

# **AGENDA**

**COUNTY  
COUNCIL**

**12/10/19**

**AGENDA  
COUNTY COUNCIL  
December 10, 2019  
6:30 PM**

- 1. FREEDOM OF INFORMATION ACT** - Report
- 2. MINUTES OF NOVEMBER 12, 2019 & NOVEMBER 21, 2019** - Request to Approve
- 3. RECOGNITIONS & RESOLUTIONS**
  - A) Sheriff's Office Recognitions - Recognitions
  - B) Louis L. Waring, Jr. Resolution - Request to Adopt
- 4. SALE OF 4836 SEEWEE ROAD, AWENDAW** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 5. DOMINION ENERGY EASEMENT REQUEST—BEES FERRY WA LIBRARY** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 6. FINANCIAL INCENTIVES FOR PATRIOT XSC, LLC (XEBEC)** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 7. FINANCIAL INCENTIVES FOR CARVER MARITIME (FORMERLY PROJECT MERRY)** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 8. FINANCIAL INCENTIVES FOR URBAN ELECTRIC (FORMERLY PROJECT GOLDBUG)** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 9. FINANCIAL INCENTIVES FOR PATRIOTS ANNEX, LLC** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 10. SALE OF COUNTY OWNED PROPERTY—896 FOLLY ROAD & 1644 CAMP ROAD** - Ordinance 3<sup>rd</sup> Reading  
*This item was on the Finance agenda of November 7, 2019 and received first reading at the County Council meeting of November 12, 2019 and second reading on November 21, 2019.*
- 11. BAXTER PATRICK LIBRARY—SCE&G EASEMENT** - Ordinance 2<sup>nd</sup> Reading  
*This ordinance was adopted on August 20, 2019. Due to a scrivener's error, this ordinance must be amended and adopted again. This item received first reading on November 21, 2019.*
- 12. ZREZ-08-19-00105, BEES FERRY SIGN PD** - Ordinance 2<sup>nd</sup> Reading  
*This item was on the Planning and Public Works agenda of November 21, 2019 and received first reading at the County Council meeting the same night.*
- 13. FINANCIAL INCENTIVES FOR PROJECT STERILITY** - Ordinance 2<sup>nd</sup> Reading  
*This item was on the Planning and Public Works agenda of November 21, 2019 and received first reading at the County Council meeting the same night.*

**\*\*These items are added to this agenda, but are subject to action taken at the Finance Committee meeting of December 10, 2019.**

**14. CONSENT AGENDA**

- A) SC DHEC EMS Grant in Aid
- B) Charleston County Detention Center Envelope Repair and Coating
- C) Charleston Next Generation 911 Core Services and IP Network Solution
- D) Lease Agreement with SCDMV—East Cooper Service Center

- Request to Accept
- Award of Contract
- Award of Contract
- Request to Approve

**15. ST. JOHN'S FIRE DISTRICT COMMISSION – JOHNS ISLAND SEATS**

- Appointments (2)

**16. MULTI-COUNTY INDUSTRIAL PARK AMENDMENT—ADD TIF PROPERTIES**

- A) Request to Approve
- B) Ordinance 1<sup>st</sup> Reading

**17. MULTI-COUNTY INDUSTRIAL PARK AMENDMENT**

- A) Request to Approve
- B) Ordinance 1<sup>st</sup> Reading

**18. GREENBELT PROGRAM UPDATE**

- Presentation

## **RETURN TO AGENDA**

**1**

**IN COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT,  
NOTICE OF MEETINGS AND AGENDAS WERE FURNISHED TO  
NEWS MEDIA AND PERSONS REQUESTING NOTIFICATION.**

**RETURN TO AGENDA**

**2**

**MINUTES OF NOVEMBER 12, 2019 & NOVEMBER 21, 2019**

## RETURN TO AGENDA

### 3A

Charleston County Council would like to recognize CCSO Victim Services Coordinator Easter LaRoche for earning the Victim Services Award from the 20th annual Southern States Victim Assistance Training Conference in Fort Lauderdale, Fla. Easter is involved in a host of victim advocacy efforts and other community initiatives. Her career is exemplified by her efforts to start a homicide survivor support group at the @national crime victims National Crime Victims Research and Treatment Center at [MUSC Health](#), said Clarissa Whaley, victim witness coordinator for the District of South Carolina at the U.S. Department of Justice who nominated Easter. She was also a crucial part of the support system for the victims of the 2015 mass shooting at Emanuel AME Church.

