxable special source revenue bonds (the “Series 2017 Bonds”) to be payable from FILOT Payments received by the County from Mercedes pursuant to the FILOT Agreement and further from the FILOT Revenues received under the Multi-County Park Agreement (the “Pledged FILOT Payments”); and

WHEREAS, pending the issuance of Series 2017 Bonds, the County is authorized to issue bond anticipation notes (the “BANs”) in accordance with the procedures set forth in Section 4-29-68(A)(10) and Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended (collectively, the “Note Act”); and

WHEREAS, the Council has hereby determined that the estimated amount necessary to finance that portion of the cost of the Project to be defrayed by the County and reserves and expenses incidental thereto requires that the Series 2017 Bonds be issued in the aggregate principal amount of not to exceed \$38,000,000; and

WHEREAS, the Series 2017 Bonds be (i) limited obligations of the County, payable from the Pledged FILOT Payments; Daimler North America Corporation will guarantee to the County payment by Mercedes of portions of the annual FILOT Payments in amounts attributable to debt service on the Series 2017 Bonds or provide the County with Alternative Security (as provided in the FILOT Agreement) for such purpose; and (ii) will be secured on parity with the pledge of the Pledged FILOT Payments securing the County’s outstanding Special Source Revenue Bonds, Series 2013, issued pursuant to the terms of the Indenture of Trust (the “Indenture”) between the County and Wells Fargo Bank, National Association (the “Trustee”); and

WHEREAS, the Council hereby determine to issue the Series 2017 Bonds in accordance with the terms set forth in the Indenture and in a Second Supplemental Trust Indenture (the “Second Supplemental Trust Indenture”) to be entered into by the County and the Trustee;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Charleston County, South Carolina, as follows:

Section 1. Authority to Issue Series 2017 Bonds. (a) Pursuant to the authority of the Act, there shall be issued (subject to the provisions of Section 2 hereof) Taxable Special Source Revenue Bonds of the County in one or more series having a series designation corresponding to the calendar year in which they are issued, in the aggregate principal amount of not to exceed Thirty-Eight Million Dollars (\$38,000,000.00) in order (a) to provide funds to pay a portion of the costs of the design acquisition, and construction of the Project, including such real property components of and improvements to the Project as may have already been acquired, constructed, or completed, (b) to pay capitalized interest on the Series 2017 Bonds (for a period of not to extend beyond the date that is three years from the date of issuance of the Series 2017 Bonds), (c) to pay costs of issuance of the Series 2017 Bonds (including the provision of credit enhancement for the Series 2017 Bonds), (d) all other expenses, premiums, commissions, and expenses which are necessary or advantageous in connection with the authorization, sale, and issuance of the Series 2017 Bonds, and (e) to fund or satisfy any necessary reserve fund requirements with respect to the Series 2017 Bonds.

(b) The Series 2017 Bonds shall be dated the date of their initial issuance and shall be issued as fully registered bonds. Principal of, redemption premium, if any, and interest on the Series 2017 Bonds shall be payable upon the terms, at the places, and on the dates and at the rates set forth in the Indenture and the Second Supplemental Indenture.

(c) The Council hereby delegate to the Chairman of the Council, upon the advice of the County's financial advisor and bond counsel, the authority to approve the terms of the Series 2017 Bonds subject to the following parameters:

- (i) The true interest cost on the Series 2017 Bonds may not exceed 4.25% per annum.
- (ii) The principal amount of the Series 2017 Bonds may not exceed \$38,000,000.
- (iii) The final maturity of the Series 2017 Bonds may not be later than December 1, 2038.

The parameters set forth above may be modified prior to the issuance of the Series 2017 Bonds by resolution duly adopted by the Council.

(d) The Series 2017 Bonds and the assignment provisions pertaining thereto shall be in substantially the form set forth in the Second Supplemental Indenture, with such necessary or appropriate variations, omissions, and insertions as are incidental to the series, numbers, denominations, maturities, interest rate or rates, redemption provisions, the purpose of issuance, and other details thereof or as are otherwise permitted or required by law or by the Indenture and the Second Supplemental Indenture.

(e) The Series 2017 Bonds shall be subject to optional or mandatory redemption prior to maturity, upon the terms and conditions as set forth in the Second Supplemental Indenture.

Section 2. Sale of Series 2017 Bonds. (a) The Series 2017 Bonds shall be sold at a negotiated sale to Wells Fargo Bank, National Association (the "Underwriter"), upon the advice of the County's financial advisor, upon terms and conditions as set forth in this Ordinance and as is determined to be most advantageous.

(b) The Chairman of the Council is hereby authorized and directed to execute and deliver the Series 2017 Bonds to the Underwriter in accordance with the terms of the bond purchase agreement or agreements to be entered into with the Underwriter (collectively, the "Purchase Contract"), as approved by the Chairman; provided however, that the Series 2017 Bonds shall not be sold at a price of less than 99% of the par amount thereof unless otherwise approved by resolution adopted by the Council.

(c) The Council hereby agree to and authorize the entering into by the County of the Purchase Contract with the Underwriter for the purchase of the Series 2017 Bonds, which shall include terms which are fair and reasonable and in the best interest of the County in the discretion of the Chairman upon the advice of bond counsel; and that the Series 2017 Bonds shall be sold to the Underwriter upon the terms and conditions set forth in the Purchase Contract and upon the basis of the representations therein set forth. The Council hereby authorize and direct the Chairman to execute the Purchase Contract, in such form as he shall approve upon the advice of bond counsel, and deliver it to the Underwriter.

Section 3. Series 2017 Bonds are Limited Obligations of the County. The Series 2017 Bonds shall be limited obligations of the County payable by the County solely from, and secured by a pledge of, the FILOT Payments as provided in the Indenture and the Second Supplemental Indenture. The Series 2017 Bonds are not secured by, or in any way entitled to, a pledge of the full faith, credit, or taxing power of the County. The Series 2017 Bonds do not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation but are payable solely from a special source that does not include revenues from any tax or license. The Series 2017 Bonds shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Such limitations shall be plainly stated on the face of the Series 2017 Bonds.

