

**REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL**  
**August 29, 2005**

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday **August 29, 2005**, at 6:36 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**PRESENT:** Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. William E. Crosby, Council Member District No. 3, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Steve C. Davis, Council Member District No. 8; Mrs. Nicole Scott Ewing, Deputy County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Judy C. Mims, Council Member District No. 6, and Mr. Caldwell Pinckney, Jr., Council Member District No. 7, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

**CALL TO ORDER**

Chairman Rozier called the meeting to order.

**APPROVAL OF MINUTES**

Chairman Rozier asked for approval of minutes from: Special Meeting of Council dated July 11, 2005; Public Hearings dated July 25, 2005; and Regular Meeting of Council dated July 25, 2005.

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

**PUBLIC DISCUSSION - none**

Without objection from Council, Mr. Bob G. Mixter, Berkeley County Emergency Medical Services (EMS) Director, addressed Council and gave a presentation defining former and present equipment and procedures used by the County's EMS personnel in assisting patients being transported to area hospitals, as follows:

- In the past, EMS depended on the Life Pack (LP) 10, a three-lead EKG.
- Presently, EMS personnel are equipped with the upgraded Physio-Control Life Pack (LP) 12 and Telemetry, which allows EMS personnel to better save lives.
- LP 12 monitors the heart with a 12-way EKG, allowing EMS personnel to view an active heart attack, perform cardiovert to shock deadly rhythms, and deliver small electrical shocks to a slow or asystolic heart pace.
- LP 12 sends telemetry to hospitals, allowing hospital personnel to better prepare for the arrival of a patient.
- In addition to using the LP 12 to save lives, EMS personnel can also administer oxygen, an IV, aspirin (effective in treating heart attacks), nitroglycerine (increases the size of blood vessels), pain control (diminishes the oxygen demand on heart by controlling anxiety), and anti-arrhythmics (block pvc's), in addition to monitoring and controlling blood pressure.
- Advantages of Telemetry: shortens door to catheterization time from one hour to four/six minutes once a patient reaches the cardiac catheterization unit in the hospital. Heart catheterizations with angioplasties and stents are the single greatest treatments performed during the first hours of a heart attack.

In conclusion, Mr. Mixter stated that Berkeley County EMS, together with Charleston and Dorchester Counties were selected to win the regional award in the J. Mitchell Graham Memorial Award Competition of 2005. "The true winners are the patients, because the 12-lead EKG with telemetry, plus a cardiac catheterization, equals life." *(A copy of Mr. Mixter's presentation is attached hereto, and by this reference made a part hereof.)*

Chairman Rozier stated that Berkeley County is very proud of its EMS Department, as EMS personnel carry out a wonderful job, with a response time of less than eight minutes Countywide. Chairman Rozier presented Mr. Mixter with two plaques awarded Berkeley County (one for presentation and one for regional cooperation), in the J. Mitchell Graham Competition.

### **EXECUTIVE SESSION**

It was moved by Council Member Crosby and seconded by Council Member Fish to enter into Executive Session to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney – client privilege, settlement of

legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

Council entered into Executive Session at 6:51 p.m., and returned to Regular Session at 7:33 p.m.

Chairman Rozier stated that if Louisiana had a need for assistance in the aftermath of Hurricane Katrina, Berkeley County would respond by sending an ambulance and personnel to Louisiana.

Mrs. Nicole Ewing, Deputy County Attorney, reported that Council went into Executive Session for reasons stated in the motion, and no formal action was taken.

### **THIRD READING**

**“BILL NO. 05-25, AN ORDINANCE TO PROVIDE FOR NOISE CONTROL IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY; TO PROVIDE FOR PENALTIES THEREOF; AND TO REPEAL ORDINANCE NO. 93-4-4 IN ITS ENTIRETY.”**

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to approve Bill No. 05-25 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-08-56 is attached to these minutes.)

**“BILL NO. 05-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #233-09-02-017.”**  
(Louis Vick, Jr.)

It was moved by Council Member Charles Davis and seconded by Council Member Fish to approve Bill No. 05-44 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-08-57 is attached to these minutes.)

**“BILL NO. 05-53, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, “BERKELEY COUNTY ZONING ORDINANCE” AND AMENDING ORDINANCES NUMBERED 02-08-33, 02-12-58, and 04-11-68.”**

It was moved by Council Member Charles Davis and seconded by Council Member Spooner to approve Bill No. 05-53 for Third Reading. The motion passed by

unanimous voice vote of Council. *(A copy of Ordinance No. 05-08-58 is attached to these minutes.)*

**“BILL NO. 05-55, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #141-00-02-016.”**  
*(Tony Thomas)*

It was moved by Council Member Steve Davis and seconded by Council Member Farley to approve Bill No. 05-55 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-08-59 is attached to these minutes.)*

**“BILL NO. 05-56, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #194-00-02-012.”**  
*(Brandon Hawkins)*

It was moved by Council Member Steve Davis and seconded by Council Member Spooner to approve Bill No. 05-56 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-08-60 is attached to these minutes.)*

**“BILL NO. 05-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #233-09-02-036.”**  
*(Bonnell Meese)*

It was moved by Council Member Charles Davis and seconded by Council Member Spooner to approve Bill No. 05-57 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-08-61 is attached to these minutes.)*

**“BILL NO. 05-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #244-06-00-028.”**  
*(Dennis Burbage)*

It was moved by Council Member Crosby and seconded by Council Member Farley to approve Bill No. 05-58 for Third Reading. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-08-62 is attached to these minutes.)*

**“BILL NO. 05-59, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH**

CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #211-00-02-102 et al, AND DEVELOPMENT PLAN (SPRING GROVE PLANTATION).”  
(HLA, Inc.)

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve Bill No. 05-59 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-08-63 is attached to these minutes.)

“BILL NO. 05-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #142-14-00-008.”  
(Don Winningham)

It was moved by Council Member Steve Davis and seconded by Council Member Spooner to approve Bill No. 05-60 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-08-64 is attached to these minutes.)

“BILL NO. 05-61, AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ONE LOT OWNED BY BERKELEY COUNTY AND LOCATED AT 2669 HIGHWAY 45, PINEVILLE, SOUTH CAROLINA, MORE PARTICULARLY IDENTIFIED AS TMS NO. 014-00-00-014.”

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve Bill No. 05-61 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-08-65 is attached to these minutes.)

“BILL NO. 05-71, THE SIXTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, SOLID WASTE SYSTEM REFUNDING REVENUE BOND, SERIES 2005, IN THE PRINCIPAL AMOUNT OF \$2,950,000 FOR THE PURPOSE OF REFUNDING THE COUNTY’S SOLID WASTE SYSTEM REVENUE BOND, SERIES 2000; AND OTHER MATTERS RELATING THERETO.”

It was moved by Council Member Spooner and seconded by Council Member Steve Davis to approve Bill No. 05-71 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-08-66 is attached to these minutes.)

*Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.*

**SECOND READING**

It was moved by Council Member Spooner and seconded by Council Member Steve Davis to allow **Bills Numbered 05-63, 05-64, 05-65, 05-66, 05-67, 05-68, 05-69, 05-70 and 05-72** to be given **Second Reading** by one motion as a collective group. The motion passed by unanimous voice vote of Council.

**"BILL NO. 05-63, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #161-15-00-032."**  
*(Minnis Brenner)*

**"BILL NO. 05-64, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #250-00-00-038."**  
*(Mary Ann Lattrell)*

**"BILL NO. 05-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #232-00-01-042."**  
*(Greg Sarver)*

**"BILL NO. 05-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #235-13-03-020 and 021."**  
*(S.E. Felkel)*

**"BILL NO. 05-67, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #233-00-00-037."**  
*(Jessco Homes)*

**"BILL NO. 05-68, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #242-00-01-019."**  
*(Barry Baker)*

**"BILL NO. 05-69, AN ORIDNANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #263-00-03-042 and 043."**  
*(Frank Oakley)*

**"BILL NO. 05-70, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #233-00-00-015 and 062."**

*(Beazer Homes)*

**"BILL NO. 05-72, AN ORDINANCE AMENDING ORDINANCE NUMBER 05-06-45, PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; PROVIDING FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR; AND AMENDING ORDINANCES NUMBERED 96-7-35 AND 03-06-37 ESTABLISHING THE UNIFORM SERVICE CHARGE TO BE ASSESSED AND COLLECTED IN THE SPECIAL TAX DISTRICT."**

It was moved by Council Member Farley and seconded by Council Member Fish to approve Bills Numbered 05-63, 05-64, 05-65, 05-66, 05-67, 05-68, 05-69, 05-70 and 05-72 for Second Reading. The motion passed by unanimous voice vote of Council.

### **FIRST READING**

Chairman Rozier stated there were five bills for First Reading. Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

**"BILL NO. 05-73, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #105-00-00-052."**

*(Teresa F. Hood Clemmons)*

**"BILL NO. 05-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #268-00-00-124."**

*(Tony Berenyi)*

**"BILL NO. 05-75, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #157-00-00-003."**

*(County Council)*

**"BILL NO. 05-76, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND**

BETWEEN BERKELEY COUNTY AND **BOONEDOCK, LLC**; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE-IN-LIEU OF TAXES."

"**BILL NO. 05-77, AN ORDINANCE ESTABLISHING A REGISTRATION SYSTEM FOR BUSINESSES LOCATED WITHIN BERKELEY COUNTY, INCLUDING BUSINESSES LOCATED WITHIN THE CORPORATE BOUNDARIES OF MUNICIPALITIES WITHIN THE COUNTY, PURSUANT TO S.C. CODE OF LAWS § 12-37-135 (1976, AS AMENDED); ESTABLISHING A FEE TO DEFRAY THE ADMINISTRATIVE EXPENSES OF SAID REGISTRATION; AND OTHER MATTERS RELATED THERETO.**"

### **RESOLUTIONS**

"**RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2005-2006 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.**"

Chairman Rozier informed Council that this resolution was not needed.

"**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AAI CORPORATION AND API PROPERTIES 812, LLC, WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL ENTER INTO AGREEMENTS PURSUANT TO TITLE 4, CHAPTER 12 OF THE CODE OF LAWS OF SOUTH CAROLINA AND/OR TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA.**"

It was moved by Council Member Fish and seconded by Council Member Steve Davis to approve the **Resolution** authorizing an **Inducement Agreement** by and between Berkeley County, **AAI Corporation** and **API Properties 812, LLC**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-36 is attached to these minutes.)

"**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND BOONEDOCK, LLC, WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL EXECUTE A FEE-IN-LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN A FIVE MILLION DOLLAR (\$5,000,000) INVESTMENT.**"

It was moved by Council Member Charles Davis and seconded by Council Member Fish to approve the **Resolution** authorizing the execution and delivery of an **Inducement Agreement** by and between Berkeley County and **BooneDock, LLC**, to



include a Fee-In-Lieu of Tax Agreement. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-37 is attached to these minutes.)

**“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN RACHPAL S. GILL, D/B/A BERKELEY INVESTMENTS, INC., AND BERKELEY COUNTY FOR PREMISES LOCATED AT 105 GULLEDGE STREET, MONCKS CORNER, SOUTH CAROLINA.”**

It was moved by Council Member Fish and seconded by Council Member Farley to approve the Resolution authorizing the negotiation and execution of a lease agreement between Rachpal S. Gill, d/b/a Berkeley Investments, Inc., and Berkeley County for the premises located at 105 Gulledge Street in Moncks Corner. (A copy of Resolution No. 05-38 is attached to these minutes.)

Without objection from Council, Chairman Rozier asked for Council’s approval of a resolution not listed on this night’s agenda.

**“RESOLUTION CLARIFYING BERKELEY COUNTY COUNCIL’S INTENT AND POLICY REGARDING CERTAIN SERVICE AREA RESTRICTIONS FOR WASTEWATER REMOVAL AND TREATMENT IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY.”**

It was moved by Council Member Spooner and seconded by Council Member Fish to approve the Resolution clarifying County Council’s intent and policy regarding service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-39 is attached to these minutes.)

Without objection from Council, Chairman Rozier read a bill for First Reading into the record by title only.

**“AN ORDINANCE TO AMEND CHAPTER 65, ARTICLE 2, OF THE BERKELEY COUNTY CODE OF ORDINANCES, ESTABLISHING A PROHIBITION AGAINST THE USE OF PUBLIC AND PRIVATE WASTEWATER COLLECTION AND TREATMENT SYSTEMS FOR CERTAIN AREAS WITHIN BERKELEY COUNTY; AND ESTABLISHING CERTAIN EXCEPTIONS THERETO.”**

This bill, designated as Bill No. 05-78, will be sent to the proper Committee for further consideration.

#### **REPORTS FROM STANDING COMMITTEES**

**COMMITTEE ON FINANCE**  
**Mr. Dennis L. Fish, Chairman**

Chairman Fish reported that the Committee on Finance met earlier this night. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Fish's report.)*

**COMMITTEE ON LAND USE**  
**Mr. Phillip Farley, Chairman**

Chairman Farley reported that the Committee on Land Use met on August 8, 2005. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Farley's report.)*

**COMMITTEE ON PUBLIC WORKS AND PURCHASING**  
**Mr. Caldwell Pinckney, Jr., Chairman**

Acting Chairman Steve Davis reported that the Committee on Public Works and Purchasing met on August 8, 2005.

On recommendation of the Committee, Acting Chairman Steve Davis moved to approve the change order for the **Lower Berkeley Wastewater Treatment Plant expansion** to South Carolina Construction, Inc., in the amount of \$1,109,450.00. *(No second required.)*

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Acting Chairman Steve Davis moved to award the contract for **water service in Project Green** to McClam & Associates, in the amount of \$391,686.00. *(No second required.)*

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Acting Chairman Steve Davis moved to award the contract for the **2004 Sewer Rehabilitation** to American Water Services Underground Infrastructure, in the amount of \$2,058,641.10. *(No second required.)*

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Acting Chairman Steve Davis moved to award the contract for the **Pump Station 17 rehabilitation** to McClam & Associates, in the amount of \$196,000.00. *(No second required.)*

The motion passed by unanimous voice vote of Council. *(That concluded Chairman Pinckney's report.)*

**COMMITTEE ON JUSTICE AND PUBLIC SAFETY**  
**Mr. William E. Crosby, Chairman**

Chairman Crosby reported that the Committee on Justice and Public Safety met on August 8, 2005. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Crosby's report.)*

**COMMITTEE ON WATER AND SANITATION**  
**Mrs. Judith K. Spooner, Chairman**

Chairman Spooner reported that the Committee on Water and Sanitation met on August 8, 2005, as well as earlier this night. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Spooner's report.)*

**COMMITTEE ON PLANNING AND DEVELOPMENT**  
**Mr. Steve C. Davis, Chairman**

Chairman Steve Davis reported that the Committee on Planning and Development met on August 8, 2005. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Steve Davis' report.)*

**COMMITTEE ON COMMUNITY SERVICES**  
**Mr. Charles E. Davis, Chairman**

No report.

**COMMITTEE ON HUMAN SERVICES**  
**Mrs. Judy C. Mims, Chairman**

No report.

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS,**  
**ETC.**

Council Member Spooner nominated Ms. Kimberley D. Sturgeon, Director of Development for Trident Technical College, to fill a vacancy in the education sector of the Trident Workforce Investment Board. Ms. Sturgeon's term would be effective July 1, 2005 through June 30, 2008.

The nomination of Kimberley D. Sturgeon to the Trident Workforce Investment Board passed by unanimous voice vote of Council.

**CORRESPONDENCE** - none

**UNFINISHED BUSINESS**

Mrs. Madelyn Robinson, Zoning Administrator, addressed Council and reported that as of August 23, 2005, all current members of the Board of Zoning Appeals and Planning Commission, as well as Planning & Zoning staff, completed the first three hours of required state training. A second phase, three-hour training class has been completed by seven members of the Board of Zoning Appeals, five members of the Planning Commission and two Planning & Zoning staff members. The Clerk of Council and Deputy County Attorney have each completed six hours of training.

Council Member Farley asked if any make-up classes could be scheduled in the evenings.

Mrs. Robinson responded that she had not yet received the dates for make-up classes from the South Carolina Association of Counties, a sponsor of this training. In July, classes were offered on DVD though, and this arrangement would most probably continue as year-end approached.

**NEW BUSINESS** - none

**ANNOUNCEMENTS**

The **September 2005 Regular Meeting of Berkeley County Council** will be held on **Monday September 26, 2005**, immediately following Public Hearings and the meeting of the Committee on Finance at **6:00 p.m.** in the **Assembly Room** of the **Berkeley County Administration Building**, 1003 Highway 52, Moncks Corner, South Carolina.