"Easter is a consummate servant with a compassionate heart and spirit in serving victims," Whaley wrote in a nomination letter.

---

Charleston County Council would like to recognize Master Deputy Paul McManigal who was recently presented with a 2018 Top Computer Forensic Examiner award, an honor he also earned in the previous year. Last year, McManigal ranked first in South Carolina and 15th in the nation for the number of devices and the amount of data he examined.

There are about 1,200 computer forensic examiners on the U.S. Secret Service's Electronic Crimes Task Force. We're very happy to have one here at CCSO who ranks among the best.

---

Lauren

# RETURN TO AGENDA

## 3B

### A RESOLUTION OF CHARLESTON COUNTY COUNCIL

*Honoring Louis L. Waring, Jr.*

**WHEREAS**, Louis L. Waring, Jr. was born in St. Andrews Parish, Charleston, SC in 1928 to the late Louis and Geneva Waring; **and**,

**WHEREAS**, Louis L. Waring, Jr. is the husband of the late Seloris C. Waring and the father of 6 children, 20 grandchildren, and 25 great-grandchildren; **and**,

**WHEREAS**, Louis L. Waring, Jr. is a member and Deacon Emeritus of St. Matthews Baptist Church; **and**,

**WHEREAS**, Louis L. Waring, Jr. is a United States Navy World War II veteran who volunteered to serve his country at the age of 14 and was stationed at Port Chicago, CA; **and**,

**WHEREAS**, Louis L. Waring, Jr. became a general foreman of the Rigger Shop at the Charleston Naval Shipyard where he retired in 1982 after 33 years of service; **and**,

**WHEREAS**, Louis L. Waring, Jr. and his wife, Seloris, were actively involved in the education of their children and protested the inequities in the school system and workplace in Charleston and Mr. Waring was elected to serve as the President of the First Congressional District of the South Carolina Colored Parent Teacher's Association (PTA) just prior to the integration of schools in South Carolina; **and**,

**WHEREAS**, during the Civil Rights Movement, Louis L. Waring, Jr. joined a lawsuit against the Shipyard for discrimination in promotion practices and against local bowling alleys that would not admit black patrons and won both lawsuits; **and**,

**WHEREAS**, Louis L. Waring, Jr. was elected to a seat on the Saint Andrews Public Service District in 1990 and later served as that body's chairman; **and**,

**WHEREAS**, Louis L. Waring, Jr. was elected to Charleston City Council District 7 in 1993, where he served four terms, and was *Mayor Pro Tem* in 1995 and 2006, and as the representative of District 7, Waring initiated efforts to improve water drainage in Ardmore Subdivision, install speed humps to prohibit speeding, improve streetlights for the safety of neighborhoods, and have ditches cleaned on a regular schedule; **and**,

**WHEREAS**, during his tenure on Charleston City Council, Louis L. Waring, Jr. served as Chairman of the Ways and Means Committee and supported fiscal policies that led to the City of Charleston having the best credit rating of any city in the state of South Carolina; **and**,

**WHEREAS**, in addition to his elected service, Louis L. Waring, Jr. has been a member of the Board of Directors for the Charleston NAACP (Life Member), Salvation Army, Gibbes Museum of Art, Citizens Committee Credit Union (former Board Chairman), Joint Highway 61 Commission (former Vice President), member and chairman of the St. Andrews Park & Playground Commission, Founder and President of St. Andrews Improvement and Awareness Organization, and the first African American chairman of the board of the Charleston County Department of Social Services.

**NOW, THEREFORE, BE IT RESOLVED THAT CHARLESTON COUNTY COUNCIL** does hereby honor Louis L. Waring, Jr. and recognizes that through his belief in putting God first, integrity, family values and teamwork, Waring's service to his country and dedication to improving the lives of others through education, peaceful protest, and participation in local government has yielded huge dividends.