Section 4. Budgetary Appropriation. In adopting the budget for each Fiscal Year, the Council shall follow its established practice of appropriating debt service payments on the Series 2017 Bonds for such Fiscal Year to be paid from the receipt of FILOT Payments during such Fiscal Year. If, during the course of that Fiscal Year, the County does not receive or anticipate to receive Pledged FILOT Payments sufficient to satisfy the requirements to pay debt service on the Series 2017 Bonds in such Fiscal Year, the County Administrator shall request and the Council shall, subject to the provisions of the following sentence, make provision through a budgetary directive to apply other available moneys to satisfy the appropriation for the payment of debt service on the Series 2017 Bonds, with such moneys being deemed Revenues within the meaning of the Indenture. Notwithstanding the preceding sentence, in adopting its general operating budget or supplemental budget, the Council may, in its sole discretion,

determine (a “Determination of Nonappropriation”) not to make the budgetary appropriations described in the preceding sentence, and such Determination of Nonappropriation shall not constitute an Event of Default under the Indenture, nor shall the County have any obligation to make such payment.

Section 5. Execution of Series 2017 Bonds. The Series 2017 Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chairman of the Council and shall be attested by the manual or facsimile signature of the Clerk to the Council and shall have the seal of the County impressed or imprinted thereon. In case the officers whose signature shall appear on the Series 2017 Bonds shall cease to be such officers before the delivery of the Series 2017 Bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until delivery.

Section 6. Approval of Second Supplemental Indenture. The form of the Second Supplemental Indenture, as submitted to the meeting at which this Ordinance received third reading and made a part of this Ordinance as though set forth in full herein, has been approved by the Council pursuant to this Ordinance. The Chairman of the Council is hereby authorized and directed to execute and deliver the Second Supplemental Indenture with such changes, insertions, and omissions as do not impose liability upon the County and as may be approved by the Chairman, with the advice of counsel, said execution being conclusive evidence of such approval; and the Clerk of the Council is hereby authorized and directed to affix the corporate seal of the County to the Second Supplemental Indenture and to attest the same.

Section 7. Approval of Other Documents, Certificates, Etc. (a) The Chairman of the Council and the Clerk of the Council, the County Administrator, and any other proper officer of the County, be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

(b) The Council hereby authorize the preparation of a Preliminary Official Statement and Official Statement of the County relating to each series of the Series 2017 Bonds and the distribution thereof in connection with the sale of the Series 2017 Bonds, and hereby delegate to the Chairman the power to deem it final within the meaning of S.E.C. Rule 15(c)(2)-12; the Chairman is hereby authorized and directed to execute copies of the Official Statement and deliver them to the Underwriter, which execution and delivery shall be conclusive evidence of the approval of any modifications thereto; and the Council hereby authorize the use of the Official Statement and the information contained therein in connection with the public offering and sale of the Series 2017 Bonds by the Underwriter.

Section 8. Approval of Findings Made in Petition. The Council hereby reaffirms and ratifies each of the findings of fact made by the County in the Petition submitted to the State Fiscal Accountability Authority with respect to the Series 2017 Bonds. The Council further find, determine, and declare that:

- (a) The Project to be financed in part with the Series 2017 Bonds will constitute infrastructure that enhances the economic development of Charleston County and will subserve the purposes of the Act;
- (b) The Project, and each component thereof, is anticipated to benefit the general public welfare of Charleston County by providing services, employment, and other public benefits not otherwise provided locally;
- (c) By inducing MBV to make the investment in the Project, it is expected to result in 1,300 additional full-time jobs and a capital investment of \$495,000,000 in Charleston County;
- (d) Neither the Project, the Series 2017 Bonds, nor any documents or agreements entered into by the County in connection therewith, will constitute or give rise to a pecuniary liability of the County or a charge against the general credit or taxing power of the County;
- (e) Adequate provision will be made in the Indenture for the payment of principal of and interest on the Series 2017 Bonds and any necessary reserves therefor and for the operation, repair, and maintenance of the Project, including all proper insurance with respect thereto from funds pledged or made available therefor;
- (f) There is a need for the Project in the area in which it is to be located in Charleston County; and
- (g) The public facilities, including utilities and public services necessary for the Project, will be made available.
- (h) The Pledged FILOT Payments are in an amount sufficient for the payment of principal and interest on the Series 2017 Bonds.
- (i) The Bond Ordinance, the Indenture, and the Second Supplemental Indenture contain no provisions imposing an indebtedness on the County within the meaning of any State constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.
- (j) The Bond Ordinance, the Indenture, and the Second Supplemental Indenture contain provisions whereby the Pledged FILOT Payments are pledged and assigned to the Trustee for the benefit of the holders of the Series 2017 Bonds.
- (k) The Bond Ordinance, the Indenture, and the Second Supplemental Indenture contain covenants providing for payments in amounts (a) sufficient to pay principal and interest on the Series 2017 Bonds, (b) to build up and maintain any reserves deemed by the Council to be advisable, and (c) to pay the costs of maintenance and insurance for the Project, all from funds of the County that are available for these purposes.

Section 9. 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, the Indenture, the Second Supplemental Indenture, or the Series 2017

Bonds against any member of the Council, or any officer or employee, in his or her individual capacity, past, present, or future, of the County, 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, the Indenture, the Second Supplemental Indenture, and the Series 2017 Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member of the Council, or any officer or employee, past, present, or future, of the County, either directly or by reason of any of the obligations, covenants, promises, or agreements entered into between the County and the Trustee or the bondholders 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 Series 2017 Bonds, and as a condition of, and as a part of the consideration for, the enactment of this Ordinance and the execution of the Series 2017 Bonds, expressly waived and released. The immunity of members of the Council and any officers and employees of the County under the provisions contained in this Section 12 shall survive the termination of this Ordinance.

Section 10. Authority to Issue Bond Anticipation BANs.

