A meeting of Charleston County Council was held on the 26th day of September, 2017, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, Ill 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, Ill, Dickie Schweers and Elliott Summey.

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

Mr. Pryor gave the invocation and Mr. Schweers led the pledge to the flag.

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

Mr. Pryor moved approval of the Minutes of August 17, August 29, and September 19, 2017, seconded by Ms. Johnson, 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 September 2017 as Alcohol and Drug Addiction Recovery Month and September 20, 2017 as Addiction Professionals Day in Charleston County was presented to Charleston Center staff Caitlin Kratz, Program Administrator; Donna White, Program Administrator; and Renee Richardson, Administrative Assistant by Deputy Administrator Christine DuRant.

The resolution is as follows:

A RESOLUTION
OF CHARLESTON COUNTY COUNCIL

WHEREAS, mental and/or substance use disorders affect all communities nationwide, but with commitment and support, people with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery; and,

WHEREAS, by seeking help, people who experience mental and/or substance use disorders can embark on a new path toward improved health and overall wellness; and,

WHEREAS, the focus of National Recovery month this September is to celebrate their journey by spreading the message that behavioral health is essential to overall wellness, and that prevention works, treatment is effective, and people recover; and,
WHEREAS, mental and/or substance use disorders affect people of all ethnicities, ages, genders, geographic regions and socioeconomic levels; and,

WHEREAS, often individuals who experience a mental and/or substance use disorder feel isolated and alone; yet every year millions of Americans experience these conditions; and,

WHEREAS, we need to make more people feel like recovery is possible, and they need to know that help is available; and,

WHEREAS, these individuals can get better, both physically and emotionally, with the support of a welcoming community.

NOW THEREFORE, BE IT RESOLVED, that Charleston County Council, does hereby join in the observance of and proclamation of the month of September 2017 as ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Charleston County and encourage all citizens of Charleston county to recognize the achievement of those who seek to overcome the stigma and secure the benefits of substance abuse treatment and recovery.

ALSO

WHEREAS, addiction professionals are uniquely qualified, frontline health care professionals vital to the process of guiding patients with addictive disorders to recovery; and,

WHEREAS, these dedicated professionals are committed to increasing public knowledge of alcohol and drug dependency and to enhancing the care of individuals, families and communities through treatment, education and prevention programs; and,

WHEREAS, National Addiction Professionals Day recognizes and honors the work of addiction professionals while raising awareness about the effectiveness of alcohol and drug addiction treatment.

NOW THEREFORE, BE IT RESOLVED, that Charleston County Council, does hereby join in observance of and proclamation of September 20, 2017 as ADDICTION PROFESSIONALS DAY in Charleston County and encourages all citizens of Charleston County to recognize addiction professionals for their commitment to reducing chemical dependency among our residents.

CHARLESTON COUNTY COUNCIL
A. Victor Rawl, Chairman
September 26, 2017

Deputy Administrator Christine DuRant presented Charleston Center staff with plaques received for the 3-year reaccreditation by the Commission on Accreditation of Rehabilitation Facilities. She stated that the 3-year accreditation is the highest level of accreditation a rehabilitation facility can achieve and indicates that the organization satisfies each of the CARF Accreditation Conditions and demonstrates substantial conformance to the standards, the facility is designed and operated to benefit the
persons served, and the organization demonstrates quality improvement from any previous periods of CARF accreditation.

Mrs. DuRant also introduced a video highlighting the Telepsych project will be shown. Telepsych is a collaborative effort between Charleston Center, Charleston County EMS, and other agencies. Medical and Dispatch services have embarked on a cutting edge initiative to decrease unnecessary and inappropriate transports to the Emergency Room for Mental health and substance use related 911 calls. In partnership with Mental Health, law enforcement and local hospitals among others, citizen needs are being better met while efficiency and cost savings to tax payers and our community are being maximized by using services more appropriately.

Chairman Rawl thanked Deputy Administrator Christine DuRant for her presentations and congratulated the staff on their excellent work.

An ordinance approving zoning changes for the property located at 936 Main Road was given third reading.

**AN ORDINANCE**

**REZONING A 0.45-ACRE PORTION OF THE REAL PROPERTY LOCATED AT 936 MAIN ROAD, PARCEL IDENTIFICATION NUMBER 250-00-00-009, FROM THE AGRICULTURAL/RESIDENTIAL (AGR) ZONING DISTRICT TO THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.**

WHEREAS, the property identified as parcel identification number 250-00-00-009 is currently zoned Agricultural/Residential (AGR) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of a 0.45-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 Community Commercial (CC) 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 0.45-acre portion of property identified as parcel identification number 250-00-00-009 is hereby rezoned from the Agricultural Residential (AGR) Zoning District to the Community Commercial (CC) 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 26th day of September, 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: August 17, 2017
Second Reading: September 19, 2017
Third Reading: September 26, 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
The vote being nine (9) ayes, the Chairman declared the ordinance to have received third reading approval.

An ordinance approving zoning changes for the property located at 950 Main Road was given third reading.

AN ORDINANCE
REZONING THE REAL PROPERTY LOCATED AT 950 MAIN ROAD, PARCEL IDENTIFICATION NUMBER 250-00-00-134, FROM THE INDUSTRIAL (I) ZONING DISTRICT TO THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

WHEREAS, the property identified as parcel identification number 250-00-00-134 is currently zoned Industrial (I) District; and
WHEREAS, the current owner or agent thereof requests a rezoning of the property, and a complete application for rezoning the property was submitted to the Charleston County Zoning and Planning Department requesting, among other things, that the parcel be rezoned to the Community Commercial (CC) 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:
E. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;
F. 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;
G. The proposed amendment corrects a zoning map error or inconsistency; or
H. 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 property identified as parcel identification number 250-00-00-134 is hereby rezoned from the Industrial (I) Zoning District to the Community Commercial (CC) 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 26th day of September, 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: August 17, 2017
Second Reading: September 19, 2017
Third Reading: September 26, 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 - aye
Rawl - aye

The vote being nine (9) ayes, the Chairman declared the ordinance to have received third reading approval.
An ordinance authorizing financial incentives for Mission Solutions Group was given third reading.