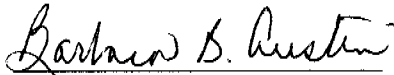
**ADJOURNMENT**

It was moved by Council Member Fish and seconded by Council Member Farley to adjourn the Regular Meeting of County Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 7:49 p.m., for the execution of documents by Council.

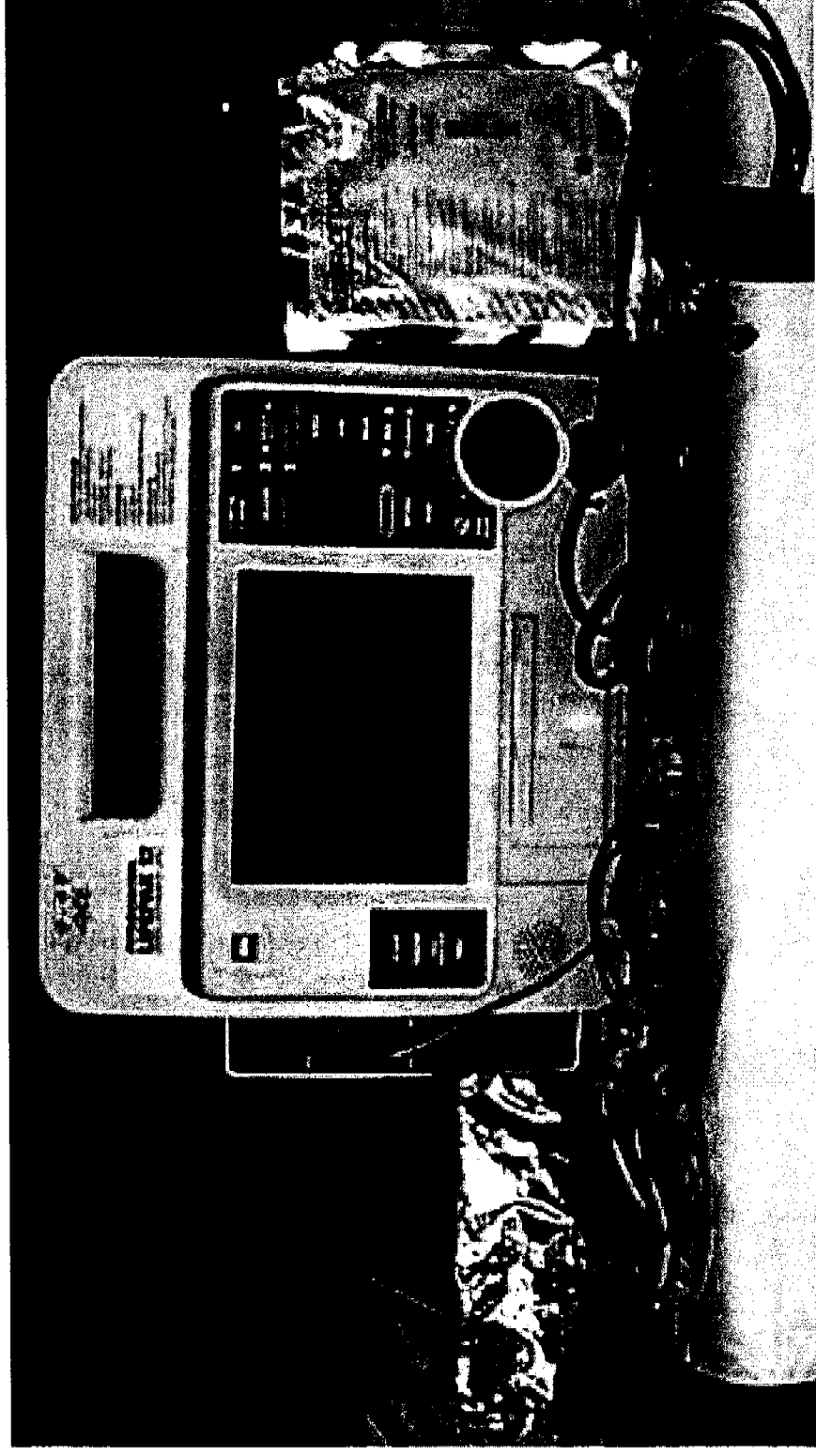
**PUBLIC DISCUSSION** - none

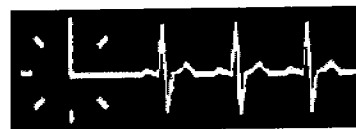
September 26, 2005  
Date Approved

  
Barbara B. Austin, CCC  
Clerk of Council

# 12 Lead EKGs and Telemetry

(With the Life Pack 12)





# The Life Pack 12



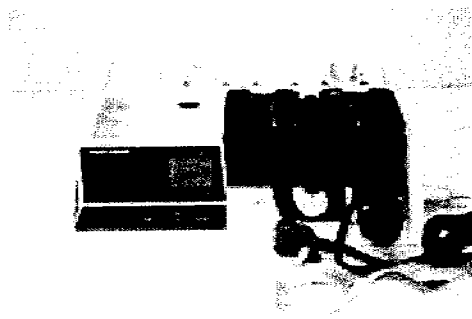
- Berkeley County EMS currently uses the Physio-Control Life Pack (LP) 12
- The LP12 can:
  - Monitor the heart (12 leads and 3 leads)
  - Diagnose / see active heart attacks
  - Cardiovert (shock) deadly rhythms
  - Pace slow or asystolic (straight line) hearts
  - Send telemetry to hospitals



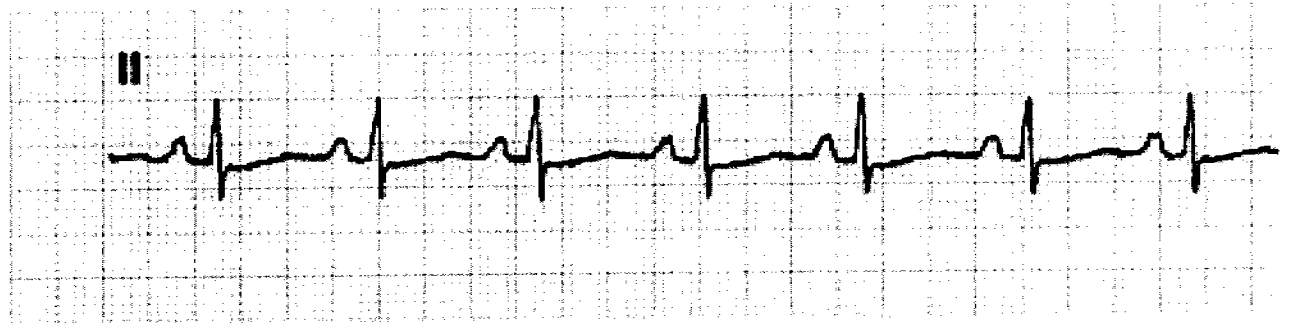
# The 3 Lead EKG

## (Life Pack 10)

- This is how we did it in the past; this rhythm is normal.
- Everyone should strive to have a three lead EKG that looks like this.



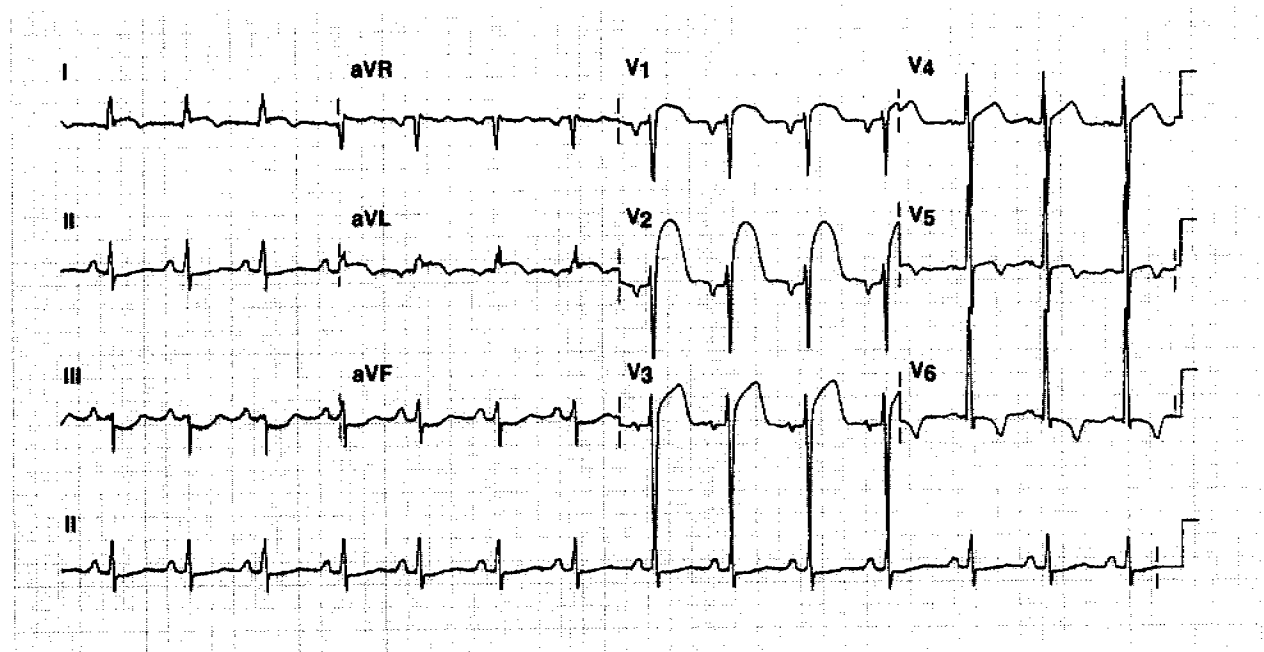
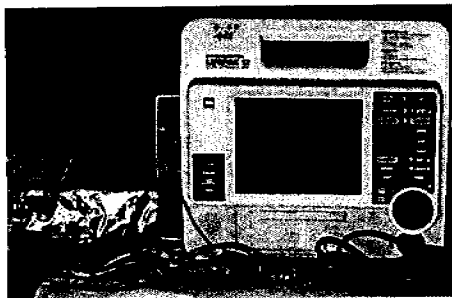
Life Pack (LP) 10



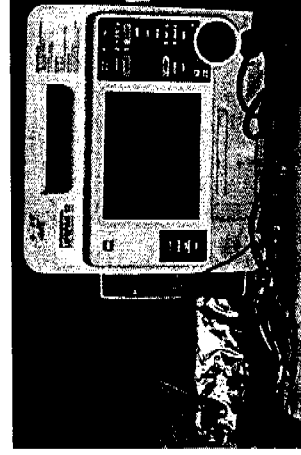
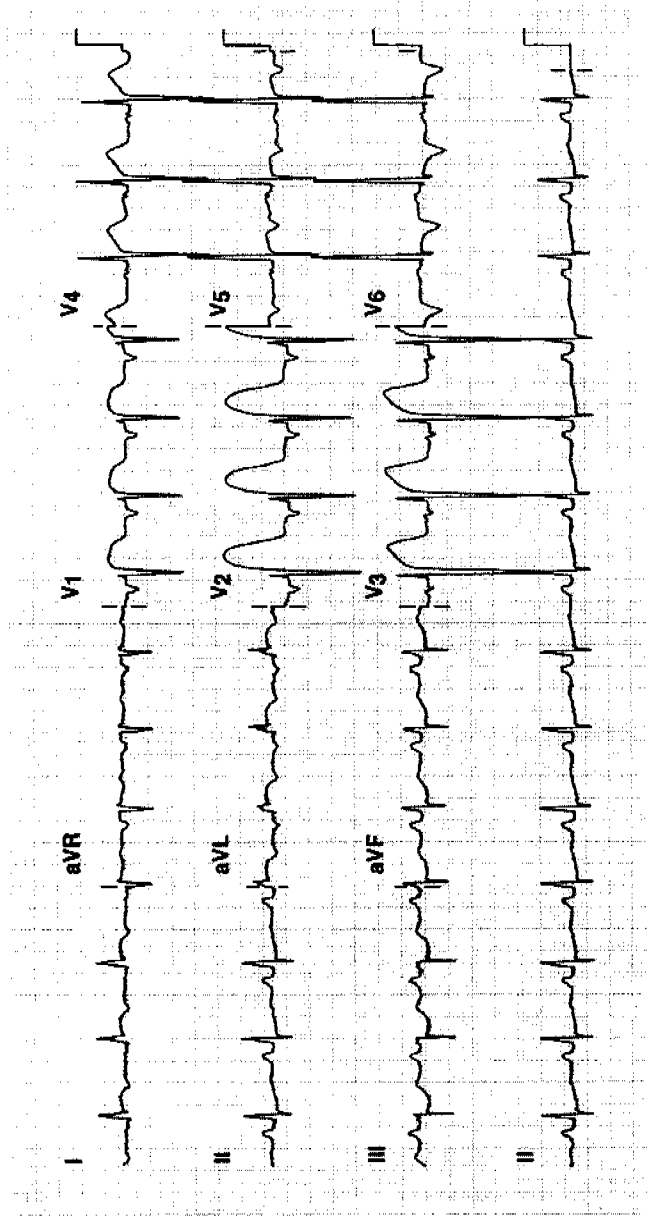
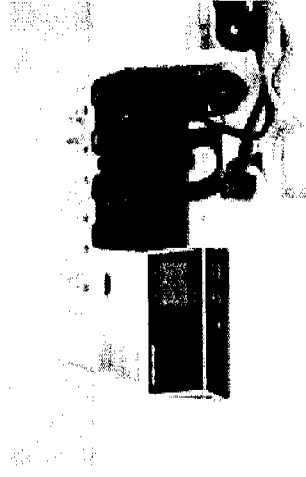
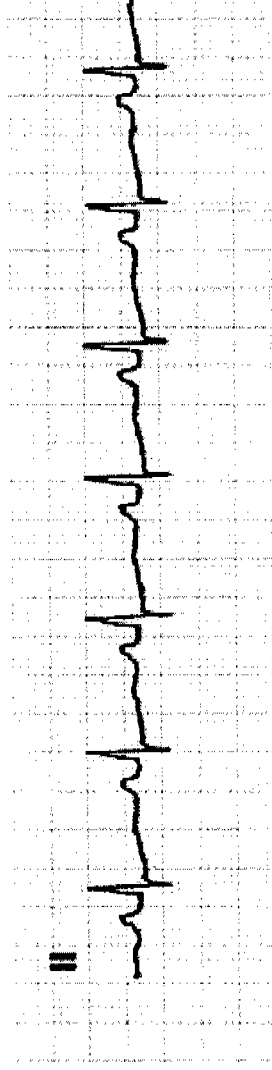


# 12 Lead EKGs

- The way we do it now, this patient is having a deadly anterior heart attack.

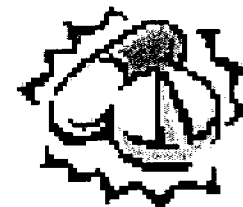
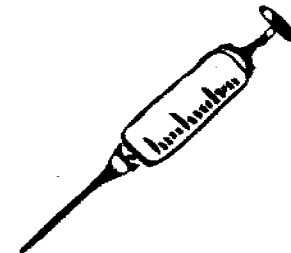
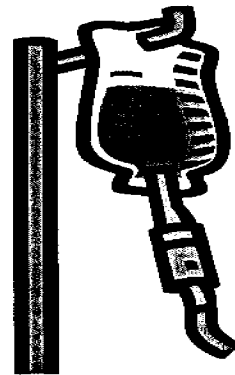


# They Are the Same Patient



# What Can EMS Do

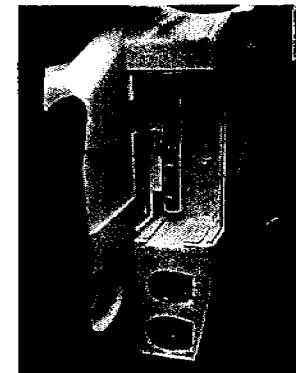
- Oxygen
- IV
- 12 Lead EKG
- Aspirin
- Nitroglycerine
- Pain Control
- Anti-arrhythmics
- Blood Pressure Control





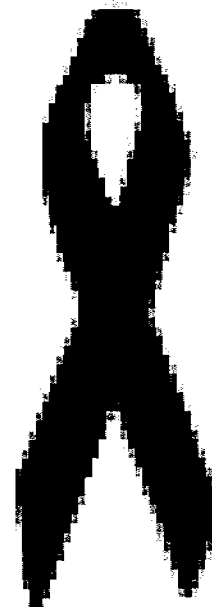
# What About Telemetry

- Telemetry shortens door to catheterization time from 1 hour to 10 minutes
- Heart catheterizations with angioplasties and stents are the single greatest treatments performed during the first hours of a heart attack.