- (a) Statutory Authorisation of BANs. The County is authorized and empowered by the provisions of the Note Act to borrow on a temporary basis pursuant to the provisions thereof in anticipation of the receipt of the proceeds of the Series 2017 Bonds.
- (b) Issuance of BANs. Pursuant to the Note Act, the County may borrow not to exceed \$38,000,000 in anticipation of the issuance of the Series 2017 Bonds to be evidenced by bond anticipation notes in the aggregate principal amount of not to exceed \$38,000,000 to be designated "Special Source Revenue Bond Anticipation Notes" and maturing on a date selected by the County Administrator not later than one year after the date of issuance of the BANs.
- (c) Form of BANs. The BANs shall be in substantially the form attached to the Second Supplemental Indenture, with any necessary changes or appropriate variations, omissions, and insertions as are incidental to the series, numbers, denominations, and registration and transfer provisions as are otherwise permitted or required by law or the Second Supplemental Indenture.
- (d) Interest Rate on BANs. The BANs shall bear interest at the rate of interest as approved by the County Administrator.
- (e) Redemption of BANs. The BANs may be subject to redemption on the terms and at the prices as approved by the County Administrator prior to their issuance and delivery.
- (f) Security for the BANs. For the payment of principal of, premium, if any, and interest on the BANs, there shall be pledged under the Indenture the proceeds to be derived from the sale of the Series 2017 Bonds. The proceeds of the Series 2017 Bonds, when received by the County, shall be applied first to the payment of principal of and interest on the BANs. As additional security for the payment of interest on the

BANs, there shall be pledged under the Indenture, the Trust Estate, on a parity with the pledge of the Trust Estate securing the payment of principal and interest on the Series 2017 Bonds. As additional security for the payment of principal of the BANs, when due, there shall be pledged under the Indenture, the Trust Estate, on a junior and subordinate basis to the pledge thereof securing the payment of principal and interest on the Series 2017 Bonds and to the pledge thereof securing the payment of interest on the BANs.

(g) Disposition of Note Proceeds. Proceeds from the sale of the BANs shall be applied as provided in the Second Supplemental Indenture.

Section 11. Governing Law. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 12. Provisions of Ordinance of Separable. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 13. Repeal of Conflicting Ordinance, etc.: Effective Date. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its approval following third reading.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
Chairman of County Council
Charleston County, South Carolina

ATTEST:

By: _____
Clerk to County Council
Charleston County, South Carolina

First Reading: August 17, 2017
Second Reading: September 19, 2017
Public Hearing: October 10, 2017
Third Reading: October 10, 2017

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

| | |
|----------|----------|
| Darby | - recuse |
| Johnson | - aye |
| Moody | - aye |
| Pryor | - aye |
| Qualey | - aye |
| Sass | - aye |
| Schweers | - aye |
| Summey | - absent |
| Rawl | - aye |

The vote being seven (7) ayes, one (1) recusal, and one (1) absent, the Chairman declared the ordinance to have received third reading approval.

An ordinance authorizing financial incentives for Isringhausen, Inc., was given third reading by title only.

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CK CROSSPOINT V, LLC, ISRINGHAUSEN, INC. (THE "COMPANIES") AND CHARLESTON COUNTY, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAX AGREEMENT WITH THE COMPANIES AND PROVIDING FOR PAYMENT BY THE COMPANIES OF CERTAIN FEES-IN-LIEU OF *AD VALOREM* TAXES; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the "County") desires to enter into a Fee-in-Lieu of Tax Agreement with CK Crosspoint V, LLC, a North Carolina limited liability company (the "Sponsor"), and Isringhausen, Inc., a Delaware corporation (the "Sponsor Affiliate" and collectively with Sponsor, the "Companies") (such agreement, the "FILOT Agreement"), as the Companies have expressed their intent to the County to each make a capital investment in Charleston County (i.e., the project);

WHEREAS, as a result of the Companies' desire to undergo the project, the Companies have asked the County to enter into a FILOT Agreement by and among the Companies and the County, in order to encompass the terms of the project;

WHEREAS, the County, acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to designate real and tangible personal property as "economic development property" and to enter into an arrangement which provides for payments-in-lieu of taxes ("Negotiated FILOT Payments") for a project qualifying under the FILOT Act;

WHEREAS, the County, acting by and through the County Council, is further authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the "the MCIP Act") to provide for payments-in-lieu of taxes ("FILOT Payments") with respect to property located in a multi-county business or industrial park created under the MCIP Act; and to create, in conjunction with one or more other counties, a multi-county park in order to afford certain enhanced tax credits to such investors;

WHEREAS, the Companies propose to develop a facility in Charleston County by acquiring, constructing, equipping and furnishing machinery, equipment and other real and personal property (the "Negotiated FILOT Project") which each Company have represented will likely consist of a capital investment of at least Nine Million Dollars (\$9,000,000.00) by the Sponsor and Two Million Five Hundred Thousand Dollars (\$2,500,000.00) by the Sponsor Affiliate, creating approximately 136 new full-time jobs;

WHEREAS, the Negotiated FILOT Project is located entirely within Charleston County and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein;

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing each of the Companies to invest their funds to acquire and equip the Negotiated FILOT Project (the "Incentives"); and

WHEREAS, it is in the public interest, for the public benefit and in furtherance of the public purposes of the FILOT Act and the MCIP Act that the County Council provide approval for qualifying the Negotiated FILOT Project under the FILOT Act and the entire Negotiated FILOT Project under the MCIP Act for the Incentives;

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. Evaluation of the Negotiated FILOT Project. County Council has evaluated the Negotiated FILOT Project on the following criteria based upon the advice and assistance of the South Carolina Revenue and Fiscal Affairs Office and the South Carolina Department of Revenue:

- (a) whether the purposes to be accomplished by the Negotiated FILOT Project are proper governmental and public purposes;
 - (b) the anticipated dollar amount and nature of the investment to be made;
- and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Companies, County Council's investigation of the Negotiated FILOT Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Revenue and Fiscal Affairs Office and the South Carolina Department of Revenue, as required, County Council hereby find that:

- (a) the Negotiated FILOT Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Negotiated FILOT Project will serve the purposes of the FILOT Act;
- (c) the investment by the Companies in the Negotiated FILOT Project is anticipated to be at least Nine Million Dollars (\$9,000,000.00) by the Sponsor and Two Million Five Hundred Thousand Dollars (\$2,500,000.00) by the Sponsor Affiliate, in each case within five (5) years from the end of the property tax year in which the initial portion of the Negotiated FILOT Project is placed in service under the FILOT Agreement (as defined herein), and creating approximately 136 new full-time jobs;
- (d) the Negotiated FILOT Project will be located entirely within the County;

(e) the Negotiated FILOT Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise adequately provided locally;

(f) the Negotiated FILOT Project will not give rise to a pecuniary liability of the County or any municipality nor a charge against its general credit or taxing power of the County or any municipality;

(g) the purposes to be accomplished by the Negotiated FILOT Project are proper governmental and public purposes;

(h) the inducement of the location of the Negotiated FILOT Project is of paramount importance; and

(i) the benefits of the Negotiated FILOT Project to the public are greater than the costs to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Negotiated FILOT Project is designated as “economic development property” under the FILOT Act and there is hereby authorized a fee-in-lieu of taxes arrangement with the Companies, which will provide Negotiated FILOT Payments to be made with respect to each Company’s portion of the Negotiated FILOT Project based upon a 6% assessment ratio and a millage rate which shall be fixed for the full term of the FILOT Agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the FILOT Agreement is executed, or (2) the June 30 of the year in which the FILOT Agreement is executed, for a term of twenty (20) years, all as more fully set forth in FILOT Agreement by and among the County and the Companies.

Section 4. Execution of the FILOT Agreement. The form, terms and provisions of the FILOT Agreement presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chair of the County Council and the Clerk of the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Companies. The FILOT Agreement is to be in substantially the form now before this meeting and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement now before this meeting.

Section 5. Miscellaneous.

(a) The Chair of County Council and all other appropriate officials of the County are hereby authorized to execute, deliver and receive any other agreements and

documents as may be required by the County in order to carry out, give effect to and consummate the transactions authorized by this Ordinance;

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina;

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council;

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder; and

(e) All ordinances, resolutions and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
A. Victor Rawl, Chair of County Council

ATTEST:

Kristen L. Salisbury, Clerk to County Council

First Reading: July 18, 2017
Second Reading: August 17, 2017
Public Hearing: October 10, 2017
Third Reading: October 10, 2017

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

| | |
|----------|----------|
| Darby | - aye |
| Johnson | - aye |
| Moody | - aye |
| Pryor | - aye |
| Qualey | - aye |
| Sass | - aye |
| Schweers | - aye |
| Summey | - absent |
| Rawl | - aye |

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

An ordinance approving the issuance and sale of General Obligation Bonds of Charleston County was given second reading by title only.

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$249,750,000 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.

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

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

| | |
|----------|----------|
| Darby | - aye |
| Johnson | - aye |
| Moody | - aye |
| Pryor | - aye |
| Qualey | - aye |
| Sass | - aye |
| Schweers | - aye |
| Summey | - absent |
| Rawl | - aye |

The vote being eight (8) ayes and one (1) absent, the Chairman declared the ordinance to have received second reading approval.

A report was provided by the Planning/Public Works Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer J. Miller and Zoning and Planning Director Joel Evans regarding the Frattone Property Planned Development. It was stated that the applicant is requesting that the property be rezoned from Planned Development (PD-72, Rashford Property) Zoning District to Planned Development (PD-158, Frattone Property) Zoning District to expand the list of allowed uses to those consistent with the Rural Commercial zoning district.

Committee recommended that Council authorize staff to meet with the applicant and community in order to gain consensus on the list of allowable uses for the proposed planned development and send the case back to the Planning Commission to consider any potential changes to the planned development with the understanding that, if needed, this item will be scheduled on the Planning Commission agenda as soon as possible and return to Planning/Public Works Committee within 60 days or as soon as possible.

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Moody, and carried.

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

Mr. Pryor moved approval of the Consent Agenda. Ms. Johnson seconded the motion. Mr. Schweers requested that the items be voted on one at a time.

Item A)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Procurement Barrett Tolbert regarding the need to award a contract for the Lee Building and Annex selective roof replacement and repairs. It was stated that bids were received from qualified vendors for the Lee Building and Annex Selective Roof Replacement and Repairs. This project consists of removing existing roofing and associated items of Roof Area D down to the structural decking and installing a new roof system in accordance with the plans and specifications.

Sealed bids were received in accordance with the terms and conditions of Invitation for Bid No. 5199-18R. The mandatory Small Business Enterprise (SBE) requirements for the solicitation was 12.2%.

| Bidder | Bid Price Lump Sum | SBE Percentage | DBE Percentage |
|--|---------------------|----------------|----------------|
| Keating Roofing and Sheet Metal Co. Inc. Charleston, South Carolina 29422 Principal: Kristen Molony | \$115,265.00 | 100% | 100% |
| *Associates Roofing and Construction Inc. Murrells Inlet, South Carolina 29576 Principal: Calvin Mason | \$210,000.00 | 0% | 100% |

*Contractor is deemed Non-responsive for not meeting SBE requirements.

Committee recommended that Council authorize award of bid for Lee Building and Annex selective roof replacement and repairs to Keating Roofing and Sheet Metal Co., Inc., the lowest responsive and responsible bidder, in the amount of \$115,265.00.

The Chairman called for a vote on Item A, which passed unanimously.

Item B)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Economic Development Steve Dykes in regards to the SC Coordinating Council set-aside grant for Mahle Behr. It was stated that at its September 7th meeting, the S.C. Coordinating Council for Economic Development approved a \$250,000 Set-Aside Grant for Charleston County designed to be passed thru and utilized by 'Project Polar Bear' (automotive supplier Mahle) to be used toward building construction. The Economic Development Department administers Set-Aside grants, and will provide reimbursement to Mahle for pre-approved expense items upon receipt of proper documentation in the normal fashion.

