

December 8, 2020
Charleston, SC

A meeting of Charleston County Council was held on the 8th day of December, 2020, 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: Brantley Moody, Vice Chairman, who presided; Henry E. Darby, Jenny Costa Honeycutt, Anna B. Johnson, Teddie E. Pryor, A. Victor Rawl, Herb Sass, and Dickie Schweers. Chairman J. Elliott Summey was out of town on business and absent from the meeting.

County Administrator Bill Tuten and County Attorney Joseph Dawson were also present.

Reverend Reid gave the invocation and Mr. Schweers led the pledge.

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

Mr. Pryor moved for approval of the minutes of November 10 & 19, 2020, seconded by Mr. Rawl, and carried.

The Vice Chairman announced the next item on the agenda was recognition of the Board of Elections & Voter Registration staff for their work during the 2020 elections.

Mr. Pryor moved for approval of the recognition. Mr. Sass seconded the motion, which carried.

**Board of
Elections &
Voter
Registration—
2020 Elections**

Charleston County Council was pleased to recognize the employees of the Board of Elections and Voter Registration. Because of the global pandemic, this year's elections saw unprecedented numbers of early and absentee voters. Precautions had to be taken at polling places to provide a safe and healthy voting experience for all electors.

Recognition

Mr. Pryor presented Joe Debney and the employees of the Board of Elections and Voter Registration with a Charleston County challenge coin and Mr. Moody congratulated them for a job well done.

Mr. Debney thanked County Council and County staff for their support during the elections.

The Vice Chairman suspended the County Council meeting in order to hold public hearings and receive public comments.

At the conclusion of the public hearings and public comments, the Vice Chairman reconvened the County Council meeting.

The Vice Chairman announced the next item on the agenda was third reading of an ordinance approving financial incentives for Carver Maritime.

The ordinance was given third reading by title only.

Financial
Incentives for
Carver Maritime

Ordinance 3rd
Reading

AN ORDINANCE

AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY, CARVER REALTY SC, LLC AND CARVER MARITIME, LLC; WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH CARVER REALTY SC, LLC AND CARVER MARITIME, LLC; PROVIDING FOR PAYMENT BY CARVER REALTY SC, LLC AND CARVER MARITIME, LLC OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY CARVER REALTY SC, LLC AND CARVER MARITIME, LLC, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; 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 pursuant to Section 4-1-175 and 4-29-68 of the Code (the "SSRC Act"), to permit investors to claim infrastructure or special source credits against their PILOT Payments (including any Negotiated FILOT 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"), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; and

WHEREAS, Carver Realty SC, LLC and Carver Maritime, LLC (collectively, the "Company") has previously invested approximately \$20,000,000 in its existing facilities located in Charleston County, where it presently employs approximately 60-65 employees; and

WHEREAS, the Company has advised the County Council that it intends to make an additional aggregate investment in economic development property in Charleston County of not less than \$34,755,000, of which \$32,005,000 will be in real property (land and buildings) and \$2,750,000 will be in tangible business personal property (collective, the "Project"); and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an additional approximately 50 full-time employees in Charleston County; and

WHEREAS, the County, with the consent of the City of North Charleston (the "Municipality"), is authorized to include the site of the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to the SSRC Act; and

WHEREAS, the Project is located entirely within Charleston County and within the incorporated limits of the Municipality and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements 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 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, the SSRC Act, and the MCIP Act that the County Council provide final approval for qualifying the Project under the FILOT Act, the SSRC Act, and the MCIP 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 any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (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 any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, 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, the SSRC Act, and the MCIP Act;

- (c) the Investment by the Company in the Project will be approximately \$34,755,000, all to be invested within the “investment period” (as defined in the FILOT Act); and the Company will employ approximately 50 new full-time employees at the Project within five years of the completion of the Project;
- (d) the Project will be located entirely within Charleston County and the Municipality and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCs 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
- (f) the Project is anticipated to benefit the general welfare of Charleston County and the Municipality by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the Project gives rise to neither a pecuniary liability of the County or the Municipality nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (i) the inducement of the location of the Project is of paramount importance; and
- (j) 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 authorised 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 (as defined below) 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 Fee-in-lieu of Tax Agreement among the County and the Company (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Multi-County Park Incentive.

(A) By separate ordinance (the "MCIP Ordinance") of the County Council, the County, in cooperation with Colleton County (the "Partner County") and with consent of the Municipality, will designate 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 (the "MCIP Agreement").

(B) Pursuant to the terms of the Multi-County Park Act and the Agreement for the Establishment of a Multi-County Industrial/Business Park between the County and Colleton County, South Carolina, dated as of September 1, 1995, as amended (the "Park Agreement"), the County hereby provides that for the term of the FILOT Agreement, commencing with the first tax year in which the Negotiated FILOT payments are generated by the Project and payable to the County, Negotiated FILOT payments will be distributed in accordance with the terms of the Park Agreement as follows:

(i) After deducting any amounts distributed to the partner county in accordance with the Park Agreement, to the County an amount equal to the total SSRCs to be provided in such year pursuant to Section 5 hereof; and

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

Section 5. Special Source Revenue Credits.

(A) After the identification of qualifying public infrastructure located solely within Charleston County and the costs thereof to the satisfaction of the County, the County will provide to the Company an infrastructure or special source revenue incentive (the "SSRCs") as follows against FILOT payments to be made during the first twelve (12) years of the term of the FILOT Agreement, in the amount of seventy-two percent (72%) of FILOT payments for years one (1) through twelve (12) of the term of the Fee Agreement; provided, however, that the aggregate of all SSRCs shall not exceed \$4,600,000 for the entire twelve (12) year period.

(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 6. 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 7. 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

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

ATTEST:

Clerk to County Council
Charleston County, South Carolina

First Reading: November 10, 2020
Second Reading: November 19, 2020
Public Hearing: December 8, 2020
Third Reading: December 8, 2020

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was third reading of an ordinance approving Financial Incentives for the Lineage Logistics Palmetto Commerce Parkway project.

The ordinance was given third reading by title only.

Financial
Incentives for
Lineage
Logistics PCP
Project

Ordinance 3rd
reading

AN ORDINANCE

AUTHORISING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY AND MILLARD REFRIGERATED SERVICES, LLC, AND DESIGNATED SPONSOR AFFILIATES, WHEREBY CHARLESTON COUNTY WILL AMEND THE FEE-IN-LIEU OF TAXES AGREEMENT WITH MILLARD REFRIGERATED SERVICES, LLC, WITH RESPECT TO AN ADDITIONAL INVESTMENT; PROVIDING FOR PAYMENT BY MILLARD REFRIGERATED SERVICES, LLC, AND DESIGNATED SPONSOR AFFILIATES, OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO THE ADDITIONAL INVESTMENT; 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 entered into a Fee-in-lieu of Tax Agreement, dated as of December 31, 2014 (the "Original FILOT Agreement"), with Millard Refrigerated Services, LLC ("Company"), to designate certain real and tangible personal property as "economic development property" and to provide an arrangement for Negotiated FILOT Payments with respect to the Company's original investment of approximately \$38,000,000 in its

warehousing, distribution, and food processing facility (the "Original Facility") located in the Palmetto Commerce Park in the City of North Charleston, which Original Facility currently provides employment for approximately 77 full-time employees; and

WHEREAS, the Company and designated Sponsor Affiliates (as defined in the FILOT Act), intend to make an additional capital investment in Charleston County in the amount of approximately \$34,000,000, which expansion consists of approximately \$29,000,000 of real property expansion of the Original Facility (the Original Facility, as so expanded, is referred to herein as the "Facility") and \$5,000,000 of additional business tangible personal property (collectively, the "Expansion Project"); and