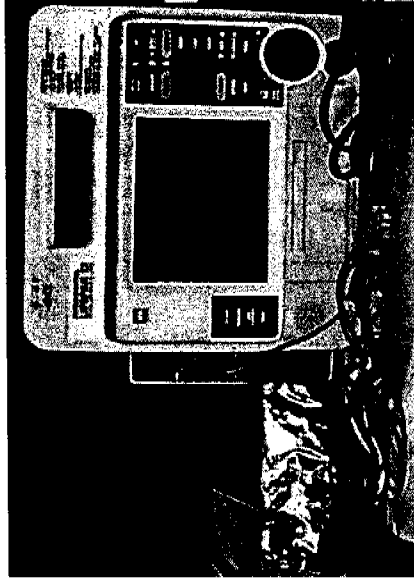


# The J. Mitchell Graham Memorial Award Competition of 2005

- Berkeley County EMS along with Charleston County and Dorchester County was selected for the regional award.
- The true winners are the patients.



Thank You



+

-14C-



= Life

**REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** is scheduled to be held on **Monday August 29, 2005**, to begin immediately following Public Hearings, the Committee on Finance, the Committee on Water and Sanitation at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

**CALL TO ORDER**

**APPROVAL OF MINUTES:**

<b>Special Meeting of Council</b>	<b>July 11, 2005</b>
<b>Public Hearing Bills Numbered: 05-42, 05-43, 05-45, 05-46, 05-47, 05-48, 05-49, and 05-53</b>	<b>July 25, 2005</b>
<b>Regular Council Meeting</b>	<b>July 25, 2005</b>

**PUBLIC DISCUSSION** - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

**CHAIRMAN OF COUNTY COUNCIL**

**THIRD READING:**

1. **Bill No. 05-25**, an ordinance to provide for **noise control** in the unincorporated areas of Berkeley County; to provide for penalties thereof; and to repeal Ordinance No. 93-4-4 in its entirety.

[Recommended by Committee on Justice and Public Safety]

2. **Bill No. 05-44**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Louis Vick, Jr.**, 740 Royle Road, Ladson, TMS #233-09-02-017, (2.4 acres), from **R-2, Manufactured Residential to R-3, Mobile Home Park**. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 05-53**, an ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "**Berkeley County Zoning Ordinance**" and amending Ordinances Numbered 02-08-33, 02-12-58, and 04-11-68.

[Recommended by Committee on Planning and Development]

4. **Bill No. 05-55**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Thomas**, Old Whitesville Road, Moncks Corner, **TMS #141-00-02-016** (20.32 acres) **from PDMU, Planned Development Mixed Use to R2, Manufactured Residential District**. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 05-56**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Brandon Hawkins**, 126 Farm Branch Lane, Summerville, **TMS #194-00-02-012** (14.78 acres total), **from R-3, Mobile Home Park to RNC, Rural and Neighborhood Commercial**. Council District No. 7.

[Recommended by Committee on Land Use]

6. **Bill No. 05-57**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnell Meese**, 209 Frankie Lane, Ladson, **TMS #233-09-02-036** (2.3 acres), **from R-3, Mobile Home Park to R-2, Manufactured Residential**. Council District No. 4.

[Recommended by Committee on Land Use]

7. **Bill No. 05-58**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dennis Burbage**, 361 Liberty Hall Road, Goose Creek, **TMS #244-06-00-028** (14.4 acres), **from R-2, Manufactured Residential to RNC, Rural and Neighborhood Commercial**. Council District No. 3.

[Recommended by Committee on Land Use]

8. **Bill No. 05-59**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **HLA, Inc.**, Old Hwy 52 and Cypress Gardens Road, Moncks Corner, **TMS #211-00-02-102 et al** (477.2 acres), **from Flex-1, Agricultural, R-1, Single-Family Residential, and GC, General Commercial to PDMU, Planned Development Mixed Use and Development Plan**, (Spring Grove Plantation). Council District No. 3.

[Recommended by Committee on Land Use]

9. **Bill No. 05-60**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Don Winningham**, 710 South Live Oak Drive, Moncks Corner **TMS #142-14-00-008** (<1 acre), **from R-2, Manufactured Residential to GC, General Commercial**. Council District No. 8.

[Recommended by Committee on Land Use]



**10. Bill No. 05-61, an ordinance authorizing the conveyance of one lot owned by Berkeley County and located at 2669 Highway 45, Pineville, South Carolina, more particularly identified as TMS No. 014-00-00-014; and other matters relating thereto.**

[Recommended by Committee on Land Use]

**11. Bill No. 05-71, the Sixth Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, Solid Waste System Refunding Revenue Bond, Series 2005, in the principal amount of \$2,950,000 for the purpose of Refunding the County's Solid Waste System Revenue Bond, Series 2000; and other matters relating thereto.**

[Recommended by Committee on Water and Sanitation]

*Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.*

### **SECOND READING:**

**1. Bill No. 05-63, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Minnis Brenner, Gaillard Road and Hwy 17A, Moncks Corner, TMS #161-15-00-032 (.876 acres), from F-1, Agriculture District to R-2, Manufactured Residential District. Council District No. 6.**

[Recommended by Committee on Land Use]

**2. Bill No. 05-64, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Mary Ann Lattrell, United Drive and Wildflower Lane, Huger, TMS #250-00-00-038 (5 acres), from R-2, Manufactured Residential District to F-1, Agriculture District. Council District No. 8.**

[Recommended by Committee on Land Use]

**3. Bill No. 05-65, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Greg Sarver, 114 Berkeley Circle, Summerville, TMS #232-00-01-042 (<1 acre), from R-1, Single Family Residential District to RNC, Rural and Neighborhood Commercial District. Council District No. 7.**

[Recommended by Committee on Land Use]

**4. Bill No. 05-66, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: S. E. Felkel, Corner of Blossom and Hollywood, Goose Creek, TMS #235-13-03-020 and 021, (.547 acres), from R-1, Single Family Residential District to OI, Office and Institutional District. Council District No. 3.**

[Recommended by Committee on Land Use]

5. **Bill No. 05-67**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jessco Homes**, Treeland Drive and Plantation Pine Road, Ladson, **TMS #233-00-00-037** (10.95 acres), **from OI, Office and Institutional District to R-4, Multi-Family (Small Scale)** (6.25 acres), to **GC, General Commercial** (4.7 acres). Council District No. 4.

[Recommended by Committee on Land Use]

6. **Bill No. 05-68**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Barry Baker**, 173 College Park Road, Summerville, **TMS #242-00-01-019** (3.893 acres), **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 5.

[Recommended by Committee on Land Use]

7. **Bill No. 05-69**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frank Oakley**, 2695 Highway 41, Wando, **TMS #263-00-03-042 and 043** (.68 acres) **from R-2, Manufactured Residential to GC, General Commercial District**. Council District No. 2.

[Recommended by Committee on Land Use]

8. **Bill No. 05-70**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Beazer Homes**, Discovery Drive and Royle Road, Ladson, **TMS# 233-00-00-015 and 062** (7.343 acres), **from R-1, Single Family Residential to R-4, Multi Family Small Scale District**. Council District No. 4.

[Recommended by Committee on Land Use]

9. **Bill No. 05-72**, an ordinance amending **Ordinance Number 05-06-45**, providing for the fiscal year beginning July 1, 2005, and ending June 30, 2006, for the operational budget of the Berkeley County Special Fire Tax District within the unincorporated portions of Berkeley County; providing for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year; and amending Ordinances numbered 96-7-35 and 03-06-37 establishing the uniform service charge to be assessed and collected in the special tax district.

[Recommended by Committee on Finance]

#### **FIRST READING:**

1. **Bill No. 05-73**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Teresa F. Hood Clemmons**, 1950 Cane Gully Road, Moncks Corner, **TMS #105-00-00-052** (9.74 acres), **from GC, General Commercial District to F-1, Agriculture District**. Council District No. 6.

[Recommended by Committee on Land Use]

2. **Bill No. 05-74**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Berenyi**, Clements Ferry Road, Charleston, **TMS #268-00-00-124** (12.94 acres), **from GC, General Commercial District to R-4, Multi-Family District (Small Scale)**. Council District No. 2.

[Recommended by Committee on Land Use]

3. **Bill No. 05-75**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **County Council**, 1376 Old Gilliard Road, Ridgeville, **TMS #157-00-00-003** (3,500 acre portion of 7,675 acres), **from F-1, Agriculture District to HI, Heavy Industrial District**. Council District No. 7.  
[Recommended by Committee on Land Use]

4. **Bill No. 05-76**, an **ordinance** authorizing the execution and delivery of a **Fee-In-Lieu of Tax Agreement** by and among Berkeley County and **BooneDock, LLC**; and other matters relating thereto including, without limitation, payment of a Fee-In-Lieu of taxes.  
[Recommended by Committee on Finance]

5. **Bill No. 05-77**, an **ordinance** establishing a **registration system for businesses located within Berkeley County**, including businesses located within the corporate boundaries of municipalities within the County, pursuant to S.C. Code of Laws § 12-37-135 (1976, as amended); establishing a fee to defray the administrative expenses of said registration; and other matters related thereto.  
[Recommended by Committee on Finance]

## **RESOLUTIONS**

1. **RESOLUTION** providing for the Transfer of Funds in the 2005-2006 Berkeley County Budget for County purposes other than as specified in said Budget.  
[Recommended by Committee on Finance]

2. **RESOLUTION** authorizing the execution and delivery of an **inducement agreement** by and between Berkeley County, South Carolina, **AAI Corporation** and **API Properties 812, LLC**, whereby, under certain conditions, Berkeley County will enter into agreements pursuant to Title 4, Chapter 12 of the Code of Laws of South Carolina and/or Title 12, Chapter 44 of the Code of Laws of South Carolina.  
[Recommended by Committee on Finance]

3. **RESOLUTION** authorizing the execution and delivery of an **Inducement Agreement** by and between Berkeley County, South Carolina, and **BooneDock, LLC** whereby, under certain conditions, Berkeley County will execute a Fee-In-Lieu of Tax Agreement for a project involving not less than a Five Million Dollar (\$5,000,000) investment.  
[Recommended by Committee on Finance]

4. **RESOLUTION** authorizing the County Supervisor to negotiate and execute a **lease agreement** between **Rachpal S. Gill, d/b/a Berkeley Investments, Inc.**, and Berkeley County for premises located at 105 Gulledge Street, Moncks Corner, South Carolina.  
[Recommended by Committee on Finance]

## **REPORTS FROM STANDING COMMITTEES:**

1. **Committee on Finance.**  
**Council Member, Mr. Dennis L. Fish, Chairman.**
2. **Committee on Land Use.**  
**Council Member, Mr. Phillip Farley, Chairman.**
3. **Committee on Public Works and Purchasing.**  
**Council Member, Mr. Caldwell Pinckney, Jr., Chairman.**  
Bids and Recommendations:
  1. 2006 Bond Change for Lower Berkeley Wastewater Treatment Plant expansion.
  2. Water Service to Project Green.
  3. 2004 Sewer Rehabilitation.
  4. Pump Station #17 Rehabilitation.
4. **Committee on Justice and Public Safety.**  
**Council Member, Mr. William E. Crosby, Chairman.**
5. **Committee on Water and Sanitation.**  
**Council Member, Mrs. Judith K. Spooner, Chairman.**
6. **Committee on Planning and Development.**  
**Council Member, Mr. Steve C. Davis, Chairman.**
7. **Committee on Community Services.**  
**Council Member, Mr. Charles E. Davis, Chairman.**
8. **Committee on Human Services.**  
**Council Member, Mrs. Judy C. Mims, Chairman.**

## **NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

ACCOMMODATIONS TAX ADVISORY COMMITTEE  
BERKELEY COUNTY AERONAUTICS COMMISSION  
BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS  
BERKELEY COUNTY LIBRARY BOARD  
BERKELEY COUNTY PLANNING COMMISSION  
BERKELEY-CHARLESTON-DORCHESTER RTMA  
BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD  
BERKELEY COUNTY BOARD OF ZONING APPEALS  
CHARLESTON NAVAL REDEVELOPMENT AUTHORITY  
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS  
DEVON FOREST SPECIAL TAX DISTRICT  
GOOSE CREEK RECREATION COMMISSION

HOUSING BOARD OF ADJUSTMENTS AND APPEALS  
MENTAL HEALTH BOARD  
SANGAREE SPECIAL TAX DISTRICT ADVISORY COMMISSION  
SPIERS LANDING COMMISSION  
TAX ASSESSMENT REVIEW BOARD  
WORKFORCE INVESTMENT BOARD

**CORRESPONDENCE**

**UNFINISHED BUSINESS**

**Ms. Madelyn Robinson, Zoning Administrator, Re: Update on State mandated training for Planning and Zoning officials.**

**NEW BUSINESS**

**ANNOUNCEMENTS**

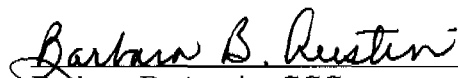
**THE SEPTEMBER 2005, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY SEPTEMBER 26, 2005, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, IN THE ASSEMBLY ROOM, OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

**ADJOURNMENT**

**EXECUTION OF DOCUMENTS BY COUNCIL**

**PUBLIC DISCUSSION**

August 24, 2005

  
Barbara B. Austin, CCC  
Clerk of County Council

ORDINANCE NO. 05 - 08 - 56

**AN ORDINANCE TO PROVIDE FOR NOISE CONTROL IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY; TO PROVIDE FOR PENALTIES THEREOF; AND TO REPEAL ORDINANCE NO. 93-4-4 IN ITS ENTIRETY.**

**WHEREAS**, Berkeley county Council adopted Ordinance No. 93-4-4 providing for noise control in the unincorporated areas of Berkeley County in April 1993; and

**WHEREAS**, Berkeley County Council has now determined that there is a need to clarify, expand and further amend the noise control ordinance for the welfare of its citizens;

**NOW, THEREFORE, BE IT ENACTED** by the Berkeley County Council, in a meeting duly assembled:

Section 1. Definitions.

As used in this article, the following terms have the indicated meaning:

- a. *Excessive noise* means any noise prohibited by section two of this article.
- b. *Residential areas* means areas of the county containing single-family and multifamily dwellings, including houses, apartments, condominium projects, mobile homes, and mobile home parks.
- c. *Plainly audible* means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

Section 2. Prohibited Acts.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which

disturbs the peace and quiet of any unincorporated residential area or which causes discomfort or annoyance to any person in any unincorporated residential area of the county. This shall include, but not be limited to, noises made by motor vehicles, motor boats, mechanical devices, electrical devices, electronic devices, musical instruments, and all activities accessory to residential living. In determining whether an occurrence constitutes a violation under this section, a court or authority may consider, in addition to all other logically relevant factors, one or more of the following:

1. The intensity of the noise;
2. The general characteristics of the area where the noise is occurring;
3. The time of day or night that the noise is occurring;
4. The reasonable expectation of quiet that could be expected by individuals on public or private property surrounding the area where such noise is occurring;
5. In the case of motor vehicles and/or boats, whether or not such vehicles are equipped with mufflers and/or such suppression devices that keep exhaust noises down to a level equal to or below that which the manufacturers of such vehicles provided as original equipment designed for acceptable use.
6. Also in the case of motor vehicles, whether or not such noise emanating from such vehicles has such volume as to cause the driver of such vehicle not to hear emergency sirens or warning horns from a safe distance.

### Section 3. Exemptions.

The following are exempt from action pursuant to this article:

1. Noises arising from normal farm activities, including the use of agricultural equipment.
2. Noises resulting from any authorized emergency vehicles, when responding to an emergency call or acting in time of emergency.
3. Noises resulting from emergency work.
4. No prohibition contained in this section shall apply to any permitted public performance, gathering, or parade, or to any public performance, gathering, or activity conducted, sponsored, or co-sponsored by Berkeley County.

### Section 4. Specific prohibitions.

The following acts are specifically prohibited, as further illustrations, or in addition to the general prohibitions contained in Section 2, and not, in any form or interpretation, in lieu of the general prohibitions contained above.

1. *Horns, signaling devices.* The sounding of any horn or signaling device on any motor vehicle or any street or public place in the

unincorporated area of this county continuously and/or incessantly, except as a danger warning.

2. *Radios, televisions, musical instruments, and similar devices.*
  - a. The operating of playing of any radio, musical instrument, and devices commonly known as boom boxes or similar device which produces or reproduces sound on the public rights-of-way, other than as specified in subsection b, below, in such a manner as to be plainly audible to any person other than the operator of the device.
  - b. The operating or playing of any radio/boom box, television, phonograph, musical instrument or similar device which produces or reproduces sound in a motor vehicle or public area or area with public access or in public use, in a manner as to be plainly audible at a distance of 100 feet or inside any residence other than the source of the sound.
3. *Emergency signaling devices.* Subject to the exemptions of section three, herein,
  - a. Except in case of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.
  - b. The testing of any alarm for a period in excess of 60 seconds at any time.
  - c. The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month, and the sounding of the emergency signaling system for a period in excess of 15 minutes.
4. *Heavy equipment.* The using or operating of any heavy equipment outside of normal business hours within or adjacent to any residential area such that the use or operation causes adjacent residences to vibrate, shake or rattle.