Committee recommended that Council authorize the formal acceptance of a \$250,000 Set-Aside grant from the S.C. Coordinating Council for utilization by Mahle in offsetting project development costs with the understanding that the grant will be administered by the Economic Development Department on a reimbursable basis.

The Chairman called for a vote on Item B, which passed unanimously.

Item C)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Environmental Management Andrew Quigley in regards to a change order for Machinex Tech Incorporated. It was stated that in April, County Council approved a contract with Machinex Tech Incorporated in the amount of \$7,854,787.45 to design, install, and equip the Materials Recovery Facility (MRF). The company will provide equipment to sort recyclables at a rate of 25 tons per hour, or 200 tons per eight-hour shift.

One of the items required for the MRF is a mechanism to access the equipment. Initially this system was to be provided by the design builder. This work was not provided in the guaranteed maximum price. Therefore, this work needs to be accomplished by Machinex Tech Incorporated.

Machinex Tech Incorporated will design and install a trolley system to access the equipment for maintenance. The system will be located above the processing equipment. It will be part of the processing equipment instead of being suspended from the roof by the design builder. It will have the capability of lifting and removing parts for maintenance and repair.

The cost of the change order is \$71,227.17. No additional funding is required for this change order.

Committee recommended that Council authorize approval of change order for Machinex Tech Incorporated to design, and install the trolley system to access the equipment for maintenance at the (MRF) in the amount of \$71,227.17 with the understanding that funds are available in the Environmental Management Budget.

The Chairman called for a vote on Item C, which passed. Mr. Qualey voted nay.

Item D)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Procurement Barrett Tolbert regarding the need to award a contract for the CTC 2016 Road Resurfacing Plan "C" Funds. It was stated that the Charleston County Transportation Committee (CTC) 2016 Resurfacing Plan "C" project consists of some work on James Island, but primarily in the West Ashley area. The work includes, but is not limited to, traffic control, milling, surface preparation, asphalt resurfacing, striping and associated appurtenances for selected local paved roadways within the boundaries of Charleston County. The approximate total project length is 15 miles.

Bids were received from the following Contractors in accordance with the terms and conditions of Invitation for Bid No. 5180-17C. State "C" Fund regulations do not allow Small Business Enterprise (SBE) or local preference options.

| Bidder | Total Bid Price | DBE Percentage |
|--|-----------------------|----------------|
| Sanders Brothers Construction Company, Inc. North Charleston, South Carolina 29406 Principal: Chris Davis | \$3,698,821.40 | 6.70% |
| Banks Construction Company North Charleston, South Carolina 29415 Principal: Jafar Moghadam | \$4,270,097.25 | 10.01% |

Committee recommended that Council, as agent for the Charleston County Transportation Committee, authorize award of contract for the CTC 2016 Resurfacing Plan "C" project to Sanders Brothers Construction Company, Inc., the lowest responsive and responsible bidder, in the amount of \$3,698,821.40 with the understanding that funds are available in the State "C" Fund for road improvements.

The Chairman called for a vote on Item D, which passed unanimously.

Item E)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Procurement Barrett Tolbert regarding the need to award a contract for the CTC Park West Boulevard Sidewalk Project. It was stated that the Charleston County Transportation Committee (CTC) Park West Boulevard Sidewalk project consist of constructing approximately 1300 LF of asphalt sidewalk along Park West Boulevard from Stockdale Street to Recreation Complex Drive. The work includes construction of two concrete ADA ramps.

Bids were received from the following Contractors in accordance with the terms and conditions of Invitation for Bid No. 5188-17C. State "C" Fund regulations do not allow Small Business Enterprise (SBE) or local preference options.

| Bidder | Total Bid Price | DBE Percentage |
|---|---------------------|----------------|
| Truluck Roadway Services, Inc. Charleston, South Carolina 29407 Principal: Chris Truluck | \$124,821.00 | 5.75% |
| Sea Island Land Developments, LLC Charleston, South Carolina 29407 Principal: Joshua Crow | \$151,114.40 | 7.31% |
| AOS Specialty Contractors, Inc. Lexington, South Carolina 29073 Principal: Dianne Rushing | \$154,944.00 | 100% |
| Blutide Marine Construction Charleston, South Carolina 29407 Principal: Karl Rakes | \$168,662.32 | 0% |

| | | |
|---|--------------|------|
| IPW Construction Group, LLC Charleston, South Carolina 29423 Principal: Cyrus Sinor | \$199,683.00 | 100% |
| Landscape Pavers, LLC Charleston, South Carolina 29417 Principal: Joyce Schirmer | \$220,658.00 | 100% |

Committee recommended that Council, as agent for the Charleston County Transportation Committee, authorize award of contract for the CTC Park West Boulevard Sidewalk project to Truluck Roadway Services, Inc., the lowest responsive and responsible bidder, in the amount of \$124,821.00 with the understanding that funds are available in the State "C" Fund for road improvements.

The Chairman called for a vote on Item E, which passed unanimously.

Item F)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Planning and Zoning Joel Evans in regards to the revised Folly Road Improvement Complete Streets Application. It was stated that Charleston County Council adopted the Rethink Folly Road Plan and entered into a multi-jurisdictional Memorandum of Understanding (MOU) with the City of Charleston, Town of James Island and City of Folly Beach on February 17, 2016. In accordance with the MOU, a Rethink Folly Road Steering Committee was formed with representation from each of the aforementioned jurisdictions. At the September 14, 2017, Rethink Folly Road Steering Committee meeting, committee members voted to recommend revising the Town of James Island's Folly Road Improvements Complete Streets application currently submitted to the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) for consideration. The revision would include an expansion of the project scope and the corresponding increase in the required matching funds being sourced from the Town of James Island, Charleston County, and tentatively the City of Charleston.

Currently, Charleston County has included a sidewalk infill project on Folly Road as one of four requested James Island Improvement projects included within the 2016 Transportation Sales Tax referendum. This project is exclusive of the project referenced in the current Complete Streets Application. The adopted Rethink Folly Road Plan recommends a multi-use path as opposed to sidewalk-only improvements on Folly Road, and the scope of the revised Folly Road Complete Streets Application would be consistent with this recommendation.