WHEREAS, the County has been advised that upon the completion of the Expansion Project, the Project is anticipated to employ an additional approximately 36 full-time employees at the Facility; and

WHEREAS, the Expansion Project is located entirely within Charleston County and will be included in and subject to the fee-in-lieu of tax arrangements 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 expand the Facility (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 Expansion 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 Expansion Project on the following criteria based upon any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (a) the purposes to be accomplished by the Expansion 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 Expansion Project, including the criteria described in Section 1 above, and any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary, County Council hereby find that:

- (a) the Expansion Project constitutes a “project” as that term is defined in the FILOT Act;
- (b) the Expansion Project will serve the purposes of the FILOT Act;
- (c) the Investment by the Company in the Expansion Project will be approximately \$34,000,000, all to be invested within the “investment period” (as defined in the FILOT Act) as extended by an additional five (5) years, for an investment period of ten (10) years in total; and
- (d) the Company and designated Sponsor Affiliates will employ 36 new full-time employees at the Project within the investment period, as extended to ten (10) years;
- (e) the Expansion Project will be located entirely within Charleston County and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (f) the Expansion Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the Expansion Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the Expansion Project are proper governmental and public purposes;
- (i) the inducement of the location of the Expansion Project is of paramount importance; and
- (j) the benefits of the Expansion 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 Expansion Project is designated as “economic development property” under the FILOT Act and there is hereby authorised an Amendment to the Original FILOT Agreement (the “Amendment”) which will provide Negotiated FILOT Payments to be made with respect to the Expansion Project based upon a 6% assessment ratio with the millage rate of 274.3 mills, 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 Amendment to the Fee-in-lieu of Tax Agreement among the County and the Company. The Original FILOT Agreement as amended by the Amendment shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Extension of Investment Period. The Company has represented to the County that it does not anticipate completing the Expansion Project within the Original Investment Period provided in the Original FILOT Agreement. Accordingly, the Company has applied to the County for an extension of time to complete the Project pursuant to

Section 12-44-30(13) of the FILOT Act. The County hereby extends the Original Investment Period from five (5) years to ten (10) years; provided however that there is no extension of the period for meeting the minimum statutory investment requirement as specified in Section 12-44-30(13) of the FILOT Act.

Section 5. Execution of the Amendment. The form, terms, and provisions of the Amendment 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 Amendment 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 Amendment in the name and on behalf of the County, and thereupon to cause the Amendment to be delivered to the Company. The Amendment 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 Amendment 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

By: _____
Chairman, County Council of

Charleston County, South Carolina

ATTEST:

Clerk to County Council
Charleston County, South Carolina

First Reading: November 10, 2020
Second Reading: November 19, 2020
Public Hearing: December 8, 2020
Third Reading: December 8, 2020

Mr. Darby asked how many jobs would be created. Economic Development Business Retention & Expansion Director Jennifer Brown stated that the project would be creating 36 additional jobs that would primarily be at the Palmetto Commerce Park site and none at the port site. Both projects were combined for the same company. She stated that over the next 1-5 years, ReadySC will help create hire training and post-hire training to ensure there will be opportunities available for the local community. Mr. Darby asked if those jobs would only be available for the local community. Ms. Brown stated that anyone would be eligible to apply. Mr. Darby asked when Council does a FILOT agreement do the companies target zip codes for hiring. Ms. Brown said legally that cannot be done.

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was third reading of an ordinance approving Financial Incentives for the Lineage Logistics Palmetto Commerce Parkway project.

The ordinance was given third reading by title only.

AN ORDINANCE

Financial
Incentives for
Lineage
Logistics Port
Project

Ordinance 3rd
reading

AUTHORISING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND NOCS SOUTH ATLANTIC COLD STORAGE & WAREHOUSE, INC., WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH NOCS SOUTH ATLANTIC COLD STORAGE & WAREHOUSE, INC. AND DESIGNATED SPONSOR AFFILIATES; PROVIDING FOR PAYMENT BY NOCS SOUTH ATLANTIC COLD STORAGE & WAREHOUSE, INC., AND DESIGNATED SPONSOR AFFILIATES, OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; PROVIDING FOR CERTAIN SPECIAL SOURCE REVENUE OR INFRASTRUCTURE CREDITS; PROVIDING FOR THE ALLOCATION OF FEE-IN-LIEU OF TAXES PAID BY NOCS SOUTH ATLANTIC COLD STORAGE & WAREHOUSE, INC., AND DESIGNATED SPONSOR AFFILIATES, UNDER THE AGREEMENT FOR ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; 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 pursuant to Section 4-1-175 and 4-29-68 of the Code (the "SSRC Act"), to permit investors to claim infrastructure or special source credits against their PILOT Payments (including any Negotiated FILOT 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"), to facilitate the grant of infrastructure or special source revenue credits, and to provide certain enhanced tax credits to such investors; and

WHEREAS, NOCS South Atlantic Cold Storage & Warehouse, Inc, a South Carolina corporation and designated Sponsor Affiliates (collectively, the "Company"), intend to acquire, furnish, and equip land and an existing approximately 158,000 square foot building for use as a cold storage warehouse facility (the "Project"); the Project is to be located at 1091 Remount Road in the City of North Charleston (the "Project Site"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") over the next six (6) years by the Company in the aggregate not less than \$16,500,000 to be located at the Project Site; and

WHEREAS, the County has been advised that the Company currently employs approximately 56 full-time employees, which employment will be maintained by the Company upon completion of its acquisition of the Project and during the investment period; and

WHEREAS, the County, with the consent of the City of North Charleston (the "Municipality"), is authorized to include the Project Site within a multi-county industrial and business park pursuant to the MCIP Act and to provide special source revenue or infrastructure credits pursuant to the SSRC Act; and

WHEREAS, the Project is located entirely within Charleston County and within the incorporated limits of the Municipality and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements 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, furnish, 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 FILOT Act, the SSRC Act, and the MCIP Act that the County Council provide final approval for qualifying the Project under the FILOT Act, the SSRC Act, and the MCIP 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 any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, as necessary:

- (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 any advice and assistance of the South Carolina Department of Revenue and the Revenue and Fiscal Affairs Office, 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, the SSRC Act, and the MCIP Act;

- (c) the Investment by the Company in the Project will be approximately \$16,500,000, all to be invested within the “investment period” (as defined in the FILOT Act) as extended to the end of calendar year 2026; and the Company will maintain 56 full-time employees at the Project through such extended investment period;
- (d) the Project will be located within Charleston County and the Municipality and is anticipated to be located in the Park created pursuant to the MCIP Act;
- (e) the Infrastructure Improvements to be financed or reimbursed from the SSRCs 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
- (f) the Project is anticipated to benefit the general welfare of Charleston County and the Municipality by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the Project gives rise to neither a pecuniary liability of the County or the Municipality nor a charge against its general credit or taxing power;
- (h) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (i) the inducement of the location of the Project is of paramount importance; and
- (j) 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 authorised 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 (as defined below) 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 Fee-in-lieu of Tax Agreement between the County and the Company (the “FILOT Agreement”). The FILOT Agreement shall be a “Fee Agreement” within the meaning of Section 12-44-30(10) of the FILOT Act.

Section 4. Extension of Investment Period. The Company has represented to the County that it does not anticipate completing the Project within five (5) years of the last day of the property tax year during which economic development property is first placed in service (the "Investment Period"). Accordingly, the Company has applied to the County for an extension of time to complete the Project pursuant to Section 12-44-30(13) of the FILOT Act. The County hereby extends the Investment Period to December 31, 2026; provided however that there is no extension of the period for meeting the minimum statutory investment requirement as specified in Section 12-44-30(13) of the FILOT Act.