**CHARLESTON COUNTY COUNCIL**

**J. Elliott Summey, Chairman**  
**December 10, 2019**

# RETURN TO AGENDA

4

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF A PORTION OF THE REAL PROPERTY LOCATED AT  
4836 SEEWEE ROAD (PARCEL ID #629-00-00-189) TO PHILLIP A. ST. PIERRE AND SALLY  
ANN RUTH ST. PIERRE**

WHEREAS, the County of Charleston ("County") owns the property known as the East Cooper Maintenance Facility, located at 4836 Seewee Road in the Town of Awendaw, Parcel ID# 629-00-00-189 (the buildings and real property hereinafter collectively known as "the Property"); and

WHEREAS, Phillip A. St. Pierre and Sally Ann Ruth St. Pierre own real property adjacent to the Property for the operation of a garden center and offered to purchase a portion of the Property that is unusable to the County for the appraised value and to pay all associated costs to subdivide the Property; and

WHEREAS, on November 12, 2019, County Council agreed to transfer a portion of the Property that is unusable to the County to Phillip A. St. Pierre and Sally Ann Ruth St. Pierre; and

WHEREAS, the County will convey approximately one acre of the Property to Phillip A. St. Pierre and Sally Ann Ruth for the sum of Fourteen Thousand Dollars (\$14,000.00); 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 to transfer a portion of the Property or approximately one acre of Parcel ID# 629-00-00-189, as shown on the aerial map attached as Exhibit A, to Phillip A. St. Pierre and Sally Ann Ruth St. Pierre for the sum of Fourteen Thousand Dollars (\$14,000.00).

**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 \_\_\_\_ day of \_\_\_\_\_, 2019.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
J. Elliott Summey  
Its: Chairman

ATTEST:

By: \_\_\_\_\_  
Kristen L. Salisbury  
Clerk of Charleston County Council

First Reading: November 12, 2019  
Second Reading: November 21, 2019  
Third Reading: December 10, 2019  
Public Hearing: December 10, 2019

# RETURN TO AGENDA

5

## AN ORDINANCE

### APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO THE DOMINION ENERGY SOUTH CAROLINA, INC ON A PORTION OF COUNTY PROPERTY KNOWN AS THE BEES FERRY WEST ASHLEY LIBRARY

**WHEREAS**, Dominion Energy South Carolina, Inc. ("Dominion") requested the grant of an Easement extending fifteen (15) feet on each side of any pole lines and five (5) feet on each side of any underground wires and within, over, under or through a section of land extending twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices on a portion of Charleston County's property identified by tax map number 306-00-00-972, located at Sanders Road and West Wildcat Blvd in Charleston, South Carolina ("Property"), and Charleston County Council grants this easement attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, Dominion required the easement in order to establish Dominion facilities so that they can continue to safely provide service and will pay for all costs of constructing, maintaining, and repair the easements as needed; and

**WHEREAS**, Charleston County Council finds that granting the easement is an appropriate public use for this Property; and

**WHEREAS**, Charleston County Council also finds that the easement will be a benefit to the County and other businesses in the area, and it consents to Dominion having an easement across the Property owned by the County; and

**WHEREAS**, it was unanimously resolved that the undersigned Officer convey an Easement as hereinafter described to the Grantee named below for the consideration expressed herein.

**KNOW ALL MEN BY THESE PRESENTS**, that the County of Charleston, ("Grantor") in the State aforesaid, for and in consideration of the sum of One and 00/100 (\$1.00) Dollar, to it in hand paid by Dominion ("Grantee"), receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto Grantee, its heirs and assigns forever, the Easement, which is more fully described in Exhibit A, which is attached hereto.