**AN ORDINANCE**

PROVIDING FOR INFRASTRUCTURE OR SPECIAL SOURCE REVENUE CREDITS TO MISSION SOLUTIONS GROUP, INC.; AN INFRASTRUCTURE CREDIT AGREEMENT BETWEEN CHARLESTON COUNTY AND MISSION SOLUTIONS GROUP, INC.; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR DEVELOPMENT FOR A JOINT COUNTY INDUSTRIAL PARK WITH COLLETON COUNTY; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the “County”), acting by and through its County Council (the “County Council”), is authorised and empowered under and pursuant to the provisions of Title 4, Chapter 1 (the “MCIP Act”) of the Code of Laws of South Carolina 1976, as amended (the “Code”) to provide for payments in lieu of taxes (“PILOT Payments”) with respect to property located in a multi-county business or industrial park created under the MCIP Act and pursuant to Sections 12-44-70, 4-1-175, and 4-29-68 of the Code (the “SSRC Act”) to permit investors to claim infrastructure or special source revenue credits against their PILOT Payments to reimburse such investors for expenditures for infrastructure serving Charleston County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Charleston County (“Infrastructure Improvements”); 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 and facilitate the grant of infrastructure or special source revenue credits; and

WHEREAS, in order to promote the economic welfare of the citizens of the County and Colleton County (“the Partner County” and collectively with the County, the “Counties”) by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for Joint County Industrial Park effective as of September 1, 1995 (the “Original Agreement”), to develop jointly an industrial and business park (the “Park”), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with the MCIP Act; and

WHEREAS, the Original Agreement was initially approved by Charleston County Council Ordinance 972, adopted September 19, 1995; was further amended from time-to-time to add or remove property to the Park; and, in particular, was substantively amended by (i) that First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the “First Modification”), which First Modification was approved by Charleston County Council Ordinance 1475, enacted December 5, 2006; and by Colleton County Council Ordinance 06-O-20 enacted January 2, 2007; and (ii) the Second Modification to Agreement for Development of Joint Industrial Park, dated as of December 31, 2014 (the “Second Modification”), which Second Modification was approved by Charleston County Council Ordinance 1828, enacted on September 9, 2014, and by Colleton County Ordinance 14-O-13, enacted on December 11, 2014; and

WHEREAS, the Original Agreement, as amended, is referred to herein as the “MCIP Agreement,” and

WHEREAS, the MCIP Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and
WHEREAS, the Counties desire to amend the MCIP Agreement to include certain additional parcels in order to fulfill commitments made to companies which are considering expansion or location decisions; and

WHEREAS, Mission Solutions Group, Inc., a Delaware corporation (the “Company,”) proposes to acquire real property located in the City of North Charleston (the “Project Site”), construct thereon a building, and furnish and equip such facility into a facility for the manufacture of telecommunications equipment for the defense industry (the “Project”); and

WHEREAS, the Project when completed will represent an anticipated capital investment by the Company in the aggregate not less than $2,925,000, consisting of not less than $2,575,000 in real property acquisition and improvements and $350,000 in machinery and equipment to be located at the Project Site; and

WHEREAS, the County has been advised that within two years of the completion of the Project, the Project is anticipated to employ approximately 31 full-time employees; and

WHEREAS, the Project is located entirely within Charleston County and within the corporate limits of the City of North Charleston (the “Municipality”) and subject to the consent of the Municipality as required by the MCIP Act, will be included in and subject to the multi-county park arrangement as described herein; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire, construct, improve, and equip the Project (the “Incentives”); and

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

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

(a) the purposes to be accomplished by the 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 Company, County Council’s investigation of the Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, as necessary, County Council hereby find that:

(a) the Project will be located entirely within Charleston County and the Municipality;
(b) the Project is anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(c) the Project gives rise to neither a pecuniary liability of the County or the Municipality nor a charge against the general credit or taxing power of the County or the Municipality;

(d) the Infrastructure Improvements to be financed or reimbursed from the SSRCs (as defined below) consist of infrastructure serving Charleston County and improved or unimproved real estate and personal property, including machinery and equipment, used or to be used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of Charleston County; and

(e) the purposes to be accomplished by the Project are proper governmental and public purposes;

(f) the inducement of the location of the Project is of paramount importance; and

(g) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Special Source Revenue Credits. (a) The County will provide to the Company infrastructure or special source revenue credits (“SSRCs”) under the SSRC Act, on the conditions described below, as follows:

(i) Subject to the provisions of the Infrastructure Credit Agreement between the County and the Company (the “Infrastructure Credit Agreement”), the County shall provide to the Company an annual SSRC against the PILOT Payments attributable to the Project, equal to seventy percent (70%) of the PILOT Payments for five (5) years, beginning in the first property tax year in which the Project is placed in service and subject to PILOT Payments (expected to be calendar year 2017, payment for which is due on or about January 15, 2019) and continuing through the four (4) following property tax years; provided that the cumulative total of all SSRCs shall not exceed $150,000 over the five-year period for the SSRCs; and

(ii) The Company shall agree to invest at least $2,925,000, including the purchase price for the land, costs of construction of the building and improvements, and costs of machinery and equipment located therein, in the Project and to create at least thirty-one (31) new full-time jobs at the Project within two years of completion of the Project; all as more fully set forth in the Infrastructure Credit Agreement; provided, however, that such SSRCs shall not, in the aggregate, exceed the aggregate cost of the Infrastructure Improvements funded from time to time by the Company.

(b) The documents providing for the SSRCs shall include customary terms providing: (i) for the recovery by the County, on a pro rata basis, of certain moneys if certain thresholds are not achieved (a “clawback” provision); (ii) that the Company will pay the County’s administrative expenses associated with the approval and administration of the SSRCs; (iii) that under certain terms and conditions, the County will have access to certain information of the Company; and
(iv) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

Section 4. Execution of the Infrastructure Credit Agreement. The form, terms, and provisions of the Infrastructure Credit Agreement presented to the meeting at which this Ordinance received third reading 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 Infrastructure Credit Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorised and directed to execute and deliver the Infrastructure Credit Agreement in the name and on behalf of the County, and thereupon to cause the Infrastructure Credit Agreement to be delivered to the Company. The Infrastructure Credit Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by 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 Infrastructure Credit Agreement presented to said meeting.