Section 5. Multi-County Park Incentive.

(A) By separate ordinance (the "MCIP Ordinance") of the County Council, the County, in cooperation with Colleton County (the "Partner County") and with consent of the Municipality, will designate 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 Park Agreement (as defined in paragraph (B) below).

(B) Pursuant to the terms of the Multi-County Park Act and the Agreement for the Establishment of a Multi-County Industrial/Business Park between the County and Colleton County, South Carolina, dated as of September 1, 1995, as amended (the "Park Agreement"), the County hereby provides that for the term of the FILOT Agreement, commencing with the first tax year in which the Negotiated FILOT payments are generated by the Project and payable to the County, Negotiated FILOT payments will be distributed in accordance with the terms of the Park Agreement as follows:

(i) After deducting any amounts distributed to the Partner County in accordance with the Park Agreement, to the County an amount equal to the total Special Source Revenue Credits to be provided in such year pursuant to Section 5 hereof; and

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

Section 6. Special Source Revenue Credits.

(A) After the identification of qualifying public infrastructure located solely within Charleston County and the costs thereof to the satisfaction of the County, the County will provide to the Company an annual infrastructure or special source revenue incentive (the "Special Source Revenue Credits") against the first ten (10) annual PILOT Payments (including Negotiated FILOT payments) made with respect to the Project under the FILOT Agreement in an amount that annually reduces the PILOT Payment (including the Negotiated FILOT payment) to \$100,000.

(B) The documents providing for the Special Source Revenue Credits shall include terms providing: (i) for termination of the Special Source Credits under certain

circumstances; (ii) that the Company will pay the County’s administrative expenses associated with the approval and administration of the Special Source Revenue Credits; (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 7. 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 8. 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

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

ATTEST:

Clerk to County Council
Charleston County, South Carolina

First Reading: November 10, 2020
Second Reading: November 19, 2020
Public Hearing: December 8, 2020
Third Reading: December 8, 2020

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was third reading of an ordinance to transfer County-owned property located at 926 Bowman Road to the Town of Mt. Pleasant.

**926 Bowman
Road Transfer
to Mt. Pleasant**

The ordinance was given third reading by title only.

**Ordinance 3rd
Reading**

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 926
BOWMAN ROAD (PARCEL ID #559-00-00-069) TO THE TOWN OF MOUNT
PLEASANT**

WHEREAS, the County of Charleston ("County") owns approximately .46 acres of real property located at 926 Bowman Road in the Town of Mount Pleasant ("Town") and further identified by Parcel ID# 559-00-00-069 ("the Property"); and

WHEREAS, the County and the Town entered into a lease for the Property for the Town's Fire Station #7 (formerly referred to as Fire Station #2) commencing on September 1, 1971 and scheduled to terminate in or around September 2021; and

WHEREAS, at a meeting of County Council held on March 7, 1995 Council authorized the deeding of the Property to the Town, with the understanding that if the

Property ceases to be used for public purposes, the building and land will be sold and the proceeds therefrom split 50/50 between the Town and the County; and

WHEREAS, the transfer from the County to the Town is contingent upon approval of the above by the Town’s Council meeting held on March 14, 1995; and

WHEREAS, the Town’s Council agreed to accept the Property from the County at their council meeting on March 14, 1995 and, furthermore, the Town’s Council adopted a resolution on August 11, 2020 agreeing to accept the Property from the County; and

WHEREAS, a Public Hearing on the proposed conveyance of the Property will be held prior to the third reading of this Ordinance, pursuant to §4-9-130 of the Code of Laws of South Carolina (1976, as amended); and

WHEREAS, the conveyance of the Property, pursuant to the terms set forth above, is in the best interests of Charleston County and its citizens; and

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled, finds as follows:

SECTION I. AUTHORIZATION TO EXECUTE DEED

Charleston County Council authorizes the preparation of a limited warranty deed for execution by the Chairman or County Administrator to transfer the above described Property to the Town.

SECTION II. CONFLICT WITH OTHER ORDINANCES

Any previously enacted ordinance that is in conflict with the provisions of this Ordinance is hereby repealed from and after the effective date of this Ordinance.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval following third reading by the Charleston County Council.

ADOPTED and APPROVED in meeting duly assembled this 8th day of December, 2020.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____

J. Elliott Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to County Council

First Reading: November 10, 2020
Public Hearing: December 8, 2020
Second Reading: November 19, 2020
Third Reading: December 8, 2020

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was third reading of an ordinance approving the Rental Car Fee.

Rental Car Fee Ordinance

Ordinance 3rd Reading

Mr. Pryor asked for an explanation of the changes within the Rental Car Fee Ordinance. Mr. Dawson stated that there were two major amendments to the ordinance. The first was to make it clear that the fee is imposed on the renter and is to be collected by the rental car agency. The second was to make sure that it was clear the intent behind the ordinance was not to impose a fee on cargo carriers.

Mr. Pryor moved for approval of the amendments. Mr. Rawl seconded the motion, which carried. Mr. Schweers and Ms. Johnson voted nay.

The ordinance was given third reading by title only.

**AN ORDINANCE
AUTHORIZING THE IMPOSITION OF A RENTAL CAR USER FEE
WITHIN CHARLESTON COUNTY ON ALL PASSENGER VEHICLES
RENTED AND OTHER MATTERS RELATING THERETO.**

WHEREAS, Charleston County (the “County”), a political subdivision of the State of South Carolina, has the power to impose uniform service charges and user fees (“User Fee”) pursuant to S.C. Code Ann. § 4-9-30(5) and other laws of this State, and the Charleston County Aviation Authority (the “Authority”) consents to the County imposing a user fee in the Airport District; and

WHEREAS, the County desires to impose a 5% User Fee for a period of twenty-five years to be applied to the gross receipts on all passenger vehicles rented within Charleston County (the “Rental Car User Fee”) to establish an Air Service Development Fund (“Air Service Fund” or the “Fund”); and

WHEREAS, the County proposes to use the revenue derived from the Rental Car User Fee wholly for airport or aeronautical purposes which shall include providing support and finance capital improvements and other projects related to the airports within the Airport District and related aviation and other transportation infrastructure, amenities, and facilities, as well as economic development; and

WHEREAS, Charleston County Council (“County Council”) desires to designate the Authority as a Fiscal Agent to administer the Fund (in whole or in part), where appropriate; and

WHEREAS, by way of the improved infrastructure, amenities, and facilities, and enhanced economic development set forth herein, the Charleston Area Convention and Visitors Bureau believes that the economic impact would greatly increase the number of vehicles rented within Charleston County, as well as increase the number of visitors who spend money on accommodations, retail establishments, restaurants, and other commercial facilities in Charleston County; and

WHEREAS, expenditures from the Fund will lead to increased mobility and efficiency in transit systems and infrastructure, more affordable airfares for the residents of Charleston County, and other aviation-related projects.

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

SECTION I. FINDINGS INCORPORATED

The above-referenced recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. PURPOSE

The purpose of this Ordinance is to create an Air Service Development Fund to benefit taxpayers and the public. The revenue generated by this Ordinance shall be utilized wholly for airport or aeronautical services, specifically to support capital improvements related to the airports within the Airport District and related transportation infrastructure, promote air services and economic development through the provision of

air service incentives, development, and advertising that facilitate additional flight options and increase competition for air travel (the "Projects").