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants an easement extending fifteen (15) feet on each side of any pole lines and five (5) feet on each side of any underground wires and within, over, under or through a section of land extending twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices on a portion of Charleston County's real property identified by parcel identification number 306-00-00-972, located at Sanders Road and West Wildcat Blvd, in Charleston, South Carolina, for Dominion to provide electric utilities. Dominion will be responsible for any damages to County property occurring during its use of the easement, or anyone on its behalf to include its invitees. Dominion will pay for all costs of

constructing, maintaining, and repairing the easement, as needed. The location of the easement is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

**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.

ADOPTED and APPROVED in meeting duly assembled this 10<sup>th</sup> day of December 2019.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
J. Elliott Summey  
Chairman of County Council

ATTEST.

By: \_\_\_\_\_  
Kristen Salisbury  
Clerk to County Council

First Reading: November 12, 2019  
Second Reading: November 21, 2019  
Third Reading: December 10, 2019  
Public Hearing: December 10, 2019

# RETURN TO AGENDA

6

## ORDINANCE

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

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

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

WHEREAS, Patriot XSC, LLC, a South Carolina limited liability company (the "Company"), intends to acquire and construct a 260,000 square foot building and related parking facilities as a manufacturer supplier facility (the "Project"); the Project is to be located in the Palmetto Commerce Park (the "Project Site"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company in the aggregate not less than \$13,263,705 in real property and real property improvements to be located at the Project Site; the entire Project has been leased to Mercedes-Benz Vans, LLC (the "Tenant"), for one year, and a portion of the Project has been leased by the Tenant for an additional two years: the third party logistics group, Kontane, is expected to create approximately 50 new jobs at the Project; and

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

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

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon 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;
- (c) the Investment by the Company in the Project will be approximately \$13,263,705, all to be invested within the "investment period" (as defined in the FILOT Act); the entire Project has been leased to the Tenant for one year, and a portion of the Project has been leased by the Tenant for an additional two years: the third party logistics group, Kontane, is expected to create approximately 50 new jobs at the Project;
- (d) the Project will be located entirely within Charleston County;
- (e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (g) the 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 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 authorized a fee-in-lieu of taxes arrangement with the Company which will provide Negotiated FILOT Payments to be made with respect to the Project based upon a 6% assessment ratio with the millage rate which is the lower of (a) the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is located on June 30 of the year preceding the calendar year in which the FILOT Agreement (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. 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 5. 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 12, 2019  
Second Reading: November 21, 2019  
Public Hearing: December 10, 2019  
Third Reading: December 10, 2019

# RETURN TO AGENDA

7

## ORDINANCE

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

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

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

WHEREAS, Carver Maritime, LLC, an industry previously known to the County as "Project Merry" (the "Company"), intends to make an additional investment in economic development property (the "Project"); the Project is to be located on the former Naval Base 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") by the Company in the aggregate not less than \$9,200,000 in new machinery and equipment to be located at the Project Site; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an additional approximately 22 full-time employees; 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

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 and install 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 and the MCIP Act that the County Council provide final approval for qualifying the Project under the FILOT Act for the Incentives;

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon 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 and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately \$9,200,000, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ 22 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 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;
- (f) 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;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (h) the inducement of the location of the Project is of paramount importance; and
- (i) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as "economic development property" under the FILOT Act and there is hereby 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 [Expansion] 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. 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) The County will provide for 20 years that the annual allocation of the PILOT Payments generated by the Project within the boundaries of the Multi-County Park will be distributed in accordance with the MCIP Agreement.

Section 5. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement presented to said meeting.

Section 6. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorized by this Ordinance.

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

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

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

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

**CHARLESTON COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Chairman, County Council of  
Charleston County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Charleston County, South Carolina

First Reading: November 12, 2019  
Second Reading: November 21, 2019  
Public Hearing: December 10, 2019  
Third Reading: December 10, 2019

# RETURN TO AGENDA

8

## ORDINANCE

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

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

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

WHEREAS, The Urban Electric Company, Inc., an industry previously known to the County as "Project Goldbug" (the "Company"), intends to expand its manufacturing facility (the "Project"); the Project is to be located in the City of North Charleston on the former Naval Base (the "Project Site"); and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") by the Company in the aggregate not less than \$10,775,000 in new machinery and equipment to be located at the Project Site; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an additional approximately 180 full-time employees, in addition to the current 230 employees, at the Company's existing facility; 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

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 expand its operations in Charleston County by acquiring and installing 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 and the MCIP Act that the County Council provide final approval for qualifying the Project under the FILOT 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 and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately \$10,775,000, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ an additional 180 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 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;
- (f) 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;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (h) the inducement of the location of the Project is of paramount importance; and
- (i) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as "economic development property" under the FILOT Act and there is hereby

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.