Section 5. Allocation of MCP FILOT Revenues. (a) By separate ordinance (the “MCIP Ordinance”) of the County Council, the County, in cooperation with the Partner County and subject to the consent of the Municipality, will designate the site of the Project as a multi-county park pursuant to Article VIII, Section 13 of the Constitution of South Carolina, the MCIP Act, and the terms of the MCIP Agreement. In the Infrastructure Credit Agreement, the County will agree to maintain such designation for a term of at least 20 years to fund the SSRCs, subject to earlier termination as provided therein.

(b) Pursuant to the terms of the MCIP Act and the MCIP Agreement, the County hereby provides that for the term of the Infrastructure Credit Agreement, commencing with the first tax year in which the PILOT Payments are generated by the Project and payable to the County, PILOT Payments will be distributed in accordance with the terms of the MCIP Agreement as follows:

(i) After deducting any amounts distributed to the partner county in accordance with the MCIP Agreement, to the County an amount equal to the total SSRCs to be provided in such year pursuant to Section 3 hereof; and

(ii) After making the allocations under paragraph (i) of this subsection (b), the balance is to be distributed among the taxing districts in Charleston County in accordance with the applicable provisions of Section 9 of the MCIP Agreement.

Section 6. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorised 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 authorised 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.

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

CHARLESTON COUNTY, SOUTH CAROLINA

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

ATTEST:

________________________________
Clerk to County Council
Charleston County, South Carolina

First Reading: August 17, 2017
Second Reading: September 19, 2017
Public Hearing: September 26, 2017
Third Reading: September 26, 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 - nay
Sass - aye
Schweers - aye
Summey - aye
Rawl - aye

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

An ordinance authorizing financial incentives for Mahle Behr Charleston, Inc. was given third reading.

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND MAHLE BEHR CHARLESTON INC. (ALSO KNOWN TO THE COUNTY AS “PROJECT POLAR BEAR,”) WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH MAHLE BEHR CHARLESTON INC.; PROVIDING FOR
PAYMENT BY MAHLE BEHR CHARLESTON INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (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 payment in lieu of taxes ("Negotiated FILOT Payments") for a project qualifying under the FILOT Act; and

WHEREAS, the County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 1 of the Code (the "MCIP Act"), to provide for payments in lieu of taxes ("PILOT Payments") with respect to property situated or having a situs in a multi-county business or industrial park created under the MCIP Act, and to provide certain enhanced tax credits to such investors; and

WHEREAS, Mahle Behr Charleston, Inc., an industry known to the County as “Project Polar Bear” (the “Company”), intends to expand its automotive components manufacturing facility (the “Project”) located in the City of North Charleston, Charleston County (the “Project Site”); and

WHEREAS, the Project when completed will represent an anticipated “investment” (as defined in the FILOT Act) (the “Investment”) by the Company in the aggregate of not less than $36,051,000, of which $5,800,000 will be in real property improvements and $30,251,000 will be in new machinery and equipment to be located at the Project Site, in addition to the more than $60,000,000 capital investment made by the Company in its existing facility in Charleston County since 1993; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an additional approximately 115 full-time employees, in addition to the current 400 employees; and

WHEREAS, the County has previously authorized inclusion of the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Company to invest its funds to acquire the 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 that the County Council provide final approval for qualifying the Project under the FILOT Act for the Incentives;

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:
the purposes to be accomplished by the 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 Company, County Council’s investigation of the Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, as necessary, County Council hereby find that:

(a) the Project constitutes a “project” as that term is defined in the FILOT Act;

(b) the Project will serve the purposes of the FILOT Act;

(c) the Investment by the Company in the Project will be approximately $36,051,000, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will employ 115 full-time employees at the Project within two years of the completion of the Project;

(d) the Project will be located entirely within Charleston County and is anticipated to be located in the Park created pursuant to the MCIP Act;

(e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;

(f) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;

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

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

(i) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the 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 Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement is executed or (b) the cumulative property tax millage rate levied on behalf of all taxing
entities within which the Project is located on June 30 of the calendar year in which the FILOT Agreement is executed, such rate to be fixed for the entire 20-year term of the fee-in-lieu of taxes, all as more fully set forth in the FILOT Agreement.

Section 4. Multi-County Park Incentive. By separate ordinance of the County Council, the County, in cooperation with Colleton County, has designated the Project Site as a multi-county business park pursuant to Article VIII, Section 13 of the South Carolina Constitution, the MCIP Act, and the terms of the Agreement for the Establishment of a Multi-County Industrial/Business Park, dated as of September 1, 1995, as amended.

Section 5. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading 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 Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute 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 Company. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by 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 presented to said meeting.

Section 6. Miscellaneous.

(a) The Chairman 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.

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

CHARLESTON COUNTY, SOUTH CAROLINA
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 - nay
- Sass - aye
- Schweers - aye
- Summey - aye
- Rawl - aye

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

An ordinance rezoning a portion of the property located at 2704 Abbaapoola Road was given second reading by title only.

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

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

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

An ordinance approving an amendment to the Multi-County Industrial Park Ordinance regarding the allocation of revenues was given second reading by title only.

AN ORDINANCE TO PROVIDE FOR THE AMENDMENT AND ALLOCATION OF REVENUES UNDER 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.

The ordinance in its entirety will 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 - nay
- Sass - aye
- Schweers - aye
- Summey - aye
- Rawl - aye

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

Mr. Schweers asked if this ordinance was the Mercedes Benz Vans financial incentives ordinance. Mr. Dawson stated that it was not.

Mr. Schweers asked why that ordinance was not on the agenda. The Clerk reported that the company was unable to publish a public hearing notice in time for the ordinance to be on this agenda, but both public hearing and the next reading of that ordinance would be held on October 10, 2017.