County Council has determined that the transportation infrastructure improvements, economic development and air services promotion of Charleston County is significantly enhanced by the County's ability to create or improve aviation and other transportation infrastructure, amenities, and facilities, as well as economic development, to include creating competition and lower fares for carriers who use the Charleston International Airport and other Authority facilities. As stated herein, County Council is authorized by Section 4-9-30(5), Code of Laws of South Carolina 1976, as amended, "to levy . . . uniform service charges . . . and make appropriations for functions and operations of the county including, but not limited to . . . transportation and economic development . . ." The uniform service charge that is imposed shall be termed the Rental Car User Fee.

SECTION III. RENTAL CAR USER FEE

A. Amount of Fee. For a period of twenty-five years, every individual person or business entity as described in this section, engaged in renting, leasing, or letting passenger vehicles for compensation (hereinafter "Rental Car Agency") shall collect from each and every individual person or business renting, leasing, or letting a passenger vehicle for 90 consecutive days or less within Charleston County (hereinafter "Customer") a uniform Rental Car User Fee of 5% on the Gross Receipts (as defined in this Ordinance) collected by the Rental Car Agency, and said Fee shall be remitted to Charleston County in accordance with this Ordinance. The Rental Car User Fee revenues shall be wholly utilized for airport or aeronautical purposes to fund the cost of the Projects contemplated in Section II of this Ordinance.

B. Definitions. For purposes of this Ordinance, the following terms are defined as follows:

(1) *Rental Car Agency* means an individual person or business entity as described herein that provides the service of renting, leasing or letting passenger vehicles for compensation, whether the provision of such service is a primary, secondary, or incidental business of such person or entity from time to time.

(2) *Passenger Vehicle* means a motor vehicle designed primarily for the carriage of passengers, including, but not limited to, vehicles commonly classified as sedans, coupes, convertibles, station wagons, sport utility vehicles, passenger vans, suburban type vehicles, pick-up trucks, and panel vans, but does not include a vehicle licensed as a taxicab or panel trucks and other cargo vehicles designed and rented primarily for the transportation of cargo.

(3) *Fiscal Agent(s)* means an entity or organization designated by County Council as the fiscal agent for the Air Service Fund, in whole or in part.

(4) *Gross Receipts* means all monies paid or payable to or considerations of determinable value received by the Rental Car Agency, after discounts and coupons deducted at the time of rental, for all charges, including, but not limited to, time and mileage charges and separately stated fees for rental of Passenger Vehicles and other related or

incidental services. The only exclusions shall be any Federal, State, County, City or local sales or other similar taxes or surcharges separately stated to and collected from the customer, any amounts received as insurance proceeds or otherwise for damage to automobiles or other property, and revenue from wholesale transfer of salvage vehicles.

C. Five Percent of Gross Receipts--Monthly Returns and Payments (2020 and Subsequent Years). The 5% Rental Car User Fee ("5% Fee") shall be paid and determined as follows for the calendar year 2020 (or any part thereof) and all subsequent years of this 5% Fee: The 5% Fee shall be paid by the Customer to the Rental Car Agency who, in turn, remits the Fee to the Charleston County Department of Revenue Collections monthly, due and payable on the dates described in this Section, for the preceding monthly periods as listed, calculated at the rate of 5% of the Gross Receipts for each and every Passenger Vehicle rented. The Rental Car Agency shall provide reports to the Charleston County Department of Revenue Collections, on forms prescribed by the County, giving such information as may be necessary to determine the amount of the Rental Car User Fee due, and which shall be attested to by an authorized representative of the Rental Car Agency.

The 5% Fee and reports shall be due and payable to the Charleston County Department of Revenue Collections no later than the 20th day of the following month (e.g., the January 5% Fee and report is due and payable no later than February 20th). If the 20th day falls on a day that Charleston County is closed for business, the report and 5% Fee will be due the next business day.

D. Collection and Administration. The revenues from the Rental Car User Fee collected under this Ordinance must be remitted by the Rental Car Agency to the Charleston County Department of Revenue Collections and credited to the Air Service Fund, which shall be separate and distinct from the general fund of the County. After deducting a 5% administrative fee for program administration, the County shall distribute the revenues, or a portion thereof, to the Fiscal Agent(s) to be used by the County and/or the Fiscal Agent(s) for the purposes stated in this Ordinance.

Monies from the Fund shall be allocated as follows: upon collection, 80% shall be disbursed to the Authority annually, and 20% shall be disbursed by annual appropriation of Council. Provided, however, the County may increase the allocation to the Authority to finance any financial obligation of the Authority for the Projects. A Fiscal Agent may charge an administrative fee subject to the approval of the County Council to fulfill the purposes and objectives of this Ordinance.

If a Rental Car Agency (as defined herein) believes the amount due and payable is incorrect and/or that the Rental Car Agency is not subject to the 5% Fee as provided for herein, the Rental Car Agency must first make payment of the 5% Fee to have standing to challenge the 5% Fee's application to the Rental Car Agency. The Rental Car Agency may file an appeal of its 5% Fee and seek a refund of the same (in whole or in part) in the same manner as prescribed for in the Charleston County Business License Ordinance.

E. Examination of Books and Records. All Rental Car Agencies are required to maintain records and books necessary to compile and report the gross receipts received by the person or business (Rental Car Agency) for each and every passenger vehicle rented, leased, let, or otherwise.

The Charleston County Department of Revenue Collections shall have the right at all reasonable times during business hours to make inspections, examine and audit the books and records of the Rental Car Agency within Charleston County to verify the accuracy of such books and records. The Rental Car Agency must provide other information reasonably requested to verify the accuracy of such books and records. In addition, the Rental Car Agency may be subject to penalties for violation of this section in the same manner as prescribed for in the Charleston County Business License Ordinance.

F. Violations/Penalties for Nonpayment. Failure to remit payment of the 5% Fee may result in, but is not limited to, suspension and/or revocation of the Rental Car Agency's Business License. In addition, the Rental Car Agency may be subject to penalties and late charges for non-payment or late payment of any Fee due under this section in the same manner as prescribed for in the Charleston County Business License Ordinance.

Any business violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent payments, penalties and costs provided for herein.

SECTION IV. FISCAL AGENT

County Council hereby authorizes a Fiscal Agent to act as fiscal agent for the Air Service Development Fund (in whole or in part) generated from the Rental Car User Fee for the purposes stated in this Ordinance. County Council hereby designates the Charleston County Aviation Authority as Fiscal Agent to administer the Air Service Fund for the purposes stated herein.

SECTION V. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect 60 days following third reading by County Council. ADOPTED and APPROVED in meeting duly assembled this 8th day of December, 2020.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
C. Brantley Moody
Vice Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to County Council

First Reading: November 10, 2020
 Public Hearing: December 8, 2020
 Second Reading: November 19, 2020
 Third Reading: December 8, 2020

Mr. Pryor asked if Council could rescind the ordinance at any time. Mr. Dawson stated that the effective date of this ordinance would be 60 days from the date of third reading.

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

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

The vote being six (6) ayes, two (2) nays, and one (1) absent, the Vice Chairman declared the ordinance to have received third reading approval.

The Vice Chairman announced the next item on the agenda was third reading of an ordinance approving the 3600 Rivers Avenue Financial Incentives ordinance.

The ordinance was given third reading by title only.