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 for Properties Located in a Redevelopment Project Area (the "MCIP Agreement").

Section 5. Execution of the FILOT Agreement. The form, terms, and provisions of the FILOT Agreement presented to the meeting at which this Ordinance received third reading and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such FILOT Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorized and directed to execute and deliver the FILOT Agreement in the name and on behalf of the County, and thereupon to cause the FILOT Agreement to be delivered to the Company. The FILOT Agreement is to be in substantially the form before the meeting of County Council at which this Ordinance received third reading and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder, upon the advice of legal counsel, by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of FILOT Agreement presented to said meeting.

#### Section 6. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorized by this Ordinance.

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

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

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

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

**CHARLESTON COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Chairman, County Council of  
Charleston County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Charleston County, South Carolina

First Reading: November 12, 2019  
Second Reading: November 21, 2019  
Public Hearing: December 10, 2019  
Third Reading: December 10, 2019

# RETURN TO AGENDA

9

## ORDINANCE

### **AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO THE PAYMENTS IN LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA, FERRY WHARF COTTAGES, LLC, FERRY WHARF IV, LLC, AND PATRIOTS ANNEX, LLC, TO PROVIDE FOR ADDITIONAL PROPERTY TO BE SUBJECT THERETO; AND OTHER MATTERS**

WHEREAS, Patriots Point Development Authority (hereinafter, the “PPDA”) is the owner of (i) certain real property located at Patriot’s Point in the Town of Mt. Pleasant, County of Charleston, State of South Carolina, designated by TMS No. 517-00-00-107, also known as Parcel A-1 and described in the PILOT Agreement defined below and attached as Exhibit B to the Second Amendment (being hereinafter referred to as “Parcel A-1”); (ii) certain real property located at Patriot’s Point in the Town of Mt. Pleasant, County of Charleston, State of South Carolina, designated by TMS No. 517-00-00-118, also known as Parcel E and described in the PILOT Agreement defined below and attached as Exhibit B to the Second Amendment (being hereinafter referred to as “Parcel E”); and (iii) certain real property located at Patriot’s Point in the Town of Mt. Pleasant, County of Charleston, State of South Carolina, designated as a portion of the parcel identified as TMS# 517-00-00-001, also known as Parcel 1 and described in Exhibit A to the Second Amendment, as hereinafter defined (being hereinafter referred to as “Parcel 1”); and

WHEREAS, the development on the Patriot’s Point parcels consists of a combination of hotel, office, retail and related uses; and

WHEREAS, Annex is currently tenant under that certain Amended and Restated Master Lease Agreement dated December 19, 2016 (said Lease Agreement, as amended, being hereinafter referred to as the “Parcel 1 Lease”) whereby the PPDA leases to Annex and Annex leases from the PPDA Parcel 1; and

WHEREAS, Ferry Wharf Cottages, LLC, a South Carolina limited liability company (“FW Cottages”), as assignee, and Charleston County, South Carolina (the “County”) are parties to that certain “Agreement,” as amended by that certain First Amendment to PILOT Agreement dated as of January 10, 2017, which added Ferry Wharf IV, LLC (“FW IV”) as party to the PILOT Agreement and made Parcel E, improvements made by FW IV thereon and related personal property of FW IV subject to the PILOT Agreement (the “First Amendment”) (as further amended, restated, supplemented and assigned from time to time, hereinafter, the “PILOT Agreement,” a copy of which agreement, together with the First Amendment, is attached to the Second Amendment as Exhibit B), with respect to (i) Parcel A-1, which Parcel A-1 is owned by the PPDA and leased to FW Cottages, as assignee, under that certain Lease Agreement dated July 2, 1996 (as assigned and amended, the “Parcel A-1 Lease”); and (ii) Parcel E, which Parcel E is owned by PPDA and leased to FW IV, as assignee, under that certain Lease Agreement dated January 1, 1998 (as assigned and amended, the “Parcel E Lease”); and