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

Mr. Summey moved approval of the Consent Agenda, seconded by Mr. Pryor, and carried.
Consent Agenda items are as follows:

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Zoning and Planning Joel Evans in regards to the National Park Service African American Civil Rights Grant Program for History Projects. It was stated that in 1951, state lawmakers established the South Carolina School Equalization Program and allocated public funding for construction of new schools and renovations of existing schools, with the intent of dedicating most funding to African American schools to prove that they were “equal” to white schools. This program is an integral part of South Carolina’s Civil Rights history. The 2005 *Architectural Survey of Charleston County’s School Equalization Program, 1951-1955* documented these schools and their significance, and also identified those eligible for the National Register of Historic Places.

While many of the schools are no longer active, they represent a significant period of African American history, and the stories of their alumni bring Civil Rights Era history to life. Recognizing the historical significance and educational value of these schools, the National Park Service FY2017 African American Civil Rights Grant Program for History Projects serves as an opportunity to preserve the history, stories, and significance of Charleston County.

The Civil Rights Grants Program History Projects are meant to document, interpret, and preserve the sites and stories related to the African American struggle to gain equal rights as citizens in the 20th century. Specifically, the history projects are related to interpretation and education. The Planning Department would like to apply for a grant to gather oral histories from African Americans who attended equalization schools. Grant activities would include hiring a historic preservation consultant to record and document oral histories and create interpretative and educational materials (including oral histories) about the South Carolina Equalization Program, highlighting their role in the civil rights movement in Charleston County. The grant would require a public-private partnership agreement demonstrating a commitment of resources to the project, either through cash funding, in-kind support, public participation, or continued involvement during and after the project is complete. Potential partners include the Historic Charleston Foundation, Charleston County Public Library, and other local historic preservation groups and organizations.

The maximum amount of grant funding requested would be $50,000. No match is required; however, the grant announcement states that preference will be given to applications that show community commitment through non-federal match and partnership collaboration. The deadline to apply for the grant is September 29, 2017.

Committee recommended that Council allow the Zoning and Planning Department to coordinate with the Charleston County School District and apply for and accept, if awarded, the National Park Service FY2017 African American Civil Rights Grant History Project for $50,000 with the understanding that the grant period is February 2018 to February 2021 and no match required and no FTEs will be requested.
A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of DAODAS Chanda Brown in regards to the medication assisted treatment. It was stated that the Charleston Center is requesting permission to accept an award from the South Carolina Department of Alcohol and other Drug Abuse Services (DAODAS) in the amount of $80,600. This award will be used to provide 50% of pharmacist contract costs to coordinate care and provide services associated with medication-assisted treatment for individuals with substance use disorders.

The award is for the contract period of July 1, 2017 through June 30, 2018.

Once funds have been accepted, the budget management and monthly reporting become the responsibility of the Charleston Center.

Committee recommended that Council authorize the acceptance of the award in the amount of $80,600 from State DAODAS to provide 50% of the pharmacist contract cost with the understanding that once the funds have been accepted, the budget management and monthly reporting become the responsibility of Charleston Center, matching funds are available, no new FTE's associated with this award, and the award period is July 1, 2017 - June 30, 2018.

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of DAODAS Chanda Brown in regards to the amendment to MUSC Mindfulness Meditation sub award. It was stated that that MUSC has been awarded a grant by National Institutes of Health in support of the project Mindful Meditation for the treatment of women with post-traumatic stress disorder and substance use disorder. Charleston Center is requesting permission to accept the amendment to the grant that extends the period of performance from 08/01/2017 through 07/31/2018 and awards additional funding in the amount of $41,190. The Charleston Center is requesting the acceptance of said funds for the purpose of recouping cost for provision of services, use of personnel and administrative support.

Charleston Center collaborative efforts will include:

- Work with MUSC research team to achieve specific aims of study.
- Train and supervise selected personnel in the delivery of meditation intervention in the Women's Intensive Outpatient Program.
- Work with the MUSC research team to meet the recruitment goals of the study.
- Maintain relations with the research team to address any organizational issues related to the study.

Committee recommended that Council authorize Charleston Center to accept cost reimbursement in the amount of $41,190 for provision of services, use of personnel and administrative support in collaboration with MUSC Mindful Meditation research project with the understanding that once the funds have been accepted, management of funds and reporting become the responsibility of the Charleston Center, no required match, no new FTEs requested for this project, and authorize the acceptance of the amendment to extend the sub award period of performance August 1, 2017 through July 31, 2018.
A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of DAODAS Chanda Brown in regards to the SC Department of Alcohol Sub Grant-SBIRT Project. It was stated that Charleston Center is requesting permission to accept a sub grant from the South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS) in the amount of $225,100 for the support of the Screening, Brief Interventions, and Referrals to Treatment (SBIRT) project. The SBIRT project is as an ongoing collaborative agreement and effort involving the Medical University of South Carolina (MUSC) and Charleston Center to develop coordination of care by replacing Patient Navigators in the MUSC Emergency Room and the MUSC Ashley River Tower. The Patient Navigators assist with gathering PHI and database input, treatment referrals to Charleston Center and patient follow-up once persons are identified by MUSC staff. Three FTE positions (PCNs 4652100001, 4652100003, 4652100004) and one temporary position (PCN 4652100002) are funded by this grant. These grant funded positions will end once the grant ends.

This is the second year that the grant has been awarded. The only changes from the document for last year’s fiscal year award are those pertaining to dates and amounts; all other terms are the same.

Committee recommended that Council authorize the acceptance of the grant in the amount of $225,100 from the State DAODAS for the support of the Screening, Brief Interventions, and Referrals to Treatment (SBIRT) project with the understanding that once the funds have been accepted, the budget management and monthly reporting become the responsibility of The Charleston Center, no match is required, authorize the three (3) FTEs positions and one (1) Temporary position associated with this award; it is understood that at the conclusion of the grant period the County is under no obligation to retain these positions, and the award period is from August 1, 2017 through July 31, 2018.

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of DAODAS Chanda Brown regarding the SC Department of Alcohol Grant for a peer support specialist. It was stated that The Charleston Center is requesting permission to accept a grant from the South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS) in the amount of $50,000 to provide a Peer Support Specialist (PSS) for the Sobering Center. The PSS will support patients by developing recovery plans based on wants, needs, and interests of the patient; identify mechanisms to increase the engagement and support of family members; provide recovery check-ups or other forms of continuing support until patient is connected to a substance use disorder provider.