3600 Rivers Ave
Financial
Incentives

Ordinance 3rd
Reading

AN ORDINANCE

PROVIDING FOR INFRASTRUCTURE OR SPECIAL SOURCE REVENUE CREDITS TO NAVY HOSPITAL PARTNERS, LLC; AUTHORISING AN INFRASTRUCTURE CREDIT AGREEMENT BETWEEN CHARLESTON COUNTY AND NAVY HOSPITAL PARTNERS, LLC; 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 (NAVY HOSPITAL PARTNERS, LLC); ESTABLISHING, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, IN CONJUNCTION WITH COLLETON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH COLLETON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK;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 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 propose to enter into an Agreement for Development for Joint County Industrial Park (Navy Hospital Partners, LLC) (the "MCIP 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 Counties have agreed to the specific terms and conditions of the arrangement set forth in the MCP Agreement; and

WHEREAS, Navy Hospital Partners, LLC, a South Carolina limited liability company (the "Company") proposes to purchase approximately 13.11 acre real property with a street address of 3600 Rivers Avenue, North Charleston, South Carolina (the "Project Site"), together with the existing buildings and other improvements thereon, and to rehabilitate and renovate such property into a modern, state-of-the-art mixed use residential and commercial facility by renovating and improving the real property and buildings at the Project Site (the "Project"); and

WHEREAS, the Counties now desire to establish the Park to include the Initial Property;

WHEREAS, the Project when completed will represent an anticipated capital investment by the Company in the aggregate not less than \$35,000,000 in the Project; 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, rehabilitate, and renovate 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 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. 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:

(a) 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 annual SSRC against the PILOT Payments attributable to the Project (the “Project PILOT Payments”), in the amount necessary to reduce the Project PILOT Payment in each year (the “Net Project PILOT Payment”) to the amount of the Net Project PILOT Payment for that corresponding year set forth in the attached Exhibit A. The SSRC will begin for the first property tax year designated by the Company in accordance with the terms of the Infrastructure Credit Agreement, and continue annually for nineteen (19) additional property tax years; 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) that the Company will pay the County’s administrative expenses associated with the approval and administration of the SSRCs; (ii) that under certain terms and conditions, the County will have access to certain information of the Company; and (iii) that the Company will indemnify and hold the County harmless for claims, losses, and damages with respect to the Project.

Section 4. Approval and 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. Approval and Execution of the MCIP Agreement. (a) There is hereby authorized to be established, initially in conjunction with Colleton County, a multi-county industrial/business park to include therein the Initial Property. The form, provisions, terms, and conditions of the MCP Agreement in substantially the form before Colleton County Council (the "County Council") at the meeting at which this Ordinance receives third reading, and filed with the Clerk to County Council, be and they are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.

(b) The form, terms, and provisions of the MCIP 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 MCIP 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 MCIP Agreement in the name and on behalf of the County, and thereupon to cause the MCIP Agreement to be delivered to the Partner County. The MCIP Agreement shall become effective on the date of the later of (i) enactment of this Ordinance by the Charleston County Council, after third and final reading and public hearing, (ii) enactment of an ordinance by Colleton County Council approving the MCIP Agreement, and (iii) adoption of a resolution by North Charleston City Council consenting to the inclusion in the Park premises of the property described in Exhibit B to this Ordinance. The Colleton County Council and the North Charleston City Council have been requested to give their respective approvals to the MCIP Agreement. The MCIP 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 MCIP Agreement presented to said meeting.

(c) As of the date of enactment of this Ordinance, the Park shall consist of the Project Site located in Charleston County. It is recognized that the Park may from time to time consist of non-contiguous properties within each Member County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by (a) an ordinance of the Member County in which the property to be added or removed from the Park is actually located, and (b) a resolution (or comparable action) of the governing bodies of all other Member Counties.

Section 6. Payment of Fee-in-lieu of Taxes. (a) In accordance with Article VIII, Section 13(D) of the South Carolina Constitution, the area comprising the Park and all property having a situs therein is exempt from all *ad valorem* taxation. All owners and lessees of property situated in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the county treasurer of the county in which such property is located. That portion of the fee from the Park property located in a Member County and allocated pursuant to the MCP Agreement to the other Member Counties shall be paid to the respective county treasurer

(or other designated official) of the other Member Counties in accordance with the terms of the MCP Agreement. Payments of fees in lieu of *ad valorem* taxes for each year will be due on the due date for property taxes for such year. Penalties for late payment will be at the same rate as late tax payments. Any late payment beyond the due date will accrue interest at the same rate of as late tax payments. The Member Counties, acting by and through the appropriate official, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

(b) Nothing herein shall be construed to prohibit any Member County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

Section 7. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Park by the Member Counties shall be as set forth in the MCP Agreement.

Section 8. Distribution of Revenues to Taxing Entities. Revenues from the Park shall be distributed to and within the Member Counties as set forth in the MCP Agreement.

Section 9. Governing Laws and Regulations. In order to avoid any conflict of laws or ordinances among the Member Counties, the ordinances or other local laws of each Member County will be the reference for such regulations or laws in connection with Park premises located within such Member County. Nothing herein shall be taken to supersede any applicable municipal, state, or federal law or regulation. The Member County in which a parcel of Park premises is located is specifically authorized to adopt restrictive covenants and land use requirements in accordance with law for each such parcel at that Member County's sole discretion. The ordinances of a Member County shall in no way apply to Park property not located in such Member County.

Section 10. Allocation of MCP FILOT Revenues. (a) The County, in cooperation with the Partner County, hereby designates the site of the Project as a multi-county park pursuant to Article VIII, Section 13 of the Constitution of South Carolina and the MCIP Act, and approves 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 thirty (30) 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 in accordance with the terms of the MCIP Agreement will be distributed as follows:

- (1) After deducting any amounts distributed to the Partner County, to the County the amount provided in the MCIP Agreement for allocation to the Charleston County Economic Development Fund; and

- (2) After making the allocations under paragraphs (1), to the County an amount equal to the total SSRCs to be provided in such year pursuant to Section 3 hereof; and
- (3) After making the allocations under paragraphs (1) and (2) of this subsection (b), the balance is to be distributed among the taxing districts based on their current millage rates for the year in which the distribution is made.

Section 11. 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

<u>Year</u>	<u>Annual Net Project PILOT Payment</u>
Years 1 through 10	\$56,735
<u>Years 11 and 12</u>	<u>62,409</u>
Years 13 and 14	68,649
Years 15 and 16	75,514
Years 17 and 18	83,066
Years 19 and 20	91,372

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was third reading of an ordinance conveying the County-owned property located at 3600 Rivers Avenue to Navy Hospital Partners, LLC.

The ordinance was given third reading by title only.

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT
3600 RIVERS AVENUE (PARCEL ID# 469-07-00-001)
TO NAVY HOSPITAL PARTNERS, LLC**

WHEREAS, the County of Charleston ("County") owns the approximately 23 acres of property located at 3600 Rivers Avenue, Parcel ID# 469-07-00-001, in the City of North Charleston known as the former Charleston Naval Hospital ("Property"); and

**Convey 3600
Rivers Ave to
Navy Hospital
Partners**

**Ordinance 3rd
Reading**

WHEREAS, the County entered into a Purchase Sale Agreement, as amended (“Agreement”), with Navy Hospital Partners, LLC, a South Carolina limited liability company (“Purchaser”) on December 30, 2019, for redevelopment to include but not limited to a state-of-the-art mixed use residential and commercial facility with a focus on Workforce Housing that is affordable to the Area Median Income (“AMI”) of Charleston County; and

WHEREAS, the County will convey the Property to the Purchaser for the sum of Fifteen Million (\$15,000,000.00) Dollars, subject to the conditions set forth in the Agreement; and

WHEREAS, a Public Hearing on the proposed conveyance of the Property will be held prior to the third reading of this Ordinance, pursuant to Section 4-9-130 of the Code of Laws of South Carolina (1976, as amended); and

WHEREAS, the conveyance of the Property, pursuant to the terms set forth above, is in the best interest of Charleston County and its citizens; and

NOW, THEREFORE, be ordained it by Charleston County Council, in meeting duly assembled and incorporating the above-referenced recitals, finds as follows:

SECTION I. AUTHORIZATION TO EXECUTE DEED

Charleston County Council authorizes the preparation of a limited warranty deed for execution by the Chairman to transfer the approximately 23 acre Property located at 3600 Rivers Avenue, Parcel ID# 469-07-00-001, to Navy Hospital Partners, LLC, for the sum of Fifteen Million (\$15,000,000.00) Dollars, subject to the conditions set forth in the Agreement.