WHEREAS, by the County’s Ordinance No. 1075, enacted October 20, 1998, the County authorized the execution and delivery of the PILOT Agreement; and



WHEREAS, by the County's Ordinance No. [\_\_\_\_], enacted January 10, 2017, the County authorized the execution and delivery of the First Amendment; and

WHEREAS, the PILOT Agreement provides, among other things, that: (A) the County would provide all customary County public services to FW Cottages and FW IV, as the tenant and occupant of the applicable parcels, at a level and in a manner that is consistent with other similarly situated developed areas adjacent to the PPDA property; and (B) despite the County's agreement to provide such services: (i) the County would not collect any ad valorem real property taxes for the applicable parcels for the years preceding the date of the PILOT Agreement, and (ii) in lieu of collecting ad valorem real property taxes on the applicable parcels for the year in which the PILOT Agreement was executed and the remaining years of the term of the Parcel A-1 Lease or the Parcel E Lease, as applicable, the tenant under the applicable lease would make an annual PILOT Payment, as defined and to be calculated as specifically set forth in the PILOT Agreement; and

WHEREAS, the First Amendment provides that additional parcels of land owned by PPDA may be added to the PILOT Agreement, and may become subject to the rights and obligations of the PILOT Agreement upon notice to and consent of the County; and

WHEREAS, the County, FW Cottages, FW IV and Annex agree that the PILOT Agreement and this Amendment do not in any manner limit the County's ability to impose any fees, assessments, licenses and taxes other than ad valorem real property taxes; and

WHEREAS, the County, FW Cottages, FW IV and Annex now desire to amend the PILOT Agreement to add Annex as a party thereto and to make Parcel 1, improvements made by Annex thereon and related personal property of Annex subject to the PILOT Agreement.

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

**Section 1. Authorization to Execute and Deliver Second Amendment to PILOT Agreement.** The Chair of County Council, or in the Chair's absence, the Vice-Chair, is authorized and directed to execute and deliver, and the Clerk to County Council is authorized and directed to attest the same, an amendment to the PILOT Agreement (the "*Second Amendment*"), which Second Amendment adds Annex as a party thereto and makes Parcel 1, improvements made by Annex thereon and related personal property of Annex subject to the PILOT Agreement. The Second Amendment is attached to this Ordinance as Exhibit A in substantially final form, with such changes as may be required or deemed appropriate by the Chair, or Vice-Chair in the Chair's absence, with the advice of counsel.

**Section 2. Further Acts.** The Chair, or the Vice-Chair in the Chair's absence, and the Clerk to County Council are authorized to execute and deliver such other closing and related instruments, documents, certificates and other papers as are necessary to effect the intent and delivery of the Second Amendment.

**Section 3. General Repealer.** The County Council repeals any part of any ordinance or resolution that conflicts with any part of this Ordinance.

**Section 4. Severability.** Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is deemed separable.

This Ordinance takes effect and is in full force only after the County Council has approved it following three readings and a public hearing.

APPROVED, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CHARLESTON COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
J. Elliott Summey, Chair of County Council

ATTEST:

\_\_\_\_\_  
Kristen Salisbury, Clerk to County Council

READINGS:

First Reading: November 12, 2019  
Second Reading: November 21, 2019  
Public Hearing: December 10, 2019  
Third Reading: December 10, 2019

# RETURN TO AGENDA

10

## AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE REAL PROPERTIES LOCATED AT 896 FOLLY ROAD (PARCEL ID #425-06-00-100) AND 1644 CAMP ROAD TO CORKY'S OUTDOOR POWER EQUIPMENT

WHEREAS, the County of Charleston ("County") owns the properties located at 896 Folly Road, Parcel ID# 425-06-00-100, and 1644 Camp Road, no parcel ID, in the Town of James Island known as the former Subway, (the buildings and real property hereinafter collectively known as "the Property"); and