Charleston Center has designated one FTE (PCN 4650000302), and the position will end once the grant ends.

Once the funds have been accepted, the budget management and monthly reporting become the responsibility of the Charleston Center.

Committee recommended that Council authorize the acceptance of the grant in the amount of $50,000 from State DAODAS to provide a Peer Support Specialist (PSS) for
the Sobering Center with the understanding that once the funds have been accepted, the budget management and monthly reporting become the responsibility of the Charleston Center, no match is required, one (1) FTE is associated with this award; it is understood that at the conclusion of the grant period the County is under no obligation to retain this position, and the award period is from July 1, 2017 through April 30, 2018.

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of DAODAS Chanda Brown in regards to the SC Department of Alcohol Grant for drug drop box, disposal, and media campaign. It was stated that South Carolina Department of Alcohol and Other Drug Abuse Services ("State DAODAS") has provided Charleston Center an award of $4,161.37 to be used to install permanent prescription drug drop boxes and complete related media campaigns to increase community awareness and use of prescription drop boxes. All funds must be spent by September 30, 2017.

There are a number of temporary ECHO grants that have been distributed throughout the state, however, everyone is currently in the process of installing the drop boxes. One location in Berkeley County, the Kennedy Center, has already used their ECHO funds to install their drop box; they are working with the Berkeley County Sheriff's Office and Goose Creek Police Department.

DAODAS has historically participated in Drug Take Back Days through Prevention efforts, however, purchase of drop boxes is a new type of equipment purchase/involvement to combat the growing opioid epidemic. The Charleston Center has applied and is awaiting final certification from the Drug Enforcement Administration (DEA) for the collection receptacle. A disposal plan is being finalized with the assistance of the Sheriff’s department.

The collection and proper disposal of prescription drugs is the first step in fighting the opioid epidemic in our community. As advocates for drug abuse prevention, and as a facility that treats drug abuse disorders, a prescription drug drop box should be available at the Charleston Center.

Committee recommended that Council approve acceptance of an award from State DAODAS in the amount of $4,161.37 to be used to install permanent prescription drug drop boxes and complete related media campaigns to increase community awareness and use of prescription drop boxes and allow Charleston Center to purchase a prescription drug drop box, and provide for drug disposal and a media campaign to advertise the drop box using the award with the understanding that no matching funds required, no FTE’s associated with this award, and funds will be spent by September 30, 2017, as noted on the award document.

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Community Development Finance Officer Jean Sullivan regarding the Community Development Advisory Board appointment. It was stated that Charleston County Council that appoints one representative to the Community Development Advisory Board to represent unincorporated Charleston County. Currently that position is held by Ms. Jennifer Miller. Traditionally, the Administrator has made the recommendation for that
appointment. Ms. Jennifer Miller has requested that Council confirm her choice of Carter McMillan as the County’s representative to the Board.

Committee recommended that Council confirm the Administrator’s choice of Carter McMillan as Charleston County’s representative to the Community Development Advisory Board.

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Community Development Finance Officer Jean Sullivan Charleston County Council in regards to amending of the community development advisory boards’ by-laws. It was stated that the Charleston County Community Development Advisory Board (hereinafter, “Board”) was established as a result of the County receiving Urban Entitlement Status through the Department of Housing and Urban Development (HUD). The Board reviews and makes recommendations to Council on activities to be funded through the HUD Urban Entitlement Program. The Board consists of a representative from each of the 11 participating jurisdictions. These 11 seats are appointed by the elected official within the jurisdiction. Several years ago, council added seats for a representative from the Legal, Construction, Financial, and Non-profit sectors. The terms for the Council-appointed seats were set at two (2) years. The Board is recommending that the seats become four (4) year terms. This change requires Council approval.

ITEM #1:
An amendment is proposed in the Board By-Laws that impacts the Council appointed members. On December 7, 2016, the Board met and approved the following changes to its by-laws:

Article IV, Section 3 currently states, “…The non-governmental members will be appointed for two-year terms…”

The Board approved a change to allow non-governmental members to be appointed for four-year terms. Therefore, Article IV, Section 3 will now state, “…The non-governmental members will be appointed for four-year terms…”

ITEM #2:
As a result of the change in non-governmental terms from two-year to four-year terms, the appointments Council made to the Board on April 6, 2017 for the Construction Sector seat and the Community-Based seat are set to expire in April 2019 and should now be extended to expire in April 2021.

Committee recommended that Council approve the Board/Department Head recommendation authorizing the amendment to the by-laws allowing non-governmental members to be appointed for four-year terms and approve Department Head recommendation authorizing the April 2017 appointees’ terms to expire in April 2021.

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and EMS Director David Abrams regarding the acceptance the MUSC Telehealth Implementation Reimbursement Grant. It was stated that Charleston County Emergency Medical Services (EMS) Department is requesting permission to accept a cost reimbursement from Medical University of South Carolina (MUSC) in the amount of
$2,094. This award will be used to compensate EMS for the reimbursement of notary application fees and supplies. This is a collaborative effort with MUSC Telehealth Implementation and Evaluation Project “Reducing the Impact of Behavioral Health Crises: Innovative EMS-Mental Health Center Telehealth Model” for the South Carolina Telehealth Alliance. MUSC collaborative efforts will include:

1. Reimbursement of the notary application fee, cost of notary stamps and the recording books required for the public notary designation per EMS employee who will be serving in the capacity of a Telehealth provider.
2. MUSC will provide portable printers, cases, and ink to produce needed documentation on-site. The printers are not capital items and may remain the property of MUSC unless transferred to EMS as part of the agreement.

Committee recommended that Council authorize EMS to accept reimbursement for notary fees and supplies in the amount of $2,094 from the Medical University of South Carolina and authorize EMS to accept portable printers, cases, and ink with the understanding that once the funds have been accepted, management of funds and reporting become the responsibility of EMS, no match is required, no requested FTE’s are associated with this award, and the award period is from June 1, 2017 – May 31, 2018.