#### Section 5. Violations.

Any person who violates these provisions shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not more than \$500 or be imprisoned for a period not exceeding 30 days, or both.

#### Section 6. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.



Section 7. Repealer.

Ordinance No. 93-4-4 is hereby repealed in its entirety.

Section 8. Effective Date.

This ordinance shall become effective upon ratification by Council.

**ADOPTED** this 29<sup>th</sup> day of August 2005.

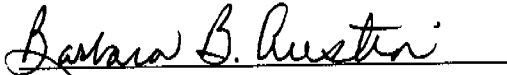
Berkeley County, South Carolina



JAMES H. ROZIER, JR.

Chairman, Berkeley County Council

Attest:



Barbara B. Austin, CCC  
Clerk of County Council

05-08-56

MEMBERS OF COUNTY COUNCIL

*Phillip Farley*

PHILLIP FARLEY

Voting

*yes*

*Dennis L. Fish*

DENNIS L. FISH

Voting

*yes*

*Judith K. Spooner*

JUDITH K. SPOONER

Voting

*yes*

*Excused 8-29-05*

JUDY C. MIMS

Voting

*William E. Crosby*

WILLIAM E. CROSBY

Voting

*yes*

*Excused 8-29-05*

CALDWELL PINCKNEY, JR.

Voting

*Charles E. Davis*

CHARLES E. DAVIS

Voting

*yes*

*Steve C. Davis*

STEVE C. DAVIS

Voting

*yes*

ORDINANCE NO. 05 - 08 - 57

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #233-09-02-017 (2.4 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

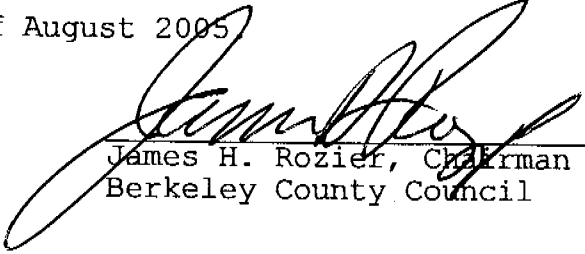
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning Map which contains that property identified as TMS#233-09-02-017 (2.4 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-2, Manufactured Residential, and will hereafter upon approval of this ordinance be reclassified as R-3, Mobile Home Park.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29<sup>th</sup> of August 2005



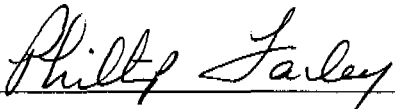
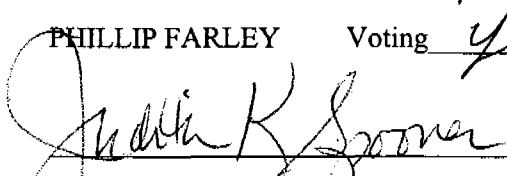
James H. Rozier, Chairman  
Berkeley County Council

ATTEST:

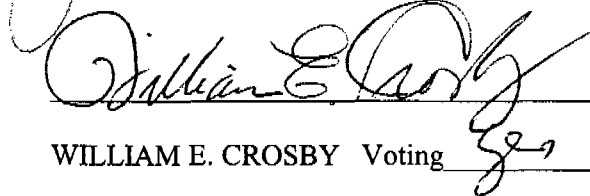
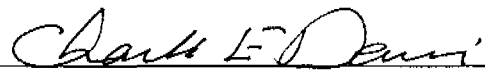
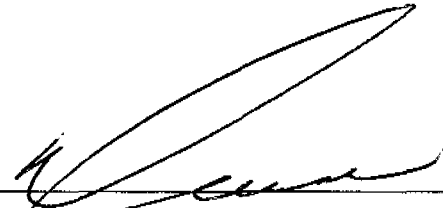
  
Barbara B. Austin  
CLERK OF COUNTY COUNCIL

First Reading: May 23, 2005  
Second Reading: July 25, 2005  
Public Hearing: August 29, 2005  
Third Reading: August 29, 2005

## MEMBERS OF COUNTY COUNCIL

PHILLIP FARLEY Voting yes

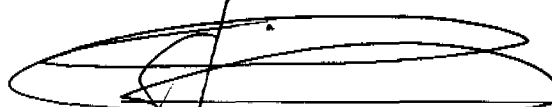
JUDITH K. SPOONER Voting \_\_\_\_\_

WILLIAM E. CROSBY Voting yesCHARLES E. DAVIS Voting yesDENNIS L. FISH Voting yesExcused 8-27-05

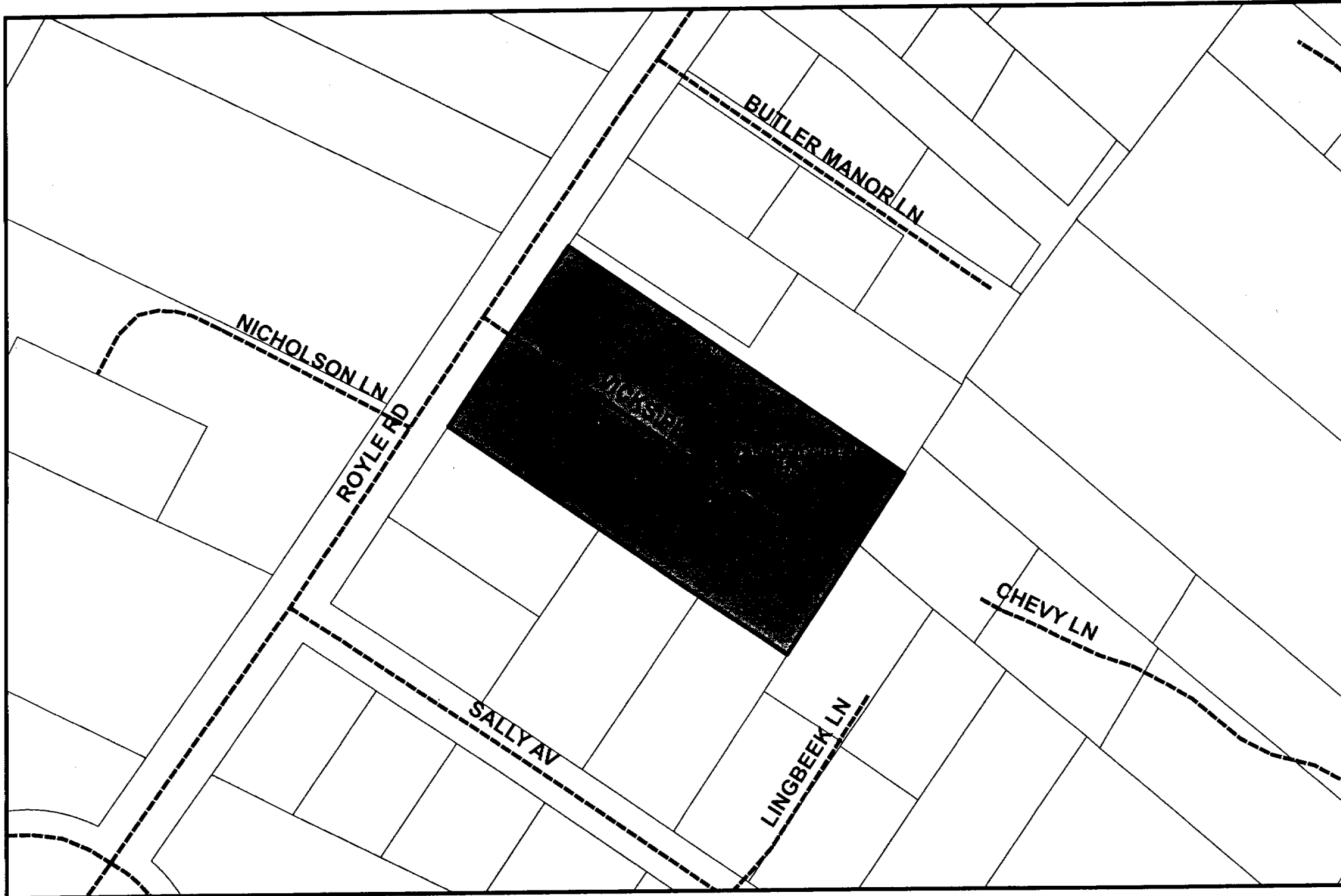
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05

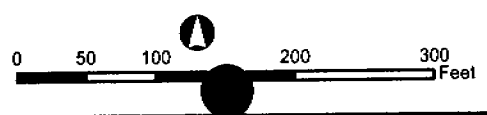
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

STEVE C. DAVIS Voting YES

TMS#: 233-09-02-017



Berkeley County GIS Department  
223 N. Live Oak Drive  
Moncks Corner, SC 29461  
(843) 719-4038 | fax (843) 719-4190  
e-mail: rhauck@co.berkeley.sc.us  
GIS Online: <http://gis.co.berkeley.sc.us>  
2005



THE COUNTY OF BERKELEY AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.

ORDINANCE NO. 05 - 08 - 58

AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, "BERKELEY COUNTY ZONING ORDINANCE" AND AMENDING ORDINANCES NO. 02-08-33, NO. 02-12-58, 04-11-68 AND NO. 05-03-08

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, on August 27, 2001, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of promoting the public health, safety, convenience, order, appearance, prosperity, and general welfare of the County; and

WHEREAS, Berkeley County Council has determined that certain amendments are now necessary,

NOW THEREFORE, BE IT ORDAINED, that Ordinance No. 01-8-35, as amended, and is hereby further amended and revised as follows:

Article 2: Definitions

2.3.14 Boarding Facility: (Agricultural) A structure or use designed for the feeding, housing, and exercising of animals, excluding domestic pets, not owned by the owner of the premises and for which the owner of the premises receives compensation. (Domestic) A structure or use designed for the feeding, housing, and exercising of dogs, cats and other common domesticated pets (excluding swine, bovine, equine and other typical agricultural animals) not owned by the owner of the premises and for which the owner of the premises receives compensation. For purposes of this Zoning Ordinance, where a zoning classification allows a 'boarding facility' it is for 'Agricultural' purposes only. 'Domestic boarding facilities' are specified as 'domestic'.

2.3.90 Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, and is designed as a temporary living accommodation for recreational, camping, and travel use, and including, but not limited

to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. Recreational vehicles may be permitted to be set up as permanent dwellings units in any zoning classification that allows a manufactured home as a permitted use with the exception of the R1-MM zoning classification. A recreational vehicle shall not be occupied for commercial purposes. For a recreational vehicle to be allowed to be set up as a permanent dwelling unit, the owner of the vehicle and/or the owner of the land must obtain all required County, State and/or Federal permits and/or documentation for a permanent dwelling (i.e., County moving permit, County setup permit, SCDHEC septic tank permit, County water/sewer availability letter, etc.) The recreational vehicle will also be taxed by the County as a dwelling unit. Recreational vehicles may be used as a temporary dwelling unit on properties other than campgrounds only upon the issuance of a temporary use permit as outlined in Article 12 of this Ordinance and shall be served with State approved sanitary facilities. A temporary electrical pole may be issued per the applicable Building Code in effect at the time of application, providing the Planning and Zoning Department has issued a Temporary Use Permit for the recreational vehicle (this excludes conforming and legal nonconforming campgrounds). With a temporary use permit, no more than one unit shall be allowed per parcel.

#### Article 4: Use Table

##### 4.3.1, Use Definition

##### Storage Uses:

Boat Storage Facility (Indoor) – Storage and holding of boats and other marine vehicles within an enclosed structure containing separate, individual, and private storage spaces of varying sizes leased or rented on an individual basis for varying periods of time. For outdoor storage of boats, see definition of “Outdoor Storage” below.

In chart, boat storage facility shall be marked a permitted use (‘p’) in RNC and GC, LI, and HI zoning districts.

Outdoor Storage - Goods, equipment, or supplies including but not limited to junked vehicles and white goods, held for safekeeping or eventual sale or distribution or processing for recycling, not entirely within totally enclosed buildings. Property maintained in this manner may be referred to as a junkyard. T-structures, lean-to-type structures or roofed-over, fenced-in areas shall not be considered totally enclosed buildings. This use classification may also be applied for the storage of lease space for the storage of boats and other marine vehicles in an unenclosed area or structure.

#### Article 5.1: R1, Single Family Residential District

##### 5.1.9 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum 5’ setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second



street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 5.2: R1-MM, Multi Section Residential District

##### 5.2.9 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 5.3: R2, Manufactured Residential District

##### 5.3.10 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 5.4: R3, Mobile Home District

##### 5.4.10 Minimum Yard Requirements

H. Accessory structures are permitted in the rear and side yards only with minimum 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 5.5: R-4, Multifamily Residential District (Small -Scale)

##### 5.5.3 Permitted Uses

###### C. Residential Uses

1. Townhouse/Single family Attached
2. Patio Home
3. Duplex
4. Triplex
5. Quadruplex

### 5.5.8 Lot Requirements

- A. Minimum Lot Size .....fifteen (15) acres  
For fee simple lots (i.e., single family attached), see Density Regulations and Minimum Yard Requirements below.

### 5.5.9 Density Regulations

- A. Maximum Density.....seven (7) dwelling units per acre, based on gross acreage

### 5.5.10 Minimum Yard Requirements

The minimum setbacks for single family attached:

- A. Front Yard.....35 feet
- B. Sides.....10 feet, unless attached and a 0' shall be allowed for a common wall
- C. Rear Yard..... 20 feet
- D. Second Street frontage... 25 feet
- E. Open drainage.....30 feet from easement line
- F. Ingress/Egress.....minimum required for front, side or rear

Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

### 5.5.15 Subdivision of Multifamily Units

- C. Streets must meet the requirements of the Berkeley County Subdivision Regulations including the Berkeley County Engineering, Construction and Development Standards manual.
- D. Publicly maintained streets must be designed with limited access (no individual driveways) and have common parking areas located outside the right of way, or have typical lot widths of 40 feet or greater.

## Article 5.6: R-5, Multifamily Residential District (Medium Scale)

### 5.6.3 Permitted Uses

- C. Residential Uses
  - 1. Townhouses/Single Family Attached
  - 2. Patio Home
  - 3. Duplex
  - 4. Triplex
  - 5. Quadruplex
  - 6. Multifamily

### 5.6.8 Lot Requirements

- A. Minimum Lot Size .....thirty (30) acres  
For fee simple lots (i.e., single family attached), see Density Regulations and Minimum Yard Requirements below.

### 5.6.9 Density Regulations

Maximum Density.....ten (10) dwelling units per acre, based on gross acreage

### 5.6.10 Minimum Yard Requirements

The minimum setbacks for multi family shall be:

- A. Front Yard.....35 feet
- B. Sides.....15 feet
- C. Rear Yard.....30 feet
- D. Second Street frontage.....35 feet
- E. Open Drainage.....30 feet from easement line
- F. Ingress/Egress.....minimum required for front, side or rear

The minimum setbacks for single family attached shall be:

- A. Front Yard.....35 feet
- B. Sides.....10 feet, unless attached and a 0' shall be allowed for a common wall
- C. Rear Yard..... 20 feet
- D. Second Street frontage... 25 feet
- E. Open drainage.....30 feet
- F. Ingress/Egress.....minimum required for front, side or rear

Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

### 5.6.15 Subdivision of Multifamily Units

- C. Streets must meet the requirements of the Berkeley County Subdivision Regulations including the Berkeley County Engineering, Construction and Development Standards manual.
- D. Publicly maintained streets must be designed with limited access (no individual driveways) and have common parking areas located outside the right of way, or have typical lot widths of 40 feet or greater.

#### 6.1.10 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure. Agricultural structures shall not be less than sixty (60) feet from the property line.

### Article 6.2: R2-R, Rural Manufactured Residential District

#### 6.2.10 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure. Agricultural structures shall not be less than sixty (60) feet from the property line.

### Article 6.3: R2-R(F), Mobile Home Rural Farm Residential District

#### 6.3.10 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure. Agricultural structures shall not be less than sixty (60) feet from the property line.

### Article 6.4: F-1, Agricultural District

#### 6.4.6 Uses Permitted With Conditions

##### B. Commercial Uses

##### 2. Domestic Boarding Facility

- a. The facility shall be buffered with an opaque 8 feet tall privacy fence between the facility and all adjoining properties in addition to any landscaping requirements found in Article 15 of this Ordinance.