SECTION II. CONFLICT WITH OTHER ORDINANCES

Any previously enacted ordinance that is in conflict with the provisions of this Ordinance is hereby repealed from and after the effective date of this Ordinance.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval following third reading by the Charleston County Council.

ADOPTED and APPROVED in meeting duly assembled this 8th day of
December, 2020.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
J. Elliott Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to County Council

First Reading: November 10, 2020
Public Hearing: December 8, 2020
Second Reading: November 19, 2020
Third Reading: December 8, 2020

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was second readings of ordinances to amend both the Comprehensive Plan and the Zoning and Land Development Regulations to include the Main Road Corridor Overlay Zoning District.

The ordinance amending the Comprehensive Plan was given second reading by title only.

Main Road Corridor
Overlay Zoning
District

Ordinances 2nd
Readings

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY COMPREHENSIVE PLAN,
AS AMENDED, AT THE FOLLOWING DOCUMENT LOCATIONS: MAP**

3.1.4, FUTURE LAND USE; MAP 3.1.5, URBAN/SUBURBAN FUTURE LAND USE DETAIL; MAP 3.1.18, MAIN ROAD CORRIDOR OVERLAY ZONING DISTRICT; TABLE 3.9.1, PROJECT STATUSES; AND TABLE 3.9.2, PRIORITY RECOMMENDATIONS.

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

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The ordinance amending the Zoning and Land Development Regulations was given second reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED AT THE FOLLOWING DOCUMENT LOCATIONS: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS, EXPLICITLY EXCLUDING PARCEL IDENTIFICATION NUMBERS 283-00-00-024, 283-00-00-028, 283-00-00-072, 283-00-00-229 WHICH REMAIN OUTSIDE OF THE OVERLAY ZONING DISTRICT BOUNDARY; CHAPTER 8, SUBDIVISION REGULATIONS, AND CHAPTER 9, LAND DEVELOPMENT REGULATIONS.**

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

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

Darby	- aye
Honeycutt	- aye

Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was second reading of an ordinance to amend the Dupont-Wappoo Overlay Zoning District.

The ordinance was given second reading by title only

ZREZ-0-20-00124,
1920 DUNBAR
STREET (Dupont-
Wappoo Overlay
District)

Ordinance 2nd
Reading

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
AMENDED: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING
DISTRICTS, TO AMEND TABLE 5.13-1, DUPONT-WAPPOO AREA
OVERLAY ZONING DISTRICT USE TABLE.**

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

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

Darby	- aye
Honeycutt	- aye
Johnson	- aye
Moody	- aye
Pryor	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- absent

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

The Vice Chairman announced the next item on the agenda was the SC Department of Juvenile Justice Lease of 3887 Leeds Ave.

SC Department
of Juvenile
Justice
Lease/3887
Leeds Ave

A report was provided by the Finance Committee under date of November 5, 2020, that it considered the information furnished by County Administrator Bill Tuten and Contracts

Request to
Consider

and Facilities Management Director Timothy Przybylowski regarding a request to lease the County-owned property located at 3887 Leeds Ave to the SC Department of Juvenile Justice. It was stated that, pursuant to Council Directive 19-221, Council voted to approve the Capital Improvement Plan (CIP) which includes improvements to the Detention Center Complex. As part of the CIP, the County desires to lease 3887 Leeds Avenue, an approximately 13,590 square foot County owned building, also known as the Work Camp, to the South Carolina Department of Juvenile Justice (DJJ).

S.C. Code § 63-3-350 states that the County is obligated to provide to DJJ "...sufficient physical facilities for the operation of the statewide Family Court System in that county, including facilities necessary for the provision of intake and probation services by the Department of Juvenile Justice."

It was shown that the County will terminate both of its current leases; a land lease to DJJ, housing a 6,600 square feet building located at 4360 Headquarters Road for its intake services, and also a NNN lease on behalf of DJJ, for approximately 7,900 square feet of space, located at 3346 Rivers Ave for its probation services. DJJ has expressed its willingness to consolidate its operations providing intake and probation services to citizens of Charleston County at 3887 Leeds Avenue through a lease with the County.

Committee recommended that Council authorize the lease of the building located at 3887 Leeds Avenue to the South Carolina Department of Juvenile Justice for a one (1) year term, which shall renew automatically each year for a one-year term unless the lease agreement is terminated or amended by either DJJ or the County with the understanding that rent shall be one (\$1) dollar per year and all documents will be reviewed by the Legal Department.

Mr. Pryor moved for Committee recommendation. Mrs. Honeycutt seconded the motion, which carried.

The Vice Chairman announced the next item on the agenda was a motion to reconsider the vote on the Central Park and Riverland Drive Improvements.

**Central Park
Rd and
Riverland
Drive
Intersection
Improvements**

At the County Council meeting of November 19, 2020, Council approved moving forward with Alternative 3 for this project. Having voted on the prevailing side of the Central Park Road at Riverland Drive Intersection Improvements Project item at the November 19, 2020, County Council meeting, Councilmember Henry Darby notified the Clerk of Council that he wanted to reconsider his vote at the County Council meeting of December 8, 2020.

**Request to
Reconsider**

Mr. Darby asked what role the SC Department of Transportation would have with the roundabout. Public Works Director Steve Thigpen stated (I could not hear what Mr. Thigpen said). Mr. Darby asked if there would be a yield sign. Mr. Thigpen stated that there would be a yield sign at each entrance to the roundabout. Mr. Darby asked if 18-wheelers would use the roundabout since it is in a residential neighborhood. Mr. Thigpen stated that there are no restrictions on 18-wheelers using the roundabout and, as 18-

wheelers currently use Riverland Drive, the roundabout would be designed with that in mind.

Mr. Darby moved to reconsider the vote. Mr. Pryor seconded the motion.

The Vice Chairman called for a roll call vote on the motion to reconsider. The roll was called and votes recorded as follows:

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

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

Mr. Darby stated that he has never known Council to vote down a request to reconsider. He added that in college he had a professor who uses the term realpolitik, which means when you have the power, power is more important than the rule and those with the power take action because they can, not because it is right. He stated he experienced realpolitik during the meeting because Council could have allowed him to reconsider his vote because changing his vote would not have made a difference in the outcome of the motion, but those in power refused his request even though allowing him to reconsider would have been the right thing to do.

**Financial
Incentives for
Project Maple**

The Vice Chairman announced the next item on the agenda was Financial Incentives for Project Maple.

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

A report was provided by the Finance Committee under date of December 2, 2020, that it considered the information furnished by County Administrator Bill Tuten and Economic Development Director Steve Dykes regarding financial incentives extended to Project Maple. It was stated that Project Maple, a 30-year old Canadian company, is currently looking to construct a facility and expand its integrated logistics solutions offerings into the United States for commodities such as plastic resin, cereals, grains, and special crops as well as forest products. The company was referred to the Charleston County Economic Development Department by the SC State Ports Authority (SCSPA), with whom the company has been working to identify a site near the North Charleston Terminal.