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

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Facilities Director Timothy Przybylowski regarding the MUSC McClellanville 800 MHZ Site Lease Amendment. It was stated that on November 5, 1997, the County authorized the Medical University of South Carolina (MUSC) to lease space on the County’s 800 MHZ radio tower located at 840 Society Road, McClellanville, South Carolina. The specific use is for operating a Communications Center. The current Lease Agreement will expire on November 6, 2017, with no options to renew. MUSC would like to amend the Lease Agreement to extend the term for five (5) years, beginning November 7, 2017, and also to acknowledge that the Medical University Hospital Authority (MUHA) is the entity currently responsible for the duties and obligations under the Agreement in place of MUSC. The new annual rent in effect on November 7, 2017 will be based on the current rent of $10,061.92, as increased by this year’s CPI value (still TBD). The annual rent will increase by each year’s respective CPI value and be in effect on the anniversary date of this Agreement each year. The entire annual rent is payable in advance of the anniversary date.

Committee recommended that Council, following a public hearing on the matter, authorize the amending of a Lease with the Medical University of South Carolina (MUSC) for space on the County’s 800 MHZ radio tower located at 840 Society Road, McClellanville, South Carolina to acknowledge that the Medical University Hospital Authority (MUHA) is the entity currently responsible for the duties and obligations under the Agreement in place of MUSC and to extend the terms of the existing lease for Five (5) additional years beginning November 7, 2017 and authorize staff to prepare a Lease Amendment and upon Legal Office review, have signed by the Chairman of Council with the understanding that the current annual rent amount of $10,061.92 shall be increased.
each year by that year’s respective CPI value and be in effect on the Agreement’s anniversary date, payable each year in advance.

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

A report was provided by the Finance Committee under date of September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Director of Finance Carla Ritter regarding the 2017 General Obligation Bonds. It was stated that on May 25, 2017, Council approved the 2018 – 2022 Capital Improvement Plan. The plan included the issuance of General Obligation Bonds for the following:

- $28,700,000 Azalea Compound
- $300,000 Juvenile Detention Center

In addition, staff is recommending the issuance of General Obligation Bonds to fund the following:

- $4,000,000 Public Works Equipment

On November 4, 2014, the voters of Charleston County approved a referendum for the renovation of existing libraries and construction of five new libraries. The referendum included the issuance of $108.5 million in General Obligation Bonds. At this time the County is asking to issue up to $77,500,000 of Referendum General Obligation Bonds.

In addition, the potential refunding opportunities have been identified for the 2011 GOBs and the 2011 Transportation Sales Tax GOBs. Current estimates show a net present value savings of over $6.8 million (approximately 5.8 percent) if these bonds are refunded.

Charleston County’s Financial Policies state that the County may undertake refinancing of outstanding debt when “such financing allows the County to realize significant debt service savings (net present value savings equal to at least 2.5 percent of the refunded par amount).”

To initiate action on this borrowing, consideration of an ordinance not exceeding $35.75 million in general obligation bonds and $77.5 million in referendum general obligation bonds is required. The bonds will be sold by competitive bid to the underwriting firm offering the lowest interest rate for the bonds. The ordinance delegates to the Chairman the authority to designate the sale date and approve the final structure of the bonds in accordance with the winning bids, including the maturity schedule, the redemption provisions, and the interest rates, so long as they are within the limits set forth in the bond ordinance.

Committee recommended that Council approve and give first reading to an ordinance to issue General Obligation Bonds not to exceed $35.75 million in principal amount of general obligation bonds for the above noted projects, authorize the issuance of not to exceed $77.5 million in principal amount of general obligation bonds for the library CIP and to refund the Series 2011 General Obligation Bonds and the 2011 Transportation Sales Tax General Obligation Bonds and authorize reimbursement from the Series 2017
General Obligation Bonds of expenditure of funds, prior to the borrowing, for authorized projects.

Mr. Pryor moved to approve the committee recommendation. The motion was seconded by Ms. Johnson.

Mr. Summey asked if the proceeds of these bonds would be used to fund the renovations of the Naval Hospital property.

Deputy Administrator for Finance Corine Altenhein stated that at this time they were not, but they could be if it becomes necessary.

Mr. Summey asked Mr. Pryor to accept an amendment to his motion that the proceeds of these bonds could only be used for the specific purposes outlined by staff today. Mr. Pryor did not accept the amendment stating that he did not want to tie staff’s hands.

Mr. Summey stated that he really liked the projects described by staff, but was unsure if he was opening himself up to scrutiny if the funds were used for other purposes in the future.

Mr. Dawson stated, “Members of Council, I do think that whenever the time comes for you to reallocate or appropriate monies to settle the lawsuit, this Body will have to take action and so, as all of you know, the money will have to come from some source. That source has already been appropriated by County Council, but not designated for that purpose. I think at the time that you designate it for a purpose, those who may have a conflict should at that point in time not vote on that specific action item. I don’t think the item you are taking action on today, while it could be a source, has not been designated a source by this Body.”

Mr. Summey stated, “I agree with you, Mr. Dawson, because I am not going to have the opportunity to vote on that matter because I am recused from that matter, but I want to make sure I am not getting the old bait and switch in this matter.”

Mr. Dawson stated, “Mr. Summey, I think you are absolutely correct to note for the record, which you have done. Again, I don’t think the Administrator is empowered to reprogram that amount of money to settle a matter without this Body taking some action.”

Mr. Moody asked if his understanding is correct that if this Body wished to spend this money for other purposes, it would have to take a vote in the future to do so.

Mr. Dawson confirmed Mr. Moody’s statement.

The Chairman called for a vote on the matter, which passed unanimously.