#### 6.4.11 Minimum Yard Requirements

Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second

street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 6.5: R-15, Preservation Residential District

##### 6.5.5 Uses Permitted With Conditions

##### B. Commercial Uses

##### 2. Domestic Boarding Facility

- a. The facility shall be buffered with an opaque 8 feet tall privacy fence between the facility and all adjoining properties in addition to any landscaping requirements found in Article 15 of this Ordinance.

##### 6.5.10 Minimum Yard Requirements

D. Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 7.1: RNC, Rural Neighborhood Commercial District

##### 7.1.3 Permitted Uses

##### D. Residential Uses

1. Single-Family Detached
2. Manufactured Home
3. Duplex

##### E. Storage Uses

1. Boat Storage Facility (Indoor)

##### 7.1.5 Uses Permitted With Conditions

##### A. Commercial Uses.

##### 6. Domestic Boarding Facility

- a. The facility shall be buffered with an opaque 8 feet tall privacy fence between the facility and all adjoining properties in addition to any landscaping requirements found in Article 15 of this Ordinance.

##### 7.1.8 Residential Density

##### A. Maximum Density

Reserved

##### 7.1.10 Minimum Yard Requirements

D. Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 7.2: GC, General Commercial District

##### 7.2.3 Permitted Uses

- D. Storage Uses
  - 2. Boat Storage Facility (Indoor)

- E. Residential Uses  
Reserved

##### 7.2.5 Uses Permitted With Conditions

- A. Commercial Uses.
  - 7. Domestic Boarding Facility
    - a. The facility shall be buffered with an opaque 8 feet tall privacy fence between the facility and all adjoining properties in addition to any landscaping requirements found in Article 15 of this Ordinance.

##### 7.2.8 Residential Density Reserved

##### 7.2.10 Minimum Yard Requirements

D. Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

#### Article 7.3: OI, Office and Institutional District

##### 7.3.3 Permitted Uses

- E. Residential Use  
Reserved

##### 7.3.8 Residential Density Reserved

#### 7.3.10 Minimum Yard Requirements

D. Accessory structures are permitted in the rear and side yards only with minimum of 5' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

### Article 7.4: LI, Light Industrial District

#### 7.4.3 Permitted Uses

- C. Storage Uses
  - 3. Boat Storage Facility (Indoor)

#### 7.4.9 Minimum Yard Requirements

D. Accessory structures are permitted in the rear and side yards only with minimum of 10' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

### Article 7.5: HI, Heavy Industrial District

#### 7.4.3 Permitted Uses

- F. Storage Uses
  - 2. Boat Storage Facility (Indoor)

#### 7.4.9 Minimum Yard Requirements

D. Accessory structures are permitted in the rear and side yards only with minimum of 10' setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in that portion of the yard that fronts a second street frontage of the property, the setback from the second street frontage property line for the accessory structure is the required second street frontage setback for the primary structure.

### Article 8.2.3: PDMU, Planned Development – Mixed Use Districts

#### 8.3 Approval Process

##### 8.3.1 Approval

C. Following approval of a PD district, the official zoning map shall be amended to reflect such approval. Approval of Planned Development district shall constitute authority for the applicant to for preliminary plan approval for the subdivision of property and/or final plat approval in accordance with Section 8.3.4 of this Article.

##### 8.3.3 Application Requirements

A. Proposed Development Plan – The applicant shall submit the proposal for the Planned Development District and include the following in graphic and/or text form:

1. A boundary survey with vicinity map, title block, scale, and north arrow.
2. Total number of acres of overall site.
3. Location of existing structures and their current uses.
4. Location of existing roads, utilities and other infrastructure.
5. Land use plan including location and number of acres of various areas by type of use (e.g., single-family detached, multi-family, recreation, office, commercial, etc.)
6. Proposed maximum heights of the structures.
7. Description of proposed site setbacks and minimum distances between structures.
8. Number of units and density of various residential types, such number to represent the maximum number of units allowed for each residential type.
9. Approximate square footage of nonresidential uses.
10. Traffic plan identifying primary traffic circulation patterns, major points of ingress and egress, proposed thoroughfares and arterial roadways, and improvements to existing roads.
11. Approximate number of parking spaces per us.
12. Master drainage plan identifying drainage basins, receiving waters, existing drainage features, proposed collection system features, and storm water management best management practices (BMPs).
13. Natural and proposed vegetation and landscaping, streets, walkways, and easements to be reserved for public use.
14. Location and general dimension of all impervious paved areas such as streets, walks, parking lots, tennis courts, plazas, etc.
15. Any such information or descriptions as may be deemed reasonably appropriate for review including, but not limited to, a traffic study.

B. Development Plan Report – The applicant shall submit an adequate number of copies as requested by the Planning and Zoning Department needed to provide to staff, the Planning Commission, County Council and any other applicable department or agency for review of the report setting forth the characteristics of the proposed Planned Development including the following:

(all other language to remain)

#### 8.3.4 Subdivision Plats

Approval, by County Council, of a Development Plan and Development Plan Report, including revisions and conditions, shall constitute authority for the applicant to prepare subdivision plats, if applicable, in accordance with procedures set forth in the Berkeley County Land Development and Subdivision Regulations. All subdivisions and other development shall comply with the Approved Development Plan. No building permit or certificate of occupancy shall be issued until the Administrative Officer has approved a final plat and the final plat has been recorded with the County's Register of Deeds Office.



### 8.3.5 Approved Development Plan

Delete all language and replace with:

The final development plan shall consist of the Proposed Development Plan and Development Plan Report, as amended by revisions and conditions, initially approved by County Council, and as may be subsequently modified and permitted in accordance with section 8.3.6. Recorded plats subdividing the property according to the design standards as outlined in the Approved Development Plan and within the parameters of the County's Land Development and Subdivision Regulations ordinance, shall become a part of the Approved Development Plan.

### Article 15: Parking

#### 15.9 Entrance and Exit Points

Lot entrance and exit drive curb cuts on publicly maintained streets shall comply with the Encroachment Permit requirements of the County or SCDOT.

Where feasible business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions shall be made to prevent vehicular ingress/egress other than at designated entrance or exit drives.

Points of access shall be located to avoid undue interference with or hazard to traffic on the roadway.

### Article 18: Sign Control

#### 18.3 General Sign Provisions

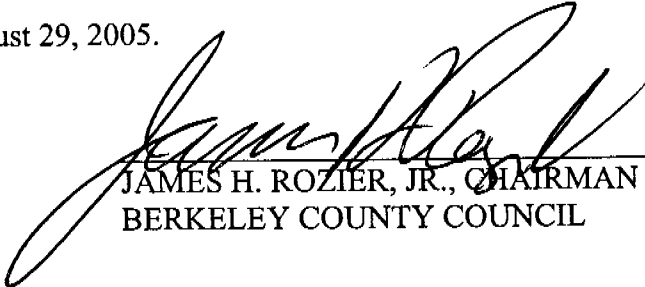
(h) Signs and sign foundations shall be constructed to comply with wind and seismic requirements of the County's adopted International Building Codes. Required document submittal shall be determined by the Chief Building Official.

### Article 22: Amendments

#### 22.1 General Provisions


This Zoning and Development Standards Ordinance, including the Official Zoning and Development Standards Map, may be amended from time to time by the County Council, either on its own initiative or in response to a petition from a landowner with respect to his property. All requests by landowners for amendments to this ordinance must be submitted in writing on a form provided by the Planning and Zoning Department. Only one zoning classification may be requested by the property owner/applicant for the subject parcel. Should a landowner wish to request a rezoning classification for a portion of his property, that portion shall be subdivided and an approved plat of this subdivision of property shall be duly recorded with Berkeley County prior to the landowner submitting a written request to rezone the newly created parcel.

ADOPTED this day of August 29, 2005.



JAMES H. ROZIER, JR., CHAIRMAN  
BERKELEY COUNTY COUNCIL

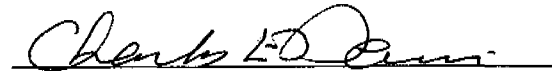
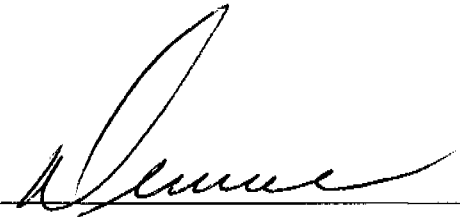
ATTEST:



Barbara B. Austin  
CLERK TO COUNTY COUNCIL

First Reading:	May 23, 2005
Second Reading:	June 20, 2005
Public Hearing:	July 25, 2005
Third Reading:	August 29, 2005

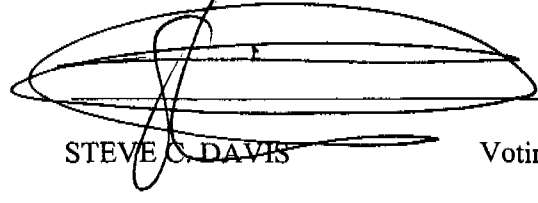
## MEMBERS OF COUNTY COUNCIL

PHILLIP FARLEY Voting yesJUDITH K. SPOONER Voting yesWILLIAM E. CROSBY Voting yesCHARLES E. DAVIS Voting yesDENNIS L. FISH Voting yesExcused 8-29-05

JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05

CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

STEVE C. DAVIS Voting YES

ORDINANCE NO. 05 - 08 - 59

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #141-00-02-016 (20.32 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

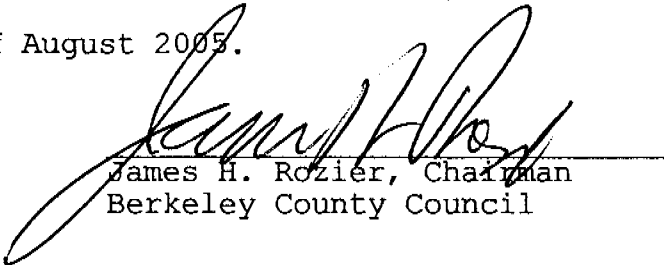
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning Map which contains that property identified as TMS#141-00-02-016 (20.32 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as PDMU, Planned Development Mixed Use, and will hereafter upon approval of this ordinance be reclassified as R-2, Manufactured Residential District.


BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29<sup>th</sup> of August 2005.



James H. Rozier, Chairman  
Berkeley County Council

ATTEST:



Barbara B. Austin  
CLERK OF COUNTY COUNCIL

First Reading:	June 20, 2005
Second Reading:	July 25, 2005
Public Hearing:	August 29, 2005
Third Reading:	August 29, 2005

## MEMBERS OF COUNTY COUNCIL

Phillip Farley  
PHILLIP FARLEY Voting yes

Judith K. Spooner  
JUDITH K. SPOONER Voting yes

William E. Crosby  
WILLIAM E. CROSBY Voting yes

Charles E. Davis  
CHARLES E. DAVIS Voting yes

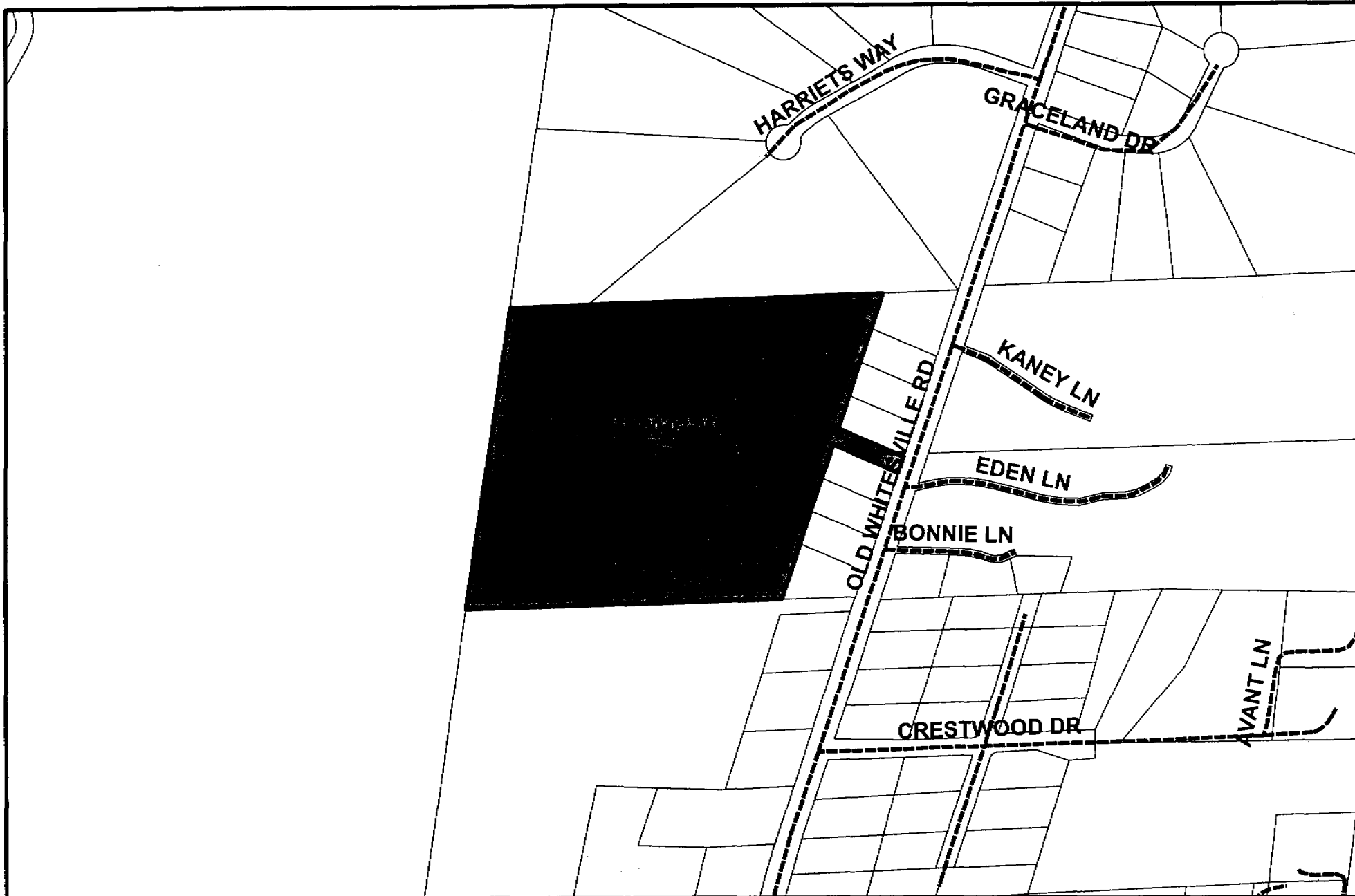
Dennis L. Fish  
DENNIS L. FISH Voting yes

Excused 8-29-05  
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05  
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

Steve C. Davis  
STEVE C. DAVIS Voting yes

TMS#: 141-00-02-016



Berkeley County GIS Department  
 223 N. Live Oak Drive  
 Moncks Corner, SC 29461  
 (843) 719-4038 | fax (843) 719-4190  
 e-mail: rhauck@co.berkeley.sc.us  
 GIS Online: <http://gis.co.berkeley.sc.us>  
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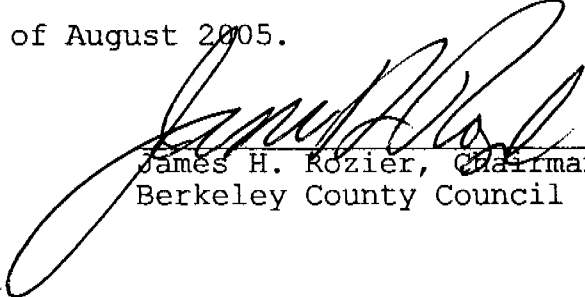
THE COUNTY OF BERKELEY AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.

05-08-59

That portion of the official Zoning Map which contains that property identified as TMS#194-00-02-012 (14.78 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-3, Mobile Home Park District, and will hereafter upon approval of this ordinance be reclassified as RNC, Rural Neighborhood Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29th of August 2005.