WHEREAS, Danny O'Quinn, owner and operator of Corky's Power Equipment, LLC, (Corky's) owns real property adjacent to the Property for the operation of an outdoor equipment and lawn care company and has offered to purchase the Property from the County for the appraised value of the Property; and

WHEREAS, as a condition of the acquisition, Corky's has agreed to enter into an easement on the Property with the Town of James Island (Town) whereby the Town would pay for and install public improvements on the Property that support the Rethink Folly Road initiative; and

WHEREAS, the County will convey approximately .34 acres to Corky's for the sum of Five Hundred Thousand Dollars (\$500,000.00) with the condition that Corky's enter into an easement with the Town on the Property supporting the Rethink Folly Road initiative; 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 to transfer the Property of approximately .34 acres of Parcel ID# 425-06-00-100 and 1644 Camp Road to Corky's for the sum of Five Hundred Thousand Dollars (\$500,000.00). This is conditioned on Corky's entering into an agreement with the Town for an Easement on the Property for the Rethink Folly Road initiative prior to execution of the deed.

### 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
J. Elliott Summey  
Its: Chairman

ATTEST:

By: \_\_\_\_\_  
Kristen L. Salisbury  
Clerk of Charleston County Council

First Reading: November 12, 2019  
Second Reading: November 21, 2019  
Third Reading: December 10, 2019  
Public Hearing: December 10, 2019

# RETURN TO AGENDA

11

## **AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO THE SOUTH CAROLINA ELECTRIC AND GAS COMPANY ON A PORTION OF COUNTY PROPERTY KNOWN AS THE BAXTER-PATRICK JAMES ISLAND LIBRARY**

**WHEREAS**, South Carolina Electric and Gas ("SCE&G") requested the grant of an Easement one hundred forty-five feet long by five feet wide on a portion of Charleston County's property identified by tax map number 334-07-00-042, located at S. Grimball Rd. and Nathaniel Dr., in Charleston, South Carolina ("Property"), and Charleston County Council grants this easement attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, SCE&G required the easement in order to establish SCE&G facilities so that they can continue to safely provide service and will pay for all costs of constructing, maintaining, and repair the easements as needed; and

**WHEREAS**, Charleston County Council finds that granting the easement is an appropriate public use for this Property; and

**WHEREAS**, Charleston County Council also finds that the easement will be a benefit to the County and other businesses in the area, and it consents to SCE&G having an easement across the Property owned by the County; and

**WHEREAS**, it was unanimously resolved that the undersigned Officer convey an Easement as hereinafter described to the Grantee named below for the consideration expressed herein.

**KNOW ALL MEN BY THESE PRESENTS**, that the County of Charleston, ("Grantor") in the State aforesaid, for and in consideration of the sum of One and 00/100 (\$1.00) Dollar, to it in hand paid by SCE&G ("Grantee"), receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto Grantee, its heirs and assigns forever, the Easement, which is more fully described in Exhibit A, which is attached hereto.

### **SECTION I. FINDINGS INCORPORATED**

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

### **SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS**

A. Charleston County Council grants an easement of one hundred forty-five (145) feet by five (5) feet for the underground electric line across a portion of Charleston County's real property identified by parcel identification number 334-07-00-042, located at S. Grimball Road and Nathaniel Drive, in Charleston, South Carolina, for SCE&G to provide electric utilities. SCE&G will be responsible for any damages to County property occurring during its use of the easement, or

anyone on its behalf to include its invitees. SCE&G will pay for all costs of constructing, maintaining, and repairing the easement, as needed. The location of the easement is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

**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.

ADOPTED and APPROVED in meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_ 2019.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
J. Elliott Summey  
Chairman of County Council

ATTEST.