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

AN ORDINANCE
TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING $246,500,000 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 will 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 September 21, 2017, that it considered the information furnished by County Administrator Jennifer Miller and Facilities Director Timothy Przybylowski regarding the Cumberland Street Parking Garage retail space. It was stated On August 28, 2001, the County entered into a Master Lease Agreement with Palmetto Commercial Properties (PCP), Inc., for three (3) retail spaces located on the Church Street side of the Cumberland Street Parking Garage. The current lease term expires in August 2021. PCP currently subleases two spaces (157 and 161 Church Street) and has requested to sublease the third space located at 159 Church Street to Bitty & Beau’s, which is proposed to be a coffee shop. Article 5 of the Master Agreement does not permit any food or beverage use. The County has previously clarified that restrictions on food and beverage use are primarily related to the preparation/cooking of food in a working commercial kitchen and the sale/consumption of alcohol. PCP has requested an amendment to Article 5 of the Master Lease Agreement to allow food and beverage uses except those that involve the preparation/cooking of food or the sale/consumption of alcoholic beverages.

Staff has reviewed the request and considers it consistent with the Master Lease’s intent to sell hard and soft good retail in the spaces. There shall be no alcohol sold or consumed and there shall be no working commercial kitchens involving the preparation/cooking of Time/Temperature Control for Safety (TCS) food. The Lessee shall ensure any food or beverage use proposed is submitted to the County for prior approval and properly designed and permitted in accordance with and through the appropriate authority having jurisdiction.

Committee recommended that Council:

1. authorize amending Article 5 of the Master Lease Agreement with Palmetto Commercial Properties (PCP), Inc. to, with prior County approval, allow food and beverage uses except those that involve the preparation/cooking of Time/Temperature Control for Safety (TCS) food or the sale/consumption of alcoholic beverages.

2. authorize staff to prepare a Lease Amendment and, upon Legal Office review, have signed by the Chairman of Council.

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

The Chairman asked if any Member of Council wished by bring a matter before the Body.
Mr. Pryor asked that in addition to reaching out to citizens through social media, staff make efforts to do Public Service Announcements on the radio and disseminate information through HOAs, community organizations, and churches.

Mr. Summey furnished the following statement and requested that the Clerk include the statement and its attachments in the minutes of this meeting. “Chicora has alleged that I attempted to request a bribe for personal gain related to its project at the Old Naval Hospital. I adamantly deny these accusations. Chicora sought permission from the court to include these allegations as part of its Complaint against the County, and Chicora later withdrew its request and by letter to the County admitted that there was no evidence to support its claims. As a Councilman, I do my best to uphold the standards of the Ethics Act, and in light of Chicora’s allegations and to avoid any appearance of a conflict of interest, I did not participate in discussions by Council during the last two duly noticed County Council meetings on August 17, 2017, and August 29, 2017, during which, and to the extent, the Chicora matter was discussed publicly and/or in Executive Session.”
STATEMENT OF RECUSAL

Chicora has alleged that I attempted to request a bribe for personal gain related to its project at the Old Naval Hospital. I adamantly deny these accusations. Chicora sought permission from the court to include these allegations as part of its Complaint against the County, and Chicora later withdrew its request and by letter to the County admitted there was no evidence to support its claims. As a Councilman, I do my best to uphold the standards of the Ethics Act, and in light of Chicora's allegations and to avoid any appearance of a conflict of interest, I did not participate in discussions by Council during the last two duly noticed County Council meetings on August 17, 2017, and August 29, 2017, during which, and to the extent, the Chicora matter was discussed publicly and/or in executive session.
March 10, 2017

Via Email and US Mail
M. Dawes Cooke, Esq.
Jeffrey M. Bogdan, Esq.
Barnwell Whaley Patterson & Helms, LLC
288 Meeting Street, Suite 200
Charleston, SC 29401

Re: Chicora Life Center, LLC v. Charleston County, C/A No. 16-80046-jw

Dear Dawes and Jeff:

Please allow this letter to respond to your correspondence dated December 16, 2016 and attached to Charleston County’s Motion to Compel as Exhibit 2. As an initial matter, enclosed please find Chicora’s Third Supplemental Responses to Charleston County’s Requests for Production.

With respect to your second paragraph pertaining to Jeremy Blackburn’s Examination Under Oath, neither Jeremy nor Chicora is in possession of that transcript or recording, to the extent it exists.

Regarding your inquiries with respect to Interrogatory No. 1:

- Chicora’s complaint has been amended since you sent your December 16, 2016 correspondence. The current and operative complaint in this adversary does not contain allegations regarding a connection between Elliott Summey and an entity that tried to purchase Chicora in a distressed sale. At this time, Chicora does not intend to assert such allegations at trial, however, Chicora reserves the right to use additional evidence. More specifically, Chicora has not received Charleston County’s full document production. Additionally, Chicora has not completed depositions. On or about January 31, 2017, Richard Farrier emailed you a list of witnesses that Chicora would like to depose. To date, you have not provided your deposition availability or the availability of witnesses related to Charleston County, except for the deposition of Elliott Summey, which was coordinated through Mr. Summey’s personal counsel rather than counsel for Charleston County.

- At this time, Chicora intends to offer circumstantial evidence in support of this claim. Chicora’s Motion for Summary Judgment provides details regarding this circumstantial evidence. As noted above, Chicora reserves the right to rely on any documents produced in this case as well as evidence learned during depositions. Chicora has not received Charleston County’s full document production or completed depositions.
• Chicora's complaint has been amended since you sent your December 16, 2016 correspondence. Paragraphs 80 and 81 do not make the allegations referenced in your letter. Notwithstanding this amendment, Doug Durario has confirmed that there were no witnesses to this conversation between Doug Durario and Elliott Summey.

With respect to your request for more information relating to Interrogatory No. 3, Chicora referred to its complaint because the complaint provides significant detail, which should be more than sufficient. Notwithstanding the detail provided in the complaint, Chicora is seeking:

• In connection with its Breach of Contract claim, Chicora seeks the cost of Tenant Improvements, which is $5,800,000; deterioration for Charleston County’s non-occupancy; financing charges incurred, which is $2,500,000; management expenses incurred, which is $500,000; ongoing monthly rental from January 2017 to the present and continuing until a replacement tenant is found; lost opportunity with the Department of Social Services, which is $10,000,000; damages associated with loss of its anchor tenant, including loss of tenants and improvements incurred for those tenants, which is $1,800,000, as well as lost opportunity for future tenants that would have fully leased up the building, which is calculable from the relevant leases, plus contractual interest at the lease rate of 12% (see ¶127-130);

• In connection with its Declaratory Judgment claim, Chicora has requested a declaration as requested in Paragraph 134 as well as its Motion for Summary Judgment;

• In connection with its Intentional Interference with Prospective Contract claim, Chicora seeks actual damages and punitive damages which can be calculable from the relevant leases.