James H. Rozier, Chairman  
Berkeley County Council

ATTEST:

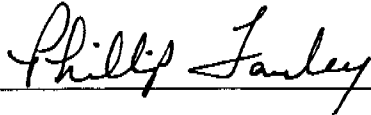

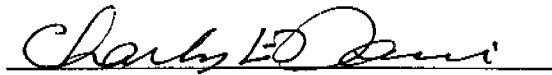
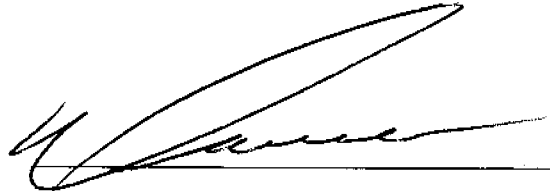


Barbara B. Austin  
CLERK OF COUNTY COUNCIL

First Reading:	June 20, 2005
Second Reading:	July 25, 2005
Public Hearing:	August 29, 2005
Third Reading:	August 29, 2005



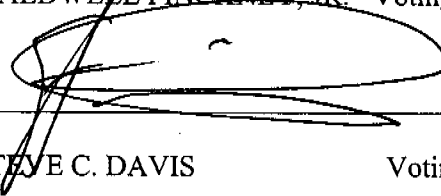
## MEMBERS OF COUNTY COUNCIL

PHILLIP FARLEY Voting yesJUDITH K. SPOONER Voting yesWILLIAM E. CROSBY Voting yesCHARLES E. DAVIS Voting yesDENNIS L. FISH Voting yesExcused 8-29-05

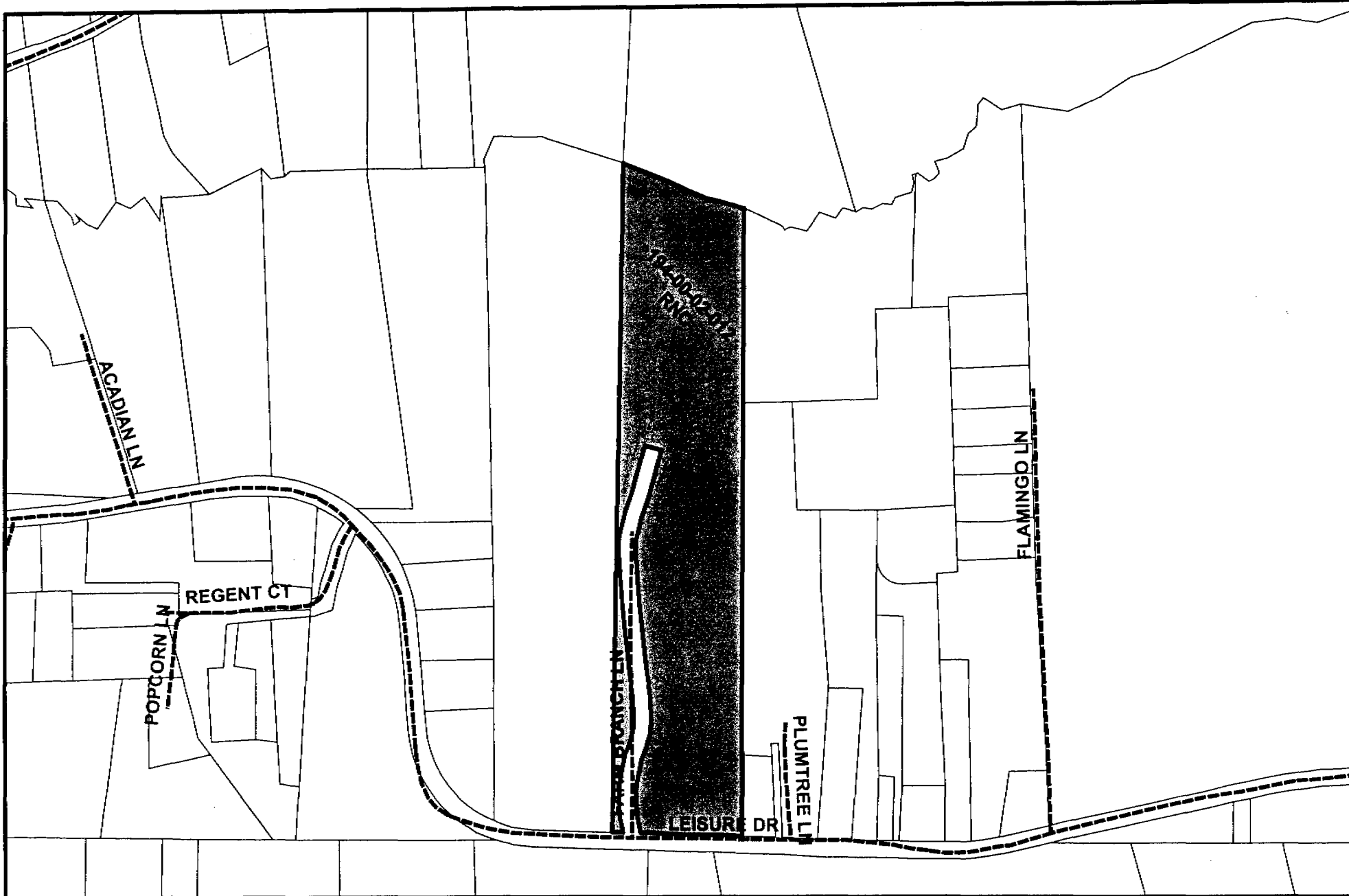
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05

CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

STEVE C. DAVIS Voting yes

TMS#: 194-00-02-012



Berkeley County GIS Department  
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Moncks Corner, SC 29461  
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Email: [rhauck@co.berkeley.sc.us](mailto:rhauck@co.berkeley.sc.us)  
GIS Online: <http://gis.co.berkeley.sc.us>  
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ORDINANCE NO. 05 - 08 - 61

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #233-09-02-036 (2.3 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

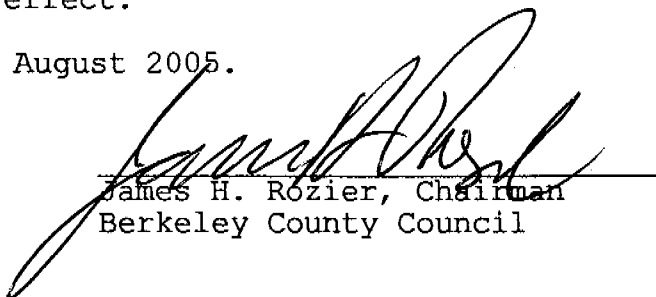
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning Map which contains that property identified as TMS#233-09-02-036 (2.3 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-3, Mobile Home Park District, and will hereafter upon approval of this ordinance be reclassified as R-2, Manufactured Residential District.

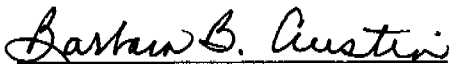
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29<sup>th</sup> of August 2005.



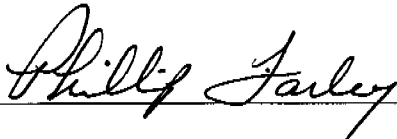
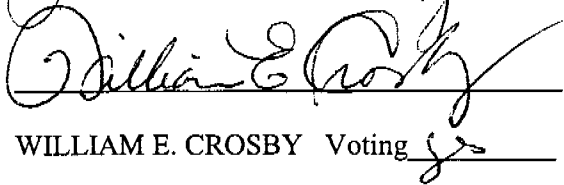
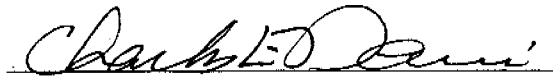
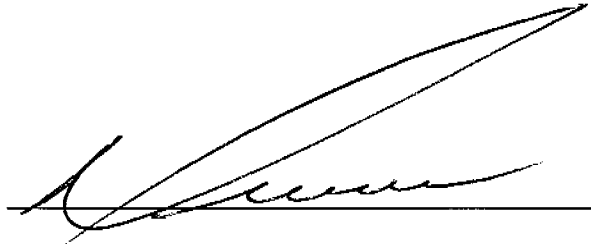
James H. Rozier, Chairman  
Berkeley County Council

ATTEST:

  
Barbara B. Austin  
CLERK OF COUNTY COUNCIL

First Reading:	June 20, 2005
Second Reading:	July 25, 2005
Public Hearing:	August 29, 2005
Third Reading:	August 29, 2005

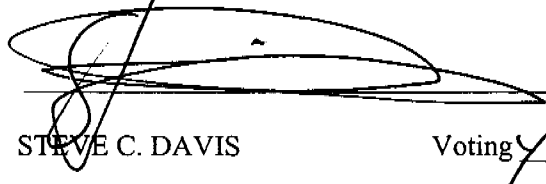
## MEMBERS OF COUNTY COUNCIL

PHILLIP FARLEY Voting yesJUDITH K. SPOONER Voting yesWILLIAM E. CROSBY Voting yesCHARLES E. DAVIS Voting yesDENNIS L. FISH Voting yesExcused 8-29-05

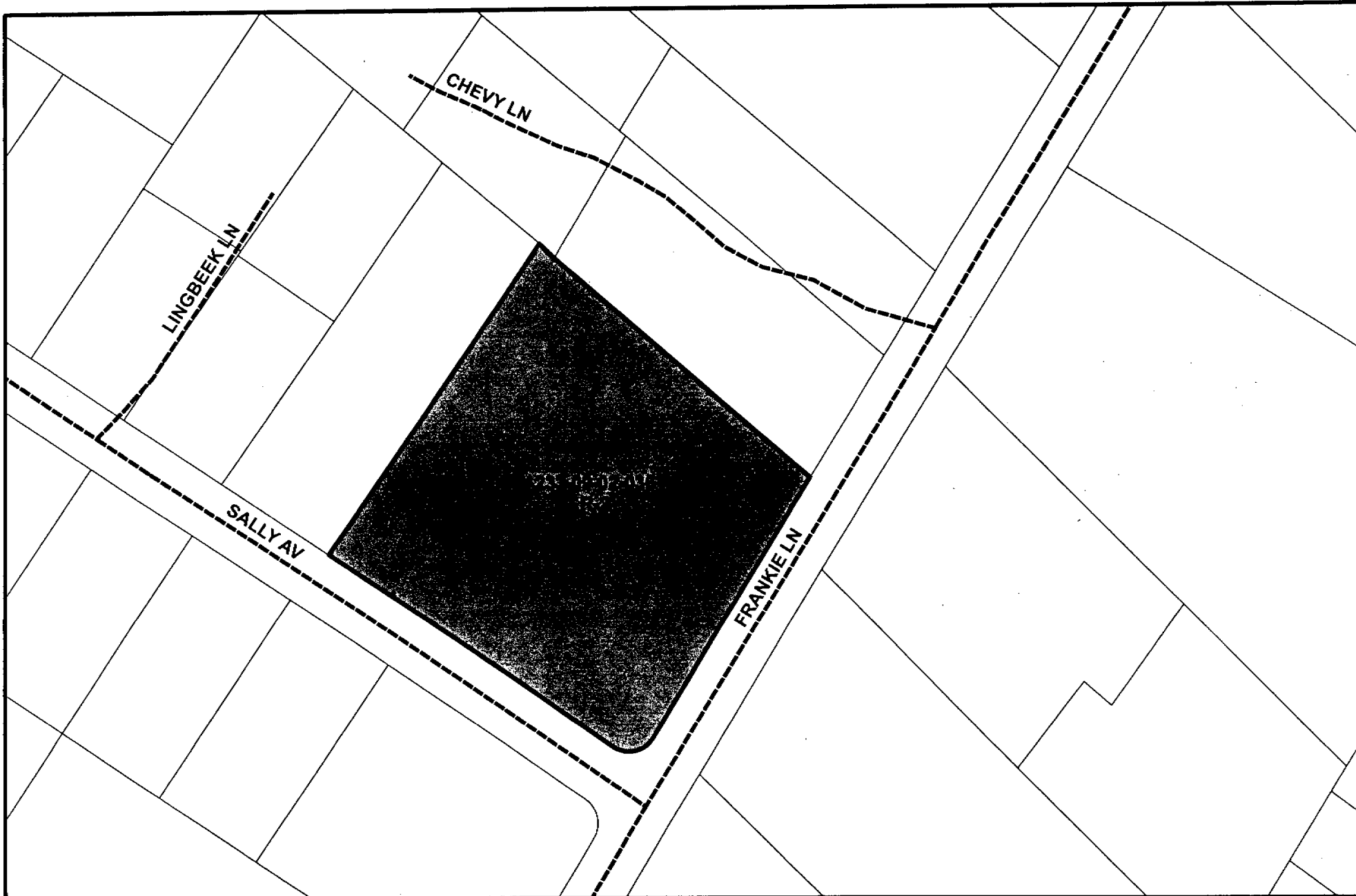
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05

CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

STEVE C. DAVIS Voting YES

TMS#: 233-09-02-036



Berkeley County GIS Department  
223 N. Live Oak Drive  
Moncks Corner, SC 29461  
(843) 719-4038 | fax (843) 719-4190  
e-mail: [rhauck@co.berkeley.sc.us](mailto:rhauck@co.berkeley.sc.us)  
GIS Online: <http://gis.co.berkeley.sc.us>  
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ORDINANCE NO. 05 - 08 - 62

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #244-06-00-028 (14.4 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

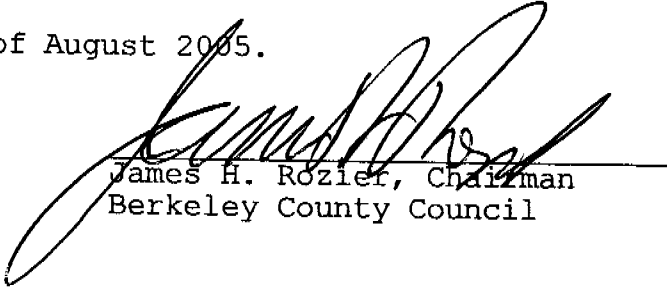
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning Map which contains that property identified as TMS#244-06-00-028 (14.4 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-2, Manufactured Residential District, and will hereafter upon approval of this ordinance be reclassified as RNC, Rural Neighborhood Commercial District.

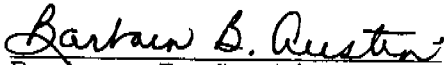
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29<sup>th</sup> of August 2005.



James H. Rozier, Chairman  
Berkeley County Council

ATTEST:

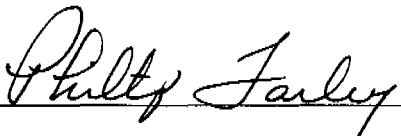
  
Barbara B. Austin  
CLERK OF COUNTY COUNCIL

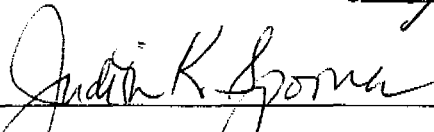
First Reading: June 20, 2005  
Second Reading: July 25, 2005  
Public Hearing: August 29, 2005  
Third Reading: August 29, 2005