By: \_\_\_\_\_  
Kristen Salisbury  
Clerk to County Council

First Reading: ~~November 21, 2019~~ June 18, 2019  
Second Reading: December 10, 2019  
Third Reading:

# RETURN TO AGENDA

12

## AN ORDINANCE

**REZONING A 0.34-ACRE PORTION OF THE REAL PROPERTY LOCATED AT 1376 BEES FERRY ROAD, PARCEL IDENTIFICATION NUMBER 301-00-00-038, FROM THE INDUSTRIAL (I) ZONING DISTRICT TO THE PD, PLANNED DEVELOPMENT ZONING DISTRICT (PD-172).**

WHEREAS, the property identified as parcel identification number 301-00-00-038 is currently zoned Industrial (I) Zoning District; and

WHEREAS, the applicant seeks to rezone a 0.34-acre portion of the property to PD, Planned Development Zoning District (PD-172), and submitted a complete application for PD Development Plan approval pursuant to Article 4.23 of the Charleston County Zoning and Land Development Regulations Ordinance ("ZLDR"); and

WHEREAS, the Charleston County Planning Commission reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that the Charleston County Council ("County Council") approve the proposed development plan based on the Approval Criteria of Section 4.23.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed PD Development Plan based on the Approval Criteria of Section 4.23.9.E.9 of Article 4.23 of the ZLDR; and

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

- A. The PD Development Plan complies with the standards contained in Article 4.23 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan and other adopted policy documents; and
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

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

SECTION I. FINDINGS INCORPORATED

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

## SECTION II. REZONING OF PROPERTY

A. Charleston County Council rezones .34 acres of the property located at 1376 Bees Ferry Road, identified as parcel identification number 301-00-00-038, from Industrial (I) Zoning District to PD, Planned Development Zoning District (PD-172) as shown on Exhibit A;

B. The PD Development Plan submitted by the applicant and identified as the "Bees Ferry Sign PD", submitted August 30, 2019, approved by the County Council as Planned Development 172 or PD-172, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcel identified above; and

C. Any and all development of PD-172 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for parcel identification number 301-00-00-038, is amended to PD-172 in accordance with Section 4.23.10 of Article 4.23 of the ZLDR.

## SECTION III. SEVERABILITY

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

## SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 19<sup>th</sup> day of December, 2019.

CHARLESTON COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_

J. Elliott Summey  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_

Kristen L. Salisbury  
Clerk to Charleston County Council

First Reading: November 21, 2019

Second Reading: December 10, 2019

Third Reading: December 19, 2019



# RETURN TO AGENDA

## 13

### ORDINANCE

**AUTHORIZING 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 STERILITY,” WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PROJECT STERILITY; PROVIDING FOR PAYMENT BY PROJECT STERILITY OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.**

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

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

WHEREAS, an industry currently known to the County as “Project Sterility” (the “Company”), intends to expand its pharmaceutical manufacturing facility in Charleston County (the “Project”); the Project is to be located at Faber Place 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”) by the Company in the aggregate not less than \$17,136,134, consisting of \$6,693,506 in real property improvements and \$10,442,628 in new machinery and equipment to be located at the Project Site, in addition to the Company’s capital investment at the Project Site of over \$15 million over the past ten years; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ an additional approximately 30 full-time employees, in addition to the current 109 employees, at the Company’s existing facility; 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 and expand its operations in Charleston County (the “Incentives”); and

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

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

Section 1. Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon 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 and the MCIP Act;
- (c) the Investment by the Company in the Project will be approximately \$17,136,134, all to be invested within the "investment period" (as defined in the FILOT Act); and the Company will employ 30 new full-time employees at the Project within three years of the completion of the Project;
- (d) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (e) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (f) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (g) the inducement of the location of the Project is of paramount importance; and
- (h) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. (a) 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.

(b) The County Council has previously placed the Project Site in a multi-county business or industrial park 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 Council agrees to maintain such designation under the Park Agreement for a period of not less than the term of the FILOT Agreement.

Section 4. 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 5. 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 21, 2019  
Second Reading: December 10, 2019  
Public Hearing: \_\_\_\_\_, \_\_\_\_\_  
Third Reading: \_\_\_\_\_, \_\_\_\_\_

## **RETURN TO AGENDA**

**14-17**

**These items are subject to action being taken at the committee meetings of December 10, 2019.**

# **RETURN TO AGENDA**

**15B**

## **ORDINANCE**

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

## **RETURN TO AGENDA**

**16B**

### **ORDINANCE**

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