Project Maple plans to invest approximately \$16 million in the project, including \$5 million to construct a building and \$11 million in associated business personal property (machinery & equipment). The company will create 85 new jobs (average annual salary

of \$45,662) with an added annual payroll of \$3,881,280. Over the next twenty years, annual property tax revenues to the various taxing entities from this expansion should approximate \$2,525,004 million, with approximately \$416,000 of that figure coming due to Charleston County.

It was shown that economic impact analysis for Project Maple was conducted by the Director of Research of the Charleston County Economic Development Department utilizing IMPLAN, one of the most widely used economic impact assessment software tools in the nation. The analysis indicates that additional economic stimulus will occur during the initial facility construction phase as well as during the annual operation. Specifically, some 33 direct jobs (some part-time and temporary) are anticipated to be created during facility construction, supporting an estimated \$2.5 million in total labor income. During annual operation, the 90 direct jobs (85 full-time-equivalent) being created by Project Maple are anticipated to support an additional 71 jobs (67 full-time-equivalent jobs) through indirect and induced economic activity, supporting \$8.5 million in total labor income.

To support this expansion, the Economic Development Director committed to Fee-In-Lieu-of-Tax (FILOT) incentives and Multi-County-Industrial-Park (MCIP) designation. FILOT terms will include a 6% assessment rate, with millage fixed at the 2020 level of 297.2 mills (tax district 4-3 City of North Charleston) over the twenty-year term.

(NOTE: For business purposes, the company prefers to maintain confidentiality through use of a code-name at this time, but will reveal its identity with a public announcement prior to public hearing and final reading.)

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 million, 85-person relocation project by Project Maple in North Charleston. FILOT terms to include 6% assessment ratio, with millage of 297.2 (the 2020 level for tax district 4-3 North Charleston) to remain fixed throughout the twenty-year project term. Charleston County also pledges to include the property in its Charleston-Colleton MCIP by taking further action in 2021.

Mr. Pryor moved for Committee recommendation. Mrs. Honeycutt seconded the motion, which carried.

The ordinances were 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 AN INDUSTRY
CURRENTLY KNOWN TO THE COUNTY AS "PROJECT MAPLE," WHEREBY
CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES
ARRANGEMENT WITH PROJECT MAPLE; PROVIDING FOR PAYMENT BY
PROJECT MAPLE OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND
OTHER MATTERS RELATING THERETO**

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

The Vice Chairman announced the next item on the agenda was appointments to boards & commissions.

Mr. Pryor moved for approval of the appointments to boards & commissions, seconded by Ms. Johnson, and carried.

Item A:

**Firemen's
Insurance &
Inspection
Fund--1%
Commission (St.
Paul's Seat)**

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to make an appointment to the St. Paul's Fire District 1% Commission. It was stated that an announcement of vacancies for the Firemen's Insurance and Inspection Fund (1% Commission) was previously made.

Appointment (1)

An application for appointment was received from Stephanie Gruber (St. Paul's Fire District). After these appointments, there will still be 10 vacancies.

The Firemen's Insurance and Inspection Fund (1% Commission) is comprised of 21 members: the County Treasurer and 4 representatives from each of the five fire districts in the County (Awendaw, St. John's, St. Paul's, St. Andrews PSD, and James Island PSD). Members are appointed by the Treasurer upon recommendation of County Council for four year terms. All insurance companies doing business in South Carolina must report to the Department of Insurance the amount of fire insurance premiums written for improvements to all assessed property in each county and is then assessed a 1% tax for the fire insurance premiums written per county. That money is deposited into the 1% Fund and is dispersed to each County Treasurer. The Fund is then distributed to each fire district by the County Treasurer through the Firemen's Insurance & Inspection Fund (1%) Commission. The role of the 1% Commission is to ensure that expenditures from the fund are consistent with state statutes that regulate the fund.

The term for this seat will expire 3/24.

Committee recommended that Council recommend that the Treasurer appoint Stephanie Gruber to the Firemen's Insurance & Inspection Fund--1% Commission (St. Paul's Seat) for a term to expire March 2024.

Item B:

**Procurement
Appeals Board**

Appointment (1)

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to make an appointment to the Procurement Appeals Board. It was stated that an announcement of vacancies for the Procurement Appeals Board was previously made.

Application for appointment was received from Keith Connolly. After this appointment, there will still be one vacancy.

The Charleston County Procurement Appeals Board meets only in the case of a formal protest by a vendor, regarding the solicitation of an award or an appeal from a determination made by the Director of Procurement. The Chairman of this five member Board must be an attorney. Terms are for two years.

The term for this seat will expire 6/24.

Committee recommended that Council appoint Keith Connolly to the Procurement Appeals Board for a term to expire in June 2024.

Item C:

St. John's Fire District Commission (Kiawah Island Seat)

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to recommend that the Governor make an appointment to the Kiawah Island Seat of the St. John's Fire District Commission. It was stated that an announcement of vacancy for the St. Johns Fire District Commission (Kiawah seat) was previously made.

Appointment (1)

Application for reappointment was received from William Thomae.

The St. John's Fire District Commission Board consists of nine members, appointed by the Governor upon recommendation by Charleston County Council, responsible for the oversight of all administrative and operational aspects of the St. John's Fire District special purpose district. The board has the authority to purchase, establish, enlarge, maintain, conduct, and operate the special purpose district as deemed necessary. The board meets to review operational, financial, and administrative activity reports

The term for this seat will expire 12/24.

Committee recommended that Council recommend that the Governor reappoint William Thomae to the Kiawah Island seat on the St. John's Fire District Commission for a term to expire in December 2024.

Item D:

Construction Board of Adjustment and Appeals (Architect Seat)

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need make an appointment to an architect seat on the Construction Board of Adjustment and Appeals. It was stated that an announcement of vacancies for the Construction Board of Adjustment & Appeals was previously made.

Appointment (1)

Application for reappointment was received from Shelley Clark-Glidewell to fulfil the seat of Registered Architect. After this appointment, there will be three vacancies on this board.

The Charleston County Construction Board of Adjustment and Appeals shall consist of eleven members appointed by Charleston County Council for a term of four years each. No member of the Board may hold an elected public office. The eleven-member board shall consist of the following: 2 registered architects, 1 registered structural engineer, 1 registered mechanical engineer, 2 registered civil engineers, 1 licensed general contractor, 1 mechanical contractor, 1 licensed electrical contractor, 1 licensed plumbing contractor, and 1 licensed residential home builder.

The term for this seat will expire 7/24.

Committee recommended that Council appoint Shelley Clark-Glidewell to an architect seat on the Construction Board of Adjustment and Appeals for a term to expire in July 2024.

The previous item was the last appointment to boards and commissions.

The Vice Chairman announced the next item on the agenda was the Greenbelt Projects.

**ACE Basin –
Willtown (Knox)
Rural Greenbelt
(Adams Run)**

**Request to
Consider**

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by County Administrator Bill Tuten and Greenbelt Program Director Cathy Ruff regarding the ACE Basin Willtown (Knox) Rural Greenbelt Project in the Town of Adams Run. It was stated that in accordance with Charleston County Ordinance #1424 as amended, the Greenbelt Advisory Board (GAB) shall review all greenbelt project applications and make funding recommendations to County Council. The GAB considered the following project at their November 18, 2020 meeting. A map and project summary are attached.