Committee recommended that Council:

- approve the submission of the revised Folly Road Improvements Complete Streets Application.
- authorize the Chairman to sign a letter addressed to the Executive Director of the BCDCOG expressing support for the revised Folly Road Improvements Complete Streets Application.
- approve the reallocation of funding currently designated for the Folly Road Sidewalk Infill project to support, in part, the 20% matching fund

requirements, with a maximum match amount of \$1.75 million from the County's Second Transportation Sales Tax as part of this grant application to BCDCOG for the revised Folly Road Improvements Complete Streets Application.

The Chairman called for a vote on Item F, which passed unanimously.

Item G)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Zoning and Planning Joel Evans in regards to a requested waiver of fee for grand tree zoning variance application by Sharon Ancrum of 3124 Bonanza Road, Charleston, SC. It was stated that Ms. Ancrum is requesting a waiver of fees in the amount of \$250 to file a Zoning Variance application to remove a 119.5" Diameter Breast Height (DBH) Live Oak Grand tree in her back yard. The fee is used to offset the administrative costs associated with processing the zoning variance application.

The existing house was constructed in 1966. The property was deeded to Ms. Ancrum on August 17, 2007. In the fall of 2007, Ms. Ancrum called Planning Staff and arranged a site visit to look at three (3) trees on her property. A site visit was conducted by Staff on October 19, 2007. Please see the attached photographs and aerial maps. Staff approved the removal of two (2) of the trees on the property that were not "*Grand*" but could not approve the removal of the 119.5" DBH Live Oak tree because it appeared healthy and was not, "*diseased, dead or dying*" or posing, "*an imminent safety hazard to nearby buildings, or pedestrian or vehicular traffic,*" pursuant to the ***Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) Chapter 9 Development Standards, Article 9.4 Tree Protection and Preservation, §9.4.5 Tree Removal.*** Staff recommended Ms. Ancrum get a second opinion from an Arborist or from a contractor. She stated that her contractor would not certify that the tree is causing damage to the building or is a danger to the building. Therefore, removal of the 119.5" Grand Live Oak tree requires a variance from the Board of Zoning Appeals (BZA).

Two additional tree inspections were conducted by the Planning Department's Arborist at Ms. Ancrum's request on October 3 and December 8, 2016. Staff requested Ms. Ancrum apply for the variance or provide documentation from an Arborist or contractor that the tree poses a safety hazard. She was not able to obtain the documentation and is considering applying for the tree removal variance to the BZA.

Committee recommended that Council approve the requested waiver of fees for Ms. Sharon Ancrum in the amount of \$250 to file a Zoning Variance application to remove a 119.5" Diameter Breast Height (DBH) Live Oak Grand tree from the backyard of the property located at 3124 Bonanza Road.

The Chairman called for a vote on Item G and was unable to determine if the motion to approve the committee recommendation was approved or disapproved. The Chairman called for a roll call vote on the motion. The roll was called and votes recorded as follows:

| | |
|----------|----------|
| Darby | - aye |
| Johnson | - aye |
| Moody | - nay |
| Pryor | - aye |
| Qualey | - nay |
| Sass | - aye |
| Schweers | - nay |
| Summey | - absent |
| Rawl | - aye |

The vote being five (5) ayes, three (3) nays, and one (1) absent, the Chairman declared the motion to have passed.

Item H)

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Transportation Development Steve Thigpen in regards to a TIGER Grant application being submitted by the City of Charleston for the Ashley River Bridge Bike/Ped Improvement Project. It was stated that County Council directed staff to coordinate with the City of Charleston, SCDOT and Charleston Moves to try to find a solution for the development of a pedestrian and bike lane on the James Island Connector in lieu of the Ashley River Bridge Bike/Ped lane conversion.

On September 15, 2017, Transportation Development staff met with staff members from the City of Charleston Planning and Transportation Departments and Charleston Moves along with engineers from HDR, Inc and Stantec Consulting. While working for the City of Charleston, Stantec and City staff coordinated with SCDOT concerning pedestrian access on the James Island Connector and determined it would require physical barriers between the auto lanes and the path which would take away the breakdown lanes on the bridge. SCDOT is not willing to forego the breakdown lanes for a bike and pedestrian path. Additionally, the James Island Connector utilizes high speed exit and entrance ramps which further complicates the matter. Therefore, it was concluded that the only option for bike and pedestrian access on the James Island Connector would be to construct a cantilevered path along the outside of the bridge barriers. Upon that conclusion, we discussed other options to provide access across the Ashley River for bikes and pedestrians that would connect to the West Ashley Greenway and not require the use of an auto travel lane or a full rehabilitation of the Legare Bridge.

The City of Charleston has requested that Charleston County support the City's pursuit of a TIGER Grant to design and construct the preferred alternative, which is a standalone path and movable span bridge adjacent to the Legare Bridge outside SCDOT Right-of-Way. The grant application requires the City to provide details and a cost estimate for the project so that it can be considered for the grant. If the City is awarded a grant, the project would require the evaluation of alternatives to determine the most desirable option to move forward and at that time, County Council would have opportunities to provide additional comment. The City requested that Charleston County support the project through a letter of support and commit to provide a portion of the local match for the project application.

Committee recommended that Council:

- Authorize staff to provide a letter of support for the City of Charleston's TIGER Grant application.
- Provide financial commitment to match the City of Charleston's contribution to the project in an amount not to exceed \$3 million with funds to come from Transportation Sales Tax funds and with the understanding that, if the City is awarded the TIGER Grant, the funds will be paid as bills come in for construction costs only and that at no time will the County's contribution exceed twice the City of Charleston's contribution.