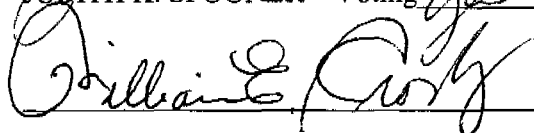


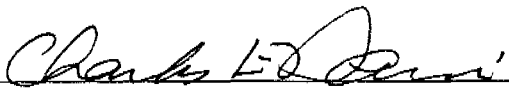
05-08-62

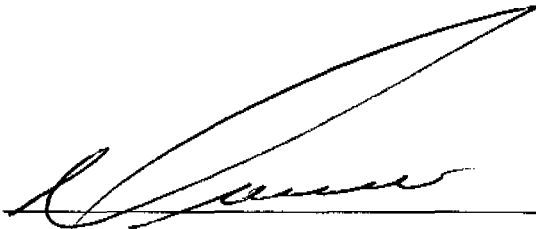
MEMBERS OF COUNTY COUNCIL

  
PHILLIP FARLEY Voting yes

  
JUDITH K. SPOONER Voting yes

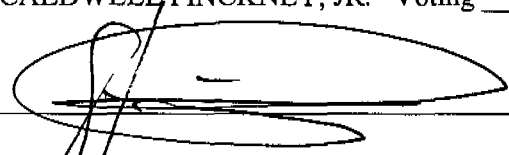
  
WILLIAM E. CROSBY Voting yes

  
CHARLES E. DAVIS Voting yes

  
DENNIS L. FISH Voting yes

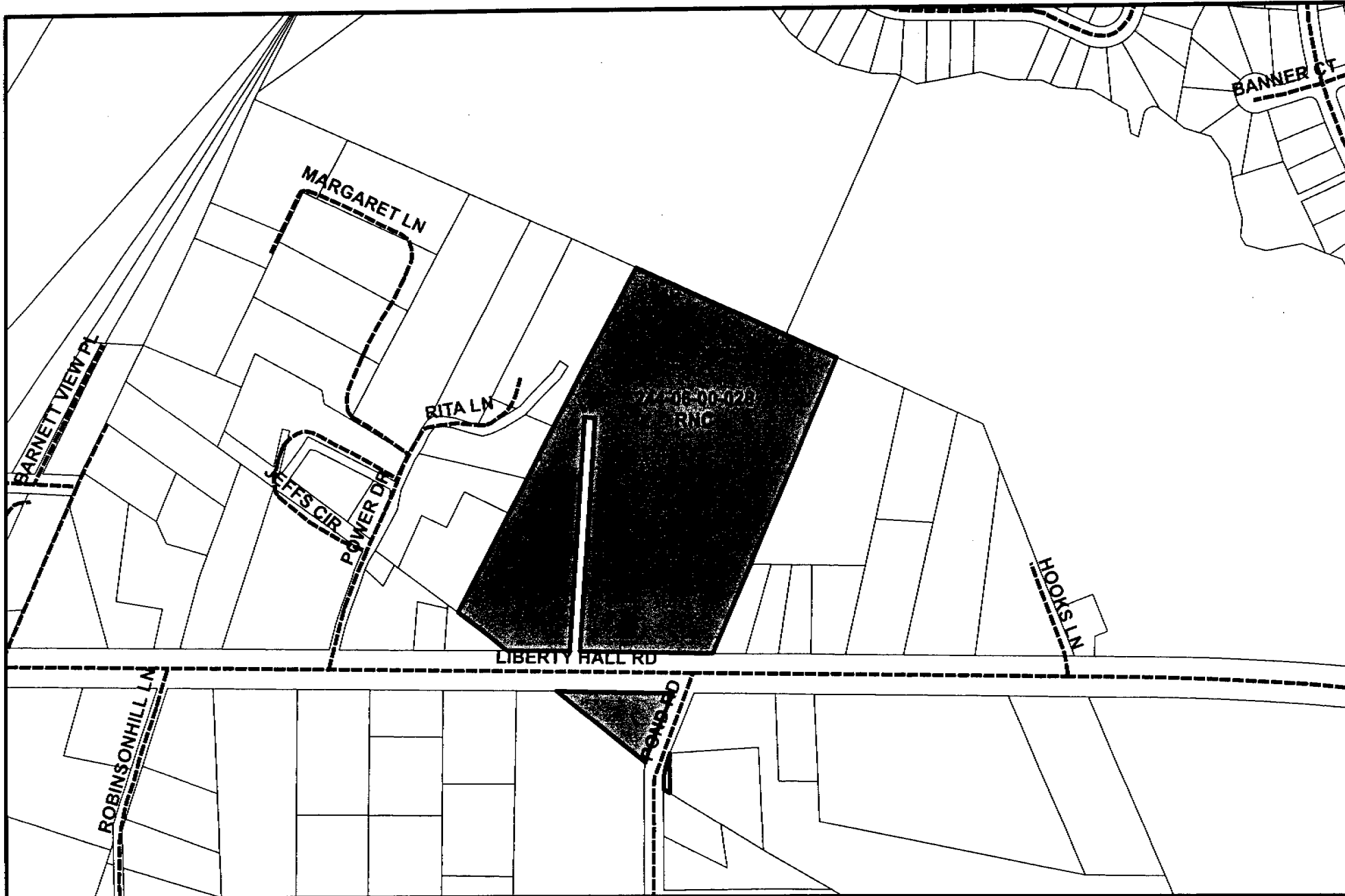
Excused 8-29-05  
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05  
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

  
STEVE C. DAVIS Voting yes

05-08-62

TMS#: 244-06-00-028



Berkeley County GIS Department  
223 N. Live Oak Drive  
Moncks Corner, SC 29461  
(843) 719-4038 | fax (843) 719-4190  
e-mail: [rhauck@co.berkeley.sc.us](mailto:rhauck@co.berkeley.sc.us)  
S Online: <http://gis.co.berkeley.sc.us>  
2005

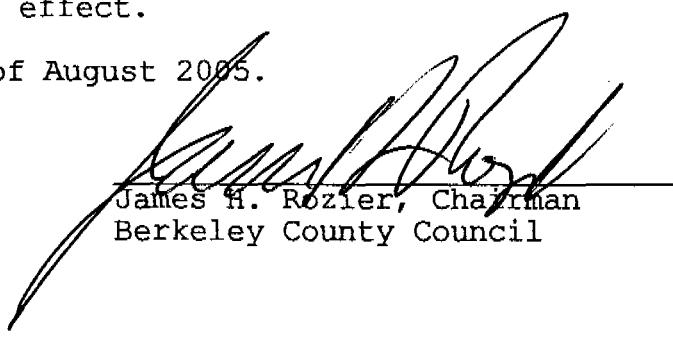


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That portion of the official Zoning Map which contains that property identified as TMS#211-00-02-102 et al (477.2 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as F-1, Agricultural District, R-1, Single-Family Residential District and GC, General Commercial District, and will hereafter upon approval of this ordinance be reclassified as PDMU, Planned Development Mixed Use and Development Plan (Spring Grove Plantation, Planned Development - Mixed Use (PD-MU) Guidelines, August 29, 2005.

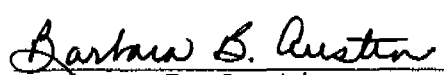
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29th of August 2005.



James H. Rozier, Chairman  
Berkeley County Council

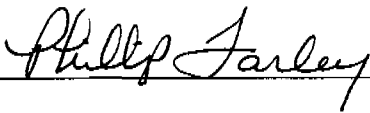
ATTEST:


  
Barbara B. Austin  
CLERK OF COUNTY COUNCIL

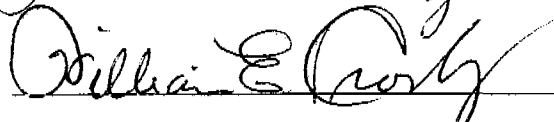
First Reading:	June 20, 2005
Second Reading:	July 25, 2005
Public Hearing:	August 29, 2005
Third Reading:	August 29, 2005

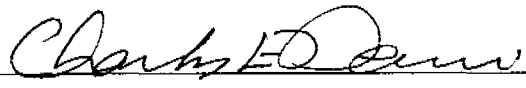
05-08-63

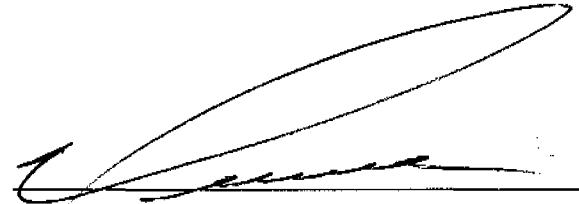
MEMBERS OF COUNTY COUNCIL

  
PHILLIP FARLEY Voting yes

  
JUDITH K. SPOONER Voting yes

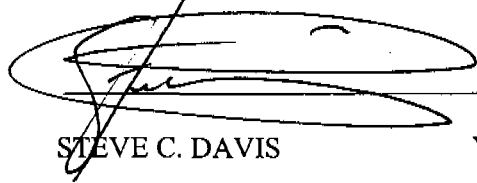
  
WILLIAM E. CROSBY Voting yes

  
CHARLES E. DAVIS Voting yes

  
DENNIS L. FISH Voting yes

Excused 8-29-05  
JUDY C. MIMS Voting \_\_\_\_\_

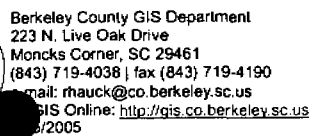
Excused 8-29-05  
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

  
STEVE C. DAVIS Voting yes

IMMUNITY

IBM

THE IMMUNITY SYSTEM



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ORDINANCE NO. 05 - 08 - 64

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #142-14-00-008 (<1 acre).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

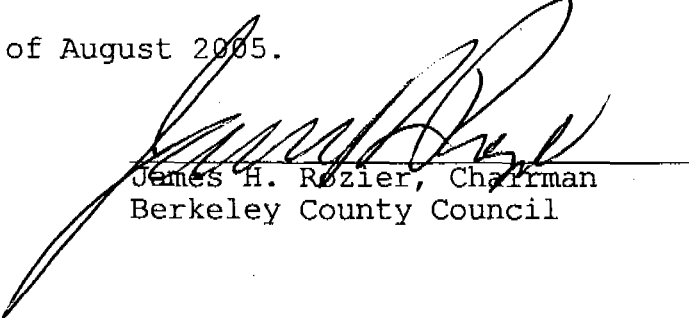
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning Map which contains that property identified as TMS#142-14-00-008 (<1 acre) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-2, Manufactured Residential District, and will hereafter upon approval of this ordinance be reclassified as GC, General Commercial District.

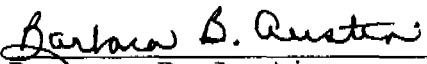
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 29th of August 2005.



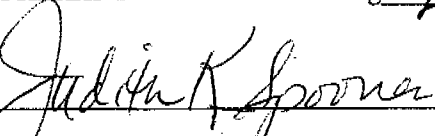
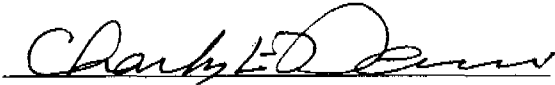
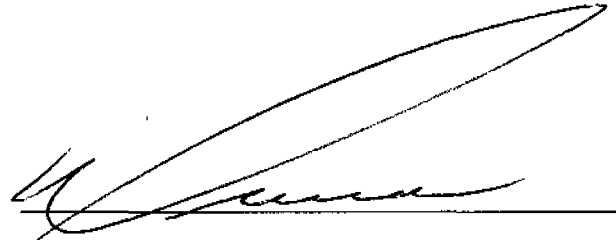
James H. Rozier, Chairman  
Berkeley County Council

ATTEST:

  
Barbara B. Austin  
CLERK OF COUNTY COUNCIL

First Reading:	June 20, 2005
Second Reading:	July 25, 2005
Public Hearing:	August 29, 2005
Third Reading:	August 29, 2005

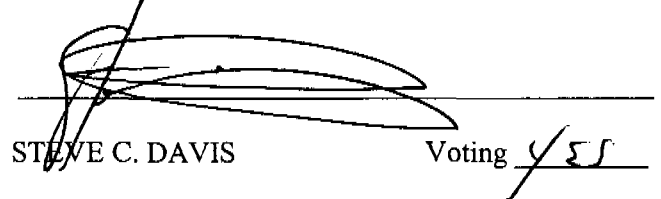
## MEMBERS OF COUNTY COUNCIL

PHILLIP FARLEY Voting yesJUDITH K. SPOONER Voting yesWILLIAM E. CROSBY Voting yesCHARLES E. DAVIS Voting yesDENNIS L. FISH Voting yesExcused 8-29-05

JUDY C. MIMS Voting \_\_\_\_\_

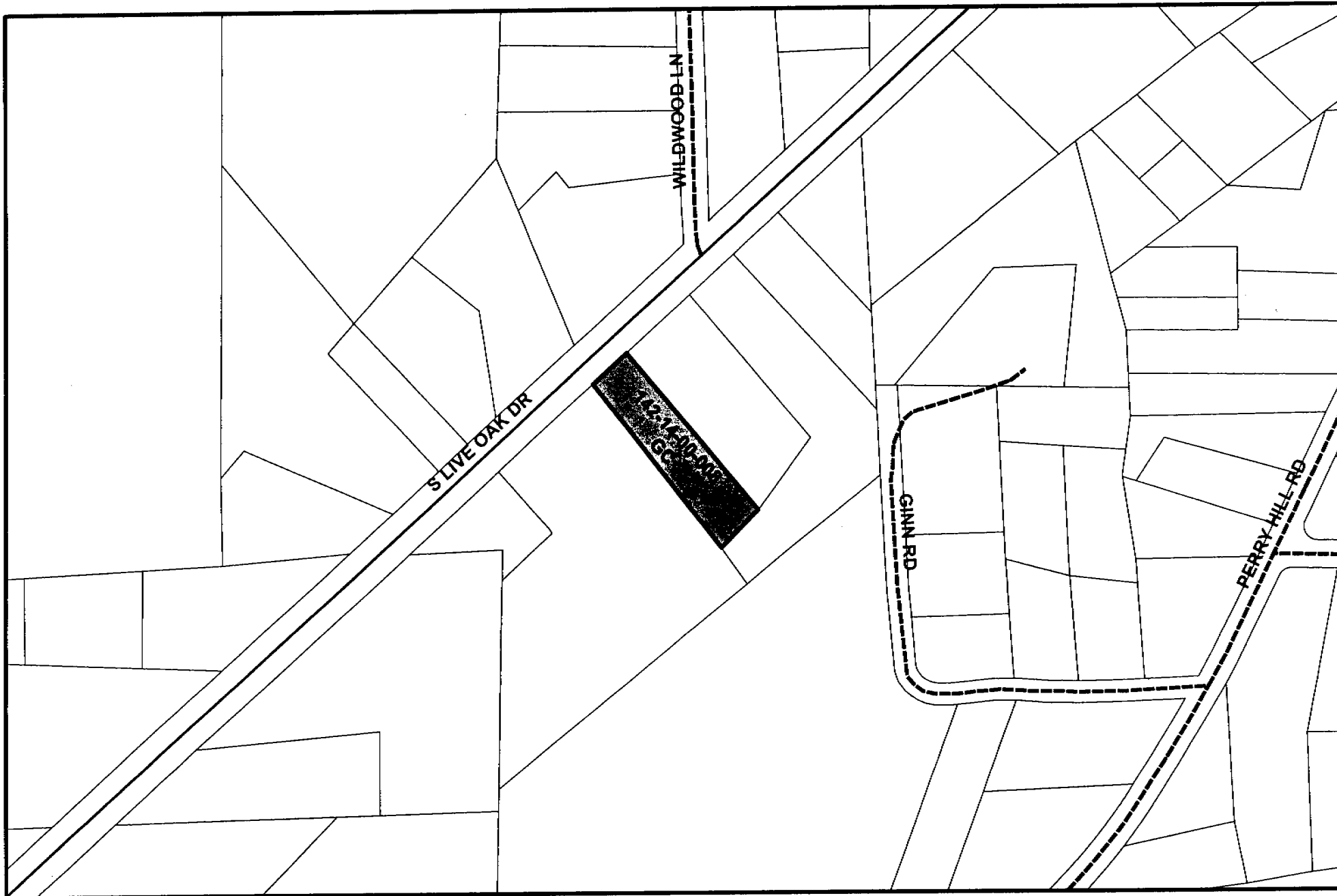
Excused 8-29-05

CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

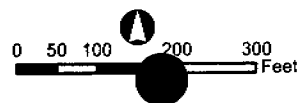
STEVE C. DAVIS Voting yes



TMS#: 142-14-00-008



Berkeley County GIS Department  
223 N. Live Oak Drive  
Moncks Corner, SC 29461  
(843) 719-4038 | fax (843) 719-4190  
email: [rhauck@co.berkeley.sc.us](mailto:rhauck@co.berkeley.sc.us)  
GIS Online: <http://gis.co.berkeley.sc.us>  
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**ORDINANCE NO. 05 - 08 - 65**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF ONE LOT OWNED BY BERKELEY COUNTY AND LOCATED AT 2669 HIGHWAY 45, PINEVILLE, SOUTH CAROLINA, MORE PARTICULARLY IDENTIFIED AS TMS NO. 014-00-00-014; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the County of Berkeley presently owns that real property located at 2669 Highway 45, Pineville, SC 29468, more particularly identified as TMS No. 014-00-00-014; and

**WHEREAS**, Berkeley County Council desires to convey said property to the Maude Callen Health Center for use as a health center; and

**WHEREAS**, Berkeley County Council feels it is in the best interests of the Citizens of the County to convey the property at this time.

**NOW, THEREFORE, BE IT ORDAINED** by Berkeley County Council, in a meeting duly assembled, that it authorizes the conveyance of one lot owned by Berkeley County and located at 2669 Highway 45, in Pineville, South Carolina, more particularly identified as a portion of TMS No. 142-00-01-059, to the Maude Callen Health Center; and

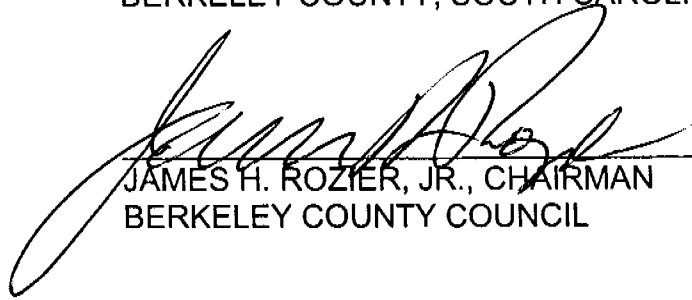
**BE IT FURTHER ORDAINED** that, in the event that said property ceases to be used as a health center, ownership of said property shall revert to the County.

**BE IT FURTHER ORDAINED** that the County Supervisor is authorized to negotiate any and all documents necessary to effectuate the conveyance of said property.