Project Name	ACE Basin – Willtown (Knox)
Applicant	The Nature Conservancy
Location of Property	Parkers Ferry Road, Adams Run
Landowner	Willtown Land and Timber, LLC
Size of Property	2000 acres
Proposed Greenbelt Uses	Timbering, Hunting, Long Leaf Pine Habitat

Project Budget	Greenbelt Funds	Match	Total
Land	\$516,469	\$1,574,531	\$2,091,000
Admin/Closing	\$0	\$58,000	\$58,000
Improvements	\$0	\$0	\$0
Total	\$516,469	\$1,632,531	\$2,149,000

Funding Information:

- The 316% match consists of landowner donation of a \$1,324,531 portion of the easement value as well as donation of \$40,000 for land stewardship; \$250,000 from the SC Conservation Bank; and the applicant will provide \$18,000 for the

closing and administrative costs. This represents a match of \$3.16 for every \$1.00 of Greenbelt funds.

- An updated appraisal was completed July 16, 2020 by Charleston Appraisal Services valuing the conservation easement at \$2,091,000. The fair market is \$10,452,000.
- The landowner is an LLC. The only partner is Northrup R. Knox, Jr.

Committee recommended that Council:

1. As recommended by the Greenbelt Advisory Board, approve funding for the ACE Basin – Willtown (Knox) Rural Greenbelt project, provided that upon approval, grant agreements will be executed between the County and the appropriate parties.
2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grants funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Authorize the use of \$516,469 to be funded from Greenbelt project funds from the First Sales Tax revenues.

Mr. Pryor moved for Committee recommendation. Mr. Sass seconded the motion, which carried.

The Chairman stated that the next item on the agenda was the Station 18 ADA Boardwalk Urban Greenbelt Project.

Station 18 ADA Boardwalk Urban Greenbelt Project

Request to Consider

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by County Administrator Bill Tuten and Greenbelt Program Director Cathy Ruff regarding the Station 18 ADA Boardwalk Urban Greenbelt Project in the Town of Sullivan’s Island. It was stated that in accordance with Charleston County Ordinance #1424 as amended, the Greenbelt Advisory Board (GAB) shall review all greenbelt project applications and make funding recommendations to County Council. The GAB considered the following project at their November 18, 2020 meeting. A map and project summary are attached.

Project Name	Station 18 ADA Boardwalk Construction
Applicant	Town of Sullivan’s Island
Location of Property	Station 18 th Street, Sullivan’s Island
Landowner	Town of Sullivan’s Island
Size of Property	Minor Improvement Project
Proposed Greenbelt Uses	ADA compliant public beach access

Project Budget	Greenbelt Funds	Match	Total
Land	\$0	\$0	\$0

Admin/Closing	\$0	\$100	\$100
Improvements	\$62,759	\$32,241	\$95,000
Total	\$62,759	\$32,341	\$95,100

Funding Information:

- The 52% match consists of the applicant’s contribution of \$32,241 toward the planned trail improvements and \$100 for a Phase 1 Environmental Survey required by the Greenbelt Program. This represents a match of \$0.52 for every \$1.00 of Greenbelt Funds.
- An appraisal is not necessary for minor improvement only projects.
- This request is for the total amount on hand in the Town of Sullivan’s Island’s urban allocation.

Committee recommended that Council:

1. As recommended by the Greenbelt Advisory Board, approve funding for the Station 18 ADA Boardwalk Construction Urban Greenbelt project, provided that upon approval, grant agreements will be executed between the County and the appropriate parties.
2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grants funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Authorize the use of \$62,759 to be funded from a combination of Greenbelt project funds from the First and Second Sales Tax revenues.

Mr. Schweers moved for Committee recommendation. Mr. Sass seconded the motion, which carried. Messrs. Moody and Pryor voted nay.

The Chairman stated that the next item on the agenda was the Quaponda Parks Urban Unincorporated Greenbelt Project.

**Quaponda
Parks Urban
Unincorporated
Greenbelt
Project**

**Request to
Consider**

A report was provided by the Finance Committee under date of December 3, 2020, that it considered the information furnished by County Administrator Bill Tuten and Greenbelt Program Director Cathy Ruff regarding the Quaponda Parks Urban Unincorporated Greenbelt Project in the unincorporated Johns Island area. It was stated that in accordance with Charleston County Ordinance #1424 as amended, the Greenbelt Advisory Board (GAB) shall review all greenbelt project applications and make funding recommendations to County Council. The GAB considered the following project at their November 18, 2020 meeting. A map and project summary are attached.

Project Name	Quaponda Parks
Applicant	CIRCA 11:11
Location of Property	Maybank Highway, Johns Island

Landowner Margaret Broxton, George Griffith
 Size of Property 41 acres
 Proposed Greenbelt Uses Recreation, Outdoor Education, Farm Co-Op and Cultural Community Center

Project Budget	Greenbelt Funds	Match	Total
Land	\$4,600,000	\$800,000	\$5,400,000
Admin/Closing	\$59,000	\$0	\$59,000
Improvements	\$70,000	\$812,000	\$882,000
Total	\$4,729,000	\$1,612,000	\$6,341,000

Funding Information:

- The 34% match consists of: landowner donation of a bargain sale of subject property (\$600,000) and a 1-acre access easement on adjacent property (\$200,000); applicant and partner match of \$812,000 for the proposed improvements. This represents a match of \$0.34 for every \$1.00 of Greenbelt funds.
- An appraisal on the Griffith Road property was provided. It was completed January 27, 2015 and valued the property's fair market value at \$845,000 and the life estate value at \$630,000.

The GAB is recommending denial of this project due to the lack of funding in the Urban Unincorporated allocation. For the remaining life of the Sales Tax it is anticipated that \$2.8 million remains to be collected for urban unincorporated projects. In order to approve this project as requested, funds are needed from either rural funds or another urban municipality's allocation.

Committee recommended that Council voted, as recommended by the Greenbelt Advisory Board, to deny the Quaonda Parks Urban Greenbelt project due to insufficient funds in the urban unincorporated allocation and that the project scored too low to consider recommending an exception for using funds from another source.

Mr. Schweers moved for Department Head recommendation. Mr. Rawl seconded the motion, which carried.

The Vice Chairman stated there was a need for an Executive Session. Mr. Darby asked if Council Comments could be held before Executive Session. The Vice Chairman agreed and asked if any member of Council wished to bring a matter before the Body.

Mr. Pryor stated that he had not known Council in the past to deny any Councilmember's request to reconsider their vote and that Council should display common courtesy.

Mr. Darby stated that, at the Social Services Hub groundbreaking ceremony, Mayor Summey made comments about Pinehaven Shopping Center that reminded him of how

**Council
Comments**

much America has changed. He stated that as a little boy his mother bought a slip and couldn't try on the slip in the store because of the color of her skin, nor could she return the slip if she got home and it didn't fit. He stated that it gives him honor to be able to vote to erect a building that will do so much good for people in that very spot. He stated that he is proud to be an American because the country is self-corrective. When things go awry, the country has a way of correcting itself. Mr. Darby stated that he is a living testimony that, while there is still more to do, America has changed.

Ms. Johnson thanked Mr. Darby for the request to reconsider the Central Park Rd and Riverland Drive Intersection Improvements.

Mr. Moody congratulated Charleston County, Mr. Tuten, John Williams, and staff for the completion of the Material Recovery Facility and Social Services Hub groundbreaking. He also wished everyone a Happy Hanukkah.

The Vice Chairman stated there was a need for Executive Session to discuss:

**Executive
Session**

- A) Personnel Matter
- B) Graziano vs. Charleston County Sheriff

Mr. Pryor moved to enter Executive Session. Mrs. Honeycutt seconded the motion, which carried.

The Vice Chairman announced that the Committee would enter into Executive Session.

At the conclusion of the Executive Session, the Vice Chairman stated Council had returned from Executive Session and that no action or votes had been taken during Executive Session.

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

Kristen L. Salisbury
Clerk of Council