Mr. Sass stated, for the record, "I think all of us want to get across the river. We want to get the bike lane, or not the bike lane, excuse me, some sort of bike access across the Ashley River. I'm concerned about building a stand-alone bridge. You've got the Coast Guard to get approval from. I think we need to look hard at attaching this to the connector. It's about the same amount of money, but it would be high, it'll be a nice view from it, and I think that the thing we're not thinking about is sometime in the future, we hope soon, we'll be working on getting a new bridge across the Ashley River to replace the two old bridges. When that happens, another little bridge that's attached or right next to the existing bridge will probably go, be torn down. I'm going to vote for it, but I just want to go on record stating that I think we really need to look hard at attaching it to the connector instead of a stand-alone bridge. Thank you."

Ms. Johnson asked what the timeline was for the Ashley River Bridge to be replaced.

Deputy Administrator for Transportation Development and Public Works Jim Armstrong stated that the bridge replacement was not in the 10-year plan for the SCDOT.

Chairman Rawl read the motion aloud.

Mr. Schweers stated that he thought this agreement was a good one moving forward and that he believed the City of Charleston was the most appropriate entity to make application for the TIGER grant since it is the most local government to the project.

Mr. Moody stated that he was pleased with this plan and wished it had been brought to light much sooner than it had been. He also stated that if the grant is awarded, there needed to be actual money coming from Charleston Moves, not a pledge drive and not anticipated donations.

The Chairman called for a vote on the motion to approve Item H, which passed unanimously.

The previous item was the last item on the Consent Agenda.

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Economic Development Steve Dykes in regards to Holy City Brewing, LLC Financial Incentives. It was stated that in 2017, the Economic Development Director held discussions with executives from Holy City Brewing, LLC, in which plans for moving and expanding their beer brewing operation were outlined. Founded in 2011, locally-owned

Holy City Brewing, LLC is in the process of closing on a greenfield site in North Charleston onto which they plan to re-locate and expand. They currently lease 6,000 square feet of space at their Dorchester Rd. location, but plan to acquire an existing 20,000 square foot building at the new location.

The company will invest approximately \$7.7 million on the expansion to upgrade their brewing capacity from 6,000 to 30,000 barrels per year and to add a tap room. This expansion will help Holy City meet a greater South Carolina demand as well as enabling expansion into the Charlotte and Atlanta markets. Holy City will augment their current staff of 26 by adding 30 new employees (average annual wage of \$45,171) with an added annual payroll of \$1,355,120 (raising their overall annual payroll to \$2,184,000). This will include managerial, technical and clerical positions, as well as skilled craftsmen, operators, and laborers.

Over the next twenty years, annual property tax revenues to the various taxing entities from the Holy City expansion should approximate \$1,548,344, with approximately \$279,914 of that figure coming due to Charleston County.

To support this company expansion effort by Holy City Brewing, LLC, the Economic Development Director committed to use of fee-in-lieu-of-taxes (FILOT). The FILOT package features: 6% assessment rate, with millage fixed at the current rate of 269.8 over the 20-year term.

Committee recommended that Council approve and give first reading to an ordinance authorizing the execution and delivery of fee-in-lieu-of-taxes (FILOT) incentives to facilitate the \$7.7 million, 30-person re-location and expansion of their North Charleston operation by Holy City Brewing, LLC. The FILOT package features: 6% assessment rate, with millage fixed at the current rate of 269.8 over the 20-year term.

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Moody, and carried. Mr. Qualey voted against the motion.

An ordinance authorizing financial incentives for Holy City Brewing, LLC, was given first reading by title only.

AN ORDINANCE

AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY, PARAGON PARK LLC, AND HOLY CITY BREWING, LLC, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PARAGON PARK LLC AND HOLY CITY BREWING, LLC; PROVIDING FOR PAYMENT BY PARAGON PARK LLC AND HOLY CITY BREWING, LLC OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

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

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Economic Development Steve Dykes in regards to Ingredion Inc. Financial

Incentives. It was stated that in 2017, the Economic Development Director held discussions with executives from Ingredion, Inc. in which plans for expanding their starches manufacturing operation were outlined. Ingredion is a Fortune 500 industry leader with a number of U.S. and international locations, and according to the company: “they turn grains, fruits and vegetables into the compounds that make yogurts creamy, candy sweet, crackers crispy, and paper strong.”

Ingredion is a triple bottom line company and strives to be a neighbor of choice and an employer of choice. As its guiding values, Ingredion emphasizes health and safety, social accountability, environmental conservation, operational excellence, sustainable sourcing, community engagement, and governance integrity and trust.

The company will invest approximately \$16.25 million on the expansion to expand and heighten the spray dryer building, to replace a boiler in the manufacturing building, and to add new machinery & equipment in both facilities. Ingredion is a highly automated operation and its current staff of 23 employees produces 22 million pounds of starches per year. This product is railed by Norfolk Southern to the Port of Charleston for export around the world. The expansion will add five employees (for total staff of 28) and enable the plant output to nearly double to about 40 million pounds per year. Annual payroll will increase by \$218,400 with the addition of five employees (average annual wage of \$43,680).

Over the next twenty years, annual property tax revenues to the various taxing entities from the Ingredion expansion should approximate \$1,567,902, with approximately \$283,450 of that figure coming due to Charleston County.

To support this company expansion effort by Ingredion, Inc., the Economic Development Director committed to use of fee-in-lieu-of-taxes (FILOT). The FILOT package features: 6% assessment rate, with millage fixed at the current rate of 269.8 over the 20-year term.

Committee recommended that Council approve and give first reading to an ordinance authorizing the execution and delivery of fee-in-lieu-of-taxes (FILOT) incentives to facilitate the \$16.25 million, 5-person re-location and expansion of their North Charleston operation by Ingredion, Inc. The FILOT package features: 6% assessment rate, with millage fixed at the current rate of 269.8 over the 20-year term.

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Sass, and carried. Mr. Qualey voted against the motion.

An ordinance authorizing financial incentives for Ingredion, Inc. was given first reading by title only.