• In connection with its Unfair Trade Practice Claim, Chicora seeks the damages asserted in connection with its Breach of Contract and Interference claims as well as treble damages, attorneys’ fees and costs. While such attorneys’ fees and costs are continuing, K&L Gates and McCarthy Reynolds and Penn have submitted applications for payment with the Court containing a detailed account of fees and costs, and future professional fees;

• Chicora also seeks specific performance as outlined in Paragraphs 150-155 as well as its Motion for Summary Judgment.

Finally, Chicora is providing with its production enclosed herewith an excel file in native format that contains the identities of all companies or persons contracted by Chicora to perform any services at Chicora Life Center. Additionally, I am enclosing a list of Chicora employees, active and terminated, as of September 2016.
I trust this clarifies the issues raised in your December 16, 2016 correspondence and resolves Charleston County’s Motion to Compel. To the extent that Charleston County considers there to be unresolved issues that will need to be heard on March 16, please let me know as soon as possible.

Very truly yours,

Jennifer H. Thiem

Enclosure
cc: Joseph Dawson, III, Esq.
    Bernard E. Ferrara, Jr., Esq.
    Johanna S. Gardner, Esq.
    (via email)
UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: Chicora Life Center, L.C.,
Debtor.

Chicora Life Center, L.C.,
Plaintiff(s),
v. Charleston County, a political subdivision of South Carolina,
Defendant.

Case No. 16-02447-jw
Chapter 11

Adversary No. 16-80046

CHICORA LIFE CENTER, L.C.'S THIRD SUPPLEMENTAL RESPONSES TO CHARLESTON COUNTY’S FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, made applicable by Rules 7026 and 7033 of the Federal Rules of Bankruptcy Procedure, Chicora Life Center, L.C. ("Chicora") supplements its responses to Charleston County’s First Set of Requests for Production as follows:

THIRD SUPPLEMENTAL RESPONSES TO REQUESTS FOR PRODUCTION

5. Any and all documents, photographs, e-mails, electronic data, slides, videotape, motion pictures, film, data compilations, prints, sketches, diagrams, reports, etc., relating to the claims or defenses in this case.

SUPPLEMENTAL RESPONSE: Chicora objects to this Request to the extent it seeks information subject to the attorney-client privilege or the work product doctrine. Subject to these objections, please see electronically stored information produced on February 20, 2017 (Chicora-000697 - Chicora-165164). Also, see text messages between Doug Durbano and Elliott Summey (bates labeled Chicora-165171 through Chicora-165175) and a spreadsheet of total project cost...
50. All documents or other materials obtained in response to any subpoena, FOIA request, or other document request, whether formal or informal, issued by Chicora Life Center, LC, its attorneys, or anyone acting on its behalf.

**SUPPLEMENTAL RESPONSE**: Please see the following enclosed documents:

- Documents received from SC Department of Mental Health pursuant to FOIA request (SCDMH_0001 - SCDMH_51640);
- Documents received from SC Department of Health and Environmental Control pursuant to FOIA request (DHEC (FOIA)000013140 - DHEC (FOIA)-00013212);
- Documents received from 1st Capital Insurance pursuant to Subpoena (1st Capital_1 - 1st Capital_138);
- Response from 2424 Mall Drive Associates, LLC pursuant to Subpoena (2424 Mall_1);
- Documents received from Baker and Baker Real Estate Developers, LLC pursuant to Subpoena (Baker_1 - Baker_34);
- Documents received from Brantley Construction Company pursuant to Subpoena (Brantley_001 - Brantley_0063);
- Response from Charleston County Department of Juvenile Justice pursuant to Subpoena (CCDJI_1 - CCDJI_2);
- Response from DSS Child Support Services pursuant to Subpoena (DSS (Child Support Services)_1);
- Documents received from CNH Industrial America, LLC pursuant to Subpoena (CNH_1 - CNH_2);
- Response from Fortiline, Inc. responsive to Subpoena (Fortiline_1);
- Response from North Area Health Clinic pursuant to Subpoena (NAHC_1);
- Response from Palmetto Community Action Partnership pursuant to Subpoena (PCA_1 - PCA_2);
- Response from Robert Behringer pursuant to Subpoena (Behringer_1 - Behringer_2);
- Response from SC Department of Social Services pursuant to Subpoena (SCDSS_1 - SCDSS_3);
- Documents received from Stone Street Capital Partners pursuant to Subpoena (Stone Street_1 - Stone Street_58);
- Documents received from Sunbelt Rentals, Inc. pursuant to Subpoena (Sunbelt_1 - Sunbelt_6);

Plaintiff will provide additional responses to Subpoenas upon receipt.

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Facsimile: 843.579.5601

March 10, 2017

ATTORNEYS FOR PLAINTIFF
UNIVERSAL STATE BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

In re:
CHICORA LIFE CENTER, L.C.
3600 Rivers Avenue
North Charleston, SC 29405
Debtor.

CHICORA LIFE CENTER, L.C.

Plaintiff,

v.

CHARLESTON COUNTY, a political subdivision of South Carolina.

Defendant.

CERTIFICATE OF SERVICE

I, the undersigned, of the law office of K&L Gates LLP, do hereby certify that I have served counsel in this action with a copy of Plaintiff Chicora Life Center, L.C.'s Third Supplemental Responses to Defendant Charleston County's First Set of Requests for Production, by mailing a copy of the same via first class mail to counsel of record at the following addresses:

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Jeffrey M. Bogdan, Esq.
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CHARLESTON COUNTY ATTORNEY'S OFFICE
Lottie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, SC 29405

Attorneys for Defendant

Charleston, South Carolina
March 10, 2017

Joseph J. Martin
Senior Practice Assistant
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As of: 9/21/2016
There being no further business to come before the Body, the Chairman declared the meeting to be adjourned.

Kristen L. Salisbury
Clerk of Council