**AN ORDINANCE
AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX
AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND INGREDION
INCORPORATED WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-
LIEU OF TAXES ARRANGEMENT WITH INGREDION INCORPORATED; PROVIDING
FOR PAYMENT BY INGREDION INCORPORATED OF CERTAIN FEES IN LIEU OF
AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.**

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

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Economic Development Steve Dykes in regards to the Multi-County Industrial Park Amendment to add new properties. It was stated that since 1995, Charleston County has utilized an economic development tool known as the "multi-county industrial park" (MCIP) designation to leverage a large percentage of the \$6 Billion in capital investment and more than 31,000 new jobs created within Charleston County boundaries in that timeframe. The MCIP agreement with partner Colleton County has been amended several times since 1995 with the most recent amendment occurring in 2016.

The MCIP incentive is financially significant to companies which declare a large share of their profits at their South Carolina based facility and are consequently subject to a substantial burden with regard to state corporate income taxes. The MCIP designation enables such companies to enhance the level of "job tax credits" (JTC) they claim from \$1,500 per net new employee to \$2,500 in each of the five years following their hiring. These credits can be used to offset up to one-half of state corporate income taxes during those years with unused credits being able to be carried forward and utilized for an additional fifteen years.

The MCIP amendment for 2017 adds 13 new properties representing 13 companies with recent relocations and expansions. All told, these companies represent an additional \$57.3 million in new capital investment and the creation of 911 new jobs within Charleston County.

Committee recommended that Council approve and give first reading to an ordinance amending Ordinance #972, adopted on September 19, 1995 (as previously amended) to add new properties, as reflected in the 2016 ordinance, to the Charleston-Colleton Multi-County Industrial Park (MCIP).

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Moody, and carried.

An ordinance amending the Multi-County Industrial Park Ordinance to add new properties in Charleston County was given first reading by title only.

AN ORDINANCE TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

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

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Economic Development Steve Dykes in regards to the Multi-County Industrial Park Amendment (TIFS). It was stated that since 1995, Charleston County has utilized an economic development tool known as the "multi-county industrial park" (MCIP) designation to leverage a large percentage of the \$6 Billion in capital investment and more than 31,000 new jobs created within Charleston County boundaries in that timeframe.

The MCIP incentive is financially significant to companies which declare a large share of their profits at their South Carolina based facility and are consequently subject to a substantial burden with regard to state corporate income taxes. The MCIP designation enables such companies to enhance the level of "job tax credits" (JTC) they claim from \$1,500 per net new employee to \$2,500 in each of the five years following their hiring. These credits can be used to offset up to one-half of state corporate income taxes during those years with unused credits being able to be carried forward and utilized for an additional fifteen years.

In 2016, Charleston and Colleton counties created a second "multi-county industrial park" (MCIP) with Ordinance # 1914 especially designed for companies locating or expanding within Tax Increment Finance (TIF) Districts. This new MCIP allows the companies located within the TIF to enjoy the tax benefits described above without affecting the real property-related revenues which must, by law, accrue to the TIF.

One TIF-related property is recommended for inclusion in this 2017 amendment to benefit the medical contract research organization NCGS, Inc. which recently announced plans to invest \$6.4 million and create 50 new jobs in downtown Charleston.

Committee recommended that Council approve and give first reading to an ordinance amending Ordinance #1914 adopted on September 20, 2016 to add new properties, as reflected in the 2017 ordinance, to the Charleston-Colleton Multi-County Industrial Park (MCIP) for TIF Properties.

Mr. Pryor moved approval of the committee recommendation, seconded by Ms. Johnson, and carried.

An ordinance amending the Multi-County Industrial Park Ordinance to include properties located in TIF districts in Charleston County was given first reading by title only.

AN ORDINANCE TO FURTHER AMEND THE AGREEMENT FOR THE ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK FOR PROPERTIES LOCATED IN A REDEVELOPMENT PROJECT AREA BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE MULTI-COUNTY INDUSTRIAL PARK.

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

A report was provided by the Finance Committee under date of October 5, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Executive Director of Board of Elections and Voter Registration Joe Debney in regards to the Town of McClellanville municipal election authority. It was stated that the Town of McClellanville recently adopted an ordinance providing for the transfer of additional authority for conducting its municipal elections to the Board of Elections and Voter Registration of Charleston County. The Town had previously transferred some authority to BEVR in 2006 and its most recent ordinance transfers all remaining authority of its Municipal Election Committee to the Board of Elections and Voter Registration.

Committee recommended that Council approve and give first reading to an ordinance accepting the transfer of certain authority to conduct municipal elections for the Town of McClellanville to the Board of Elections and Voter Registration of Charleston County.

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Sass, and carried.

An ordinance accepting the transfer of authority to conduct municipal elections for the Town of McClellanville to the Board of Elections and Voter Registration of Charleston County was given first reading by title only.

**AN ORDINANCE
APPROVING AND ACCEPTING THE COMPLETE TRANSFER OF AUTHORITY TO
CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF MCCLELLANVILLE TO
THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON
COUNTY, AND AMENDING ORDINANCE NUMBER 1437 OF CHARLESTON
COUNTY TO PROVIDE FOR THE SAME**

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

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

Mr. Pryor stated that despite the reports in the Post and Courier, the County remained committed to moving forward with the MRF at that location. He also reminded Councilmembers that information provided in executive session is privileged information and should not be disclosed to anyone, but if other Councilmembers were going to divulge the contents of executive sessions, he would prefer not to have executive session anymore.

Ms. Johnson thanked staff for their work on the Parkers Ferry Overlay District and stated that she hoped this Overlay District would be a template that could be used in other settlement areas in the county.

Mr. Sass thanked staff who participated in the Emerging Leaders program.

Mr. Moody stated that he appreciated Ms. Johnson's leadership on a number of issues facing her constituents in District 8. He also stated that the new Ashley River Bike Lane

project is a solid solution moving forward and he wished the City of Charleston luck on their TIGER grant application. He took exception with the Post and Courier article which stated that Charleston County Council was the only thing standing in the way of the Ashley River Bike Lane and indicated that the only thing standing in the way of the previous plan was its stupidity and the fact that the project was overwhelmingly rejected by West Ashley and island residents.

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

Kristen L. Salisbury
Clerk of Council