**ADOPTED** this 29th day of August 2005.

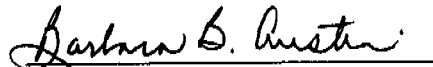
05-08-65

BERKELEY COUNTY, SOUTH CAROLINA



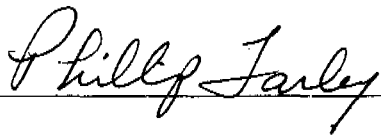
JAMES H. ROZIER, JR., CHAIRMAN  
BERKELEY COUNTY COUNCIL


Attest:





Barbara B. Austin, CCC  
Clerk of Council

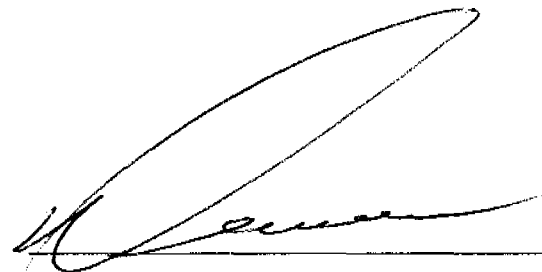
## MEMBERS OF COUNTY COUNCIL

  
PHILLIP FARLEY Voting yes

  
JUDITH K. SPOONER Voting yes

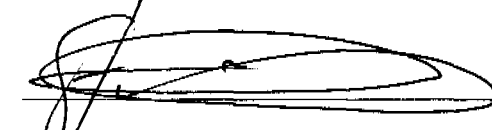
  
WILLIAM E. CROSBY Voting yes

  
CHARLES E. DAVIS Voting yes

  
DENNIS L. FISH Voting yes

Excused 8-29-05  
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05  
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

  
STEVE C. DAVIS Voting yes

ORDINANCE NO. 05 - 08 - 66

SIXTH SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, SOLID WASTE SYSTEM REFUNDING REVENUE BOND, SERIES 2005, IN THE PRINCIPAL AMOUNT OF \$2,950,000 FOR THE PURPOSE OF REFUNDING THE COUNTY'S SOLID WASTE SYSTEM REVENUE BOND, SERIES 2000; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE COUNTY COUNCIL OF BERKELEY COUNTY, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

Section 1. Definitions. The terms in this Section 1 and all words and terms defined in General Bond Ordinance No. 96-7-33 enacted by the Council on July 29, 1996 (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this Supplemental Ordinance have the respective meanings given to them in the General Bond Ordinance and in Section 1 hereof.

"2005 Bond and Interest Redemption Fund" shall mean the Fund established pursuant to Section 4 hereof to provide for the payment of the principal and interest on the Series 2005 Bond.

"Bond of 2000" shall mean the \$4,000,000 original principal amount Solid Waste System Revenue Bond, Series 2000, of Berkeley County, South Carolina, dated May 31, 2000.

"Bond of 2002" shall mean the \$3,000,000 original principal amount Solid Waste System Revenue Bond, Series 2002, of Berkeley County, South Carolina, dated June 18, 2002.

"Bond of 2003" shall mean the \$9,440,000 original principal amount Solid Waste System Refunding Revenue Bond, Series 2003, of Berkeley County, South Carolina, dated May 21, 2003.

"Bond to be Refunded" shall mean the Bond of 2000.

"Business Day" shall mean any day other than a Saturday, a Sunday or a day on which banking institutions in the State or the corporate trust office of the Custodian/Trustee are required or authorized by law (including executive orders) to close.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Escrow Agent" shall mean Wachovia Bank, National Association, as escrow agent under the Refunding Trust Agreement.

"Fifth Supplemental Ordinance" shall mean Fifth Supplemental Ordinance No. 03-04-20 of the Council enacted on April 28, 2003, authorizing the Bond of 2003.

"Fourth Supplemental Ordinance" shall mean Fourth Supplemental Ordinance No. 02-05-15 of the Council enacted on May 20, 2002, authorizing the Bond of 2002.

"General Bond Ordinance" shall mean General Bond Ordinance No. 96-7-33 of the Council enacted on July 29, 1996, authorizing and providing for the issuance of Solid Waste System Revenue Bonds.

"Interest Payment Date" shall mean June 1 and December 1 of each year commencing June 1, 2006, or December 1, 2005, as determined by the County Supervisor.

"Paying Agent" shall mean Wachovia Bank, National Association, as successor to First Union National Bank.

"Purchaser" shall mean Branch Banking and Trust Company.

"Registrar" shall mean Wachovia Bank, National Association, as successor to First Union National Bank.

"Series 2005 Bond" shall mean the Berkeley County, South Carolina, Solid Waste System Refunding Revenue Bond, Series 2005, in the principal amount of \$2,950,000 authorized to be issued hereunder.

"Sixth Supplemental Ordinance" shall mean this Sixth Supplemental Ordinance No. \_\_\_\_\_ of the Council enacted on August 29, 2005, authorizing the issuance of the Series 2005 Bond.

"Third Supplemental Ordinance" shall mean Third Supplemental Ordinance No. 00-5-24 of the Council enacted on May 22, 2000, authorizing the Bond of 2000.

Section 2. Finding and Determinations. The Council hereby finds and determines:

(a) This Supplemental Ordinance supplements the General Bond Ordinance, constitutes and is a "Supplemental Ordinance" within the meaning of such quoted term as defined and used in the General Bond Ordinance, and is enacted under and pursuant to the General Bond Ordinance.

(b) The Series 2005 Bond constitutes and is a "Bond" within the meaning of the quoted word as defined and used in the General Bond Ordinance.

(c) The Revenues pledged under the General Bond Ordinance are not encumbered by any lien and charge thereon or pledge thereof, other than the lien and charge thereon and pledge thereof created by: (i) the General Bond Ordinance; (ii) the Third Supplemental Ordinance for the payment and security of the Bond of 2000; (iii) the Fourth Supplemental Ordinance for the payment and security of the Bond of 2002; (iv) the Fifth Supplemental Ordinance for the payment and security of the Bond of 2003; and (v) this Sixth Supplemental Ordinance for the payment and security of the Series 2005 Bond.

(d) There does not exist an Event of Default, nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute such Event of Default.

(e) The estimated cost of refunding the Bond to be Refunded is approximately \$3,014,122.00, to be financed in part with the proceeds of the Series 2005 Bonds and moneys in the debt service fund for the Bond to be Refunded. The Authority will pay Costs of Issuance from Revenues.

(f) Section 3.4(B) of the General Bond Ordinance provides that Bonds may be issued at any time for the purpose of refunding (including by purchase) Bonds, including amounts to pay principal, redemption premium and interest to the date of redemption (or purchase) of the refunded Bonds and the Costs of Issuance; provided that (i) the Debt Service on all Bonds not then to be refunded and such refunding Bonds shall not be greater than would have been the Debt Service of all Bonds not then refunded and the Bonds to be refunded. Bonds issued upon compliance with Section 3.2 and Section 3.4 of the General Bond Ordinance shall be issued on a parity in all respects inter sese.

(g) The Series 2005 Bond is being issued for the purpose of refunding the Bond to be Refunded.

(h) In compliance with the provisions of Section 3.4(B) of the General Bond Ordinance, the Council further finds and determines:

- (i) The issuance of the Series 2005 Bond is authorized under and pursuant to an ordinance supplemental to the General Bond Ordinance as provided in Article III and Article IX of the General Bond Ordinance.
- (ii) Prior to the issuance of the Series 2005 Bond, there shall be filed with the Custodian/Trustee the certificates required by paragraphs A and B of Section 3.3 of the General Bond Ordinance.
- (iii) A Debt Service Reserve Fund will not be established for the Series 2005 Bond.
- (iv) The total estimated cost of the refunding to be financed in part with a portion of the proceeds of the Series 2005 Bond is approximately \$3,040,112.00.

(i) The Bond of 2000 bears interest at the rates of 5.97% per annum and is held by Branch Banking and Trust Company and is subject to prepayment on and after December 1, 2005.

(j) Pursuant to a Request for Proposals dated August 8, 2005, which was submitted to various banks in the County and the State, the County Supervisor and Internal Auditor of the Authority received four (4) proposals to purchase the Series 2005 Bond as follows:

<u>Name of Bank</u>	<u>Interest Rate</u>
Branch Banking and Trust Company	3.56%
Wachovia Bank, National Association	3.59%
Bank of America, N.A.	3.90%
South Carolina Bank & Trust	3.96%

After evaluating each proposal it was determined that the proposal of Branch Banking and Trust Company (the "Purchaser") was most advantageous to the County and should be accepted.

(k) The Purchaser has offered to purchase the Series 2005 Bond at an interest of 3.56% per annum, as a single issue, the proceeds of which shall be used to pay the principal of the Bond to be Refunded.

(l) It is necessary and in the best interest of the County to refund the Bond to be Refunded and to issue the Series 2005 Bond in the principal amount of \$2,950,000 in accordance with the Act, General Bond Ordinance and this Sixth Supplemental Ordinance for the purposes set forth above.

### Section 3. Authorization of Series 2005 Bond; Form of Series 2005 Bond; Sale of Series 2005 Bond.

(a) There is hereby authorized to be issued a Series of Bonds designated "Berkeley County, South Carolina, Solid Waste System Refunding Revenue Bond, Series 2005 (the "Series 2005 Bond"), in the total principal amount of \$2,950,000.

(b) The offer of Branch Banking and Trust Company to purchase the Series 2005 Bond is hereby accepted. A copy of such offer is attached hereto as Exhibit A. In the event of a conflict in the terms and provisions of such offer and this Sixth Supplemental Ordinance, the terms and provisions of this Sixth Supplemental Ordinance shall prevail.

(c) The Series 2005 Bond shall be represented by a single fully registered bond; shall be registered in the name of Branch Banking and Trust Company; shall be dated the date of delivery; and shall be in the principal amount of \$2,950,000; shall bear interest at the rate of 3.56% per annum payable December 1, 2005, and semiannually thereafter on June 1 and December 1 of each year; and shall be payable in principal installments on December 1 in each of the years and in the principal amounts set forth in the table below. Interest on the Series 2005 Bond shall be calculated on the basis of a 360-day year (30-day month).



<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2005	\$190,000	2010	\$280,000
2006	280,000	2011	300,000
2007	275,000	2012	365,000
2008	270,000	2013	355,000
2009	290,000	2014	345,000

The Council delegates the authority to the County Supervisor to (i) determine the initial Interest Payment Date if different than December 1, 2005; (ii) modify the redemption provisions set forth in Section 3(c) hereof; and (iii) revise the maturity schedule set forth herein so long as the final maturity of the Series 2005 Bond does not extend any longer than as set forth herein. The County Supervisor is further empowered to include any additional provisions in the Series 2005 Bond as requested by the Purchaser in accordance with its proposal to purchase the Series 2005 Bond.

(d) On and after December 1, 2010, the County shall have the right to prepay the principal amount of the Series 2005 Bond as a whole at any time the principal amount thereof and interest accrued on such principal amount to the date fixed for redemption.

In the event of the prepayment of the Series 2005 Bond, the County shall give notice of prepayment of the Series 2005 Bond by first-class mail, postage prepaid, to the Purchaser thereof as shown on the Books of Registry not less than five (5) business days prior to the date fixed for the prepayment thereof.

(e) The Series 2005 Bond is subject to mandatory redemption in whole at any time prior to maturity in the event the System or any portion thereof is destroyed (in whole or in part), or is damaged by fire or other casualty to the extent repair thereof is impractical as determined by a Consulting Engineer. Notice of such mandatory redemption shall be given as provided in Section 3(d) above.

(f) The Series 2005 Bond is a special obligation of the County payable solely from, and secured by a pledge of and lien upon, the Revenues derived by the County from the System on a parity in all respects with the Bond of 2002, the Bond of 2003, and with any Series of Bonds hereafter issued under Section 3.3 or Section 3.4 of the General Bond Ordinance payable from such Revenues on a parity and equally and ratably secured therewith.

(g) The Series 2005 Bond shall be executed in the name of the County with the manual or facsimile signature of the County Supervisor and Chairman of County Council and attested by the manual or facsimile signature of the Clerk to County Council under the seal of the County impressed, imprinted or reproduced thereon.

(h) The Series 2005 Bond shall be in substantially the form set forth in Exhibit B.

Section 4. Payment of the Series 2005 Bond. The Series 2005 Bond, together with the interest thereon, shall be payable in such coin or currency of the United States of America which at the time of such payment is legal tender for public and private debts, solely from the Net Revenues of the System in accordance with the provisions of the Ordinance and this Sixth Supplemental Ordinance. The Series 2005 Bond shall be issued and is payable on a parity with pledges securing the Bond of 2002 and the Bond of 2003.

The Series 2005 Bond does not constitute an indebtedness of the County within any State constitutional provisions (other than Article X, Section 14, Paragraph 10 of the South Carolina Constitution authorizing obligations payable solely from special sources not involving revenues from any tax or license) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. The full faith, credit and taxing powers of the County are not pledged to the payment of the principal and interest on the Bond.

Section 5. Establishment of 2005 Bond and Interest Redemption Fund. In accordance with Section 6.6 of the General Bond Ordinance, the 2005 Bond and Interest Redemption Fund is hereby directed to be established by the Custodian/Trustee on the date of original delivery of the Series 2005 Bond for the benefit of the Purchaser of the Series 2005 Bond. The payments from the Revenues authorized herein shall be made at the times set forth in Section 6.6 of the General Bond Ordinance and pari passu with the payments from the Revenues in the applicable Bond and Interest Redemption Funds required by the General Bond Ordinance, the Fourth Supplemental Ordinance with respect to the Bond of 2002, the Fifth Supplemental Ordinance with respect to the Bond of 2002, and this Sixth Supplemental Ordinance with respect to the Series 2005 Bond.

Section 6. Designation of Registrar and Paying Agent. The Council hereby designates Wachovia Bank, National Association, as successor to First Union National Bank, as Registrar for the Series 2005 Bond. The Council hereby further designates Wachovia Bank, National Association, as successor to First Union National Bank, as Paying Agent for the Series 2005 Bond. The Registrar and Paying Agent shall signify their acceptance of their respective duties upon delivery of the Series 2005 Bond.

Section 7. Authorization to Effect Refunding; Redemption of the Bond to be Refunded. Upon delivery of the Series 2005 Bond, the principal proceeds thereof, together with a portion of amounts deposited in the debt service fund with respect to the Bond of 2000 and other funds of the Authority, if necessary, shall be deposited with the Escrow Agent in the Refunding Trust Fund under the Refunding Trust Agreement and used to redeem the Bond to be Refunded.

The County Supervisor is hereby authorized and directed for and on behalf of the County to execute such agreements and give such directions as shall be necessary to carry out the provisions of this Sixth Supplemental Ordinance, including the execution and delivery of the Refunding Trust Agreement. The Refunding Trust Agreement shall be dated the date of delivery of the Series 2005 Bond to the Purchaser thereof, and substantially in the form presented to the meeting of Council at which this Sixth Supplemental Ordinance was enacted with such modifications thereto as the

County Supervisor approves. The execution thereof shall be evidence of the approval of any such modification.

The County will cause the Escrow Agent to call the Bond to be Refunded for redemption on December 1, 2005, or such other date as may be determined by the County Supervisor, and to pay the principal of and interest on the Bond to be Refunded upon such redemption from the moneys and obligations deposited in the Refunding Trust Fund established pursuant to the Refunding Trust Fund Agreement and the income therefrom shall be held, invested, and applied in accordance with the provisions of this Sixth Supplemental Ordinance and the Refunding Trust Agreement.

Section 8. Disposition of Proceeds of Series 2005 Bond. The proceeds derived from the sale of the Series 2005 Bond shall be applied to the payment of the principal of the Bond to be Refunded. Interest on the Bond to be Refunded and the Costs of Issuance shall be paid by the Authority from Revenues.

Section 9. Federal Tax Covenant. The County hereby covenants and agrees with the Purchasers of the Series 2005 Bond that it will comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Series 2005 Bond is Outstanding, and that no use of the proceeds of the Series 2005 Bond shall be made which, if such use had been reasonably expected on the date of issue of the Series 2005 Bond would have caused the Series 2005 Bond to be "arbitrage bonds" as defined in the Code; and to that end the County hereby shall:

- (a) establish such funds, make such calculations and pay such amounts, if necessary, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States;
- (b) make such reports of such information at the times and places required by the Code; and
- (c) take such other actions as may be required in order that the Series 2005 Bond and the use of the proceeds thereof and the County comply with the provisions of the Code.

Section 10. Series 2005 Bond Deemed to be a Qualified Tax-Exempt Obligation. The Bond of 2000 was designated as a "qualified tax exempt obligation" within the meaning of Section 265(b)(3) of the Code. The County intends that the Series 2005 Bond will be a deemed "qualified tax exempt obligation" pursuant to Section 265(b)(3)(D) of the Code.

Section 11. Filings with Central Repository. In compliance with Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the Revenues of the System or the County's tax base.

Section 12. Further Actions. The Council hereby ratifies, confirms and approves the actions of the Director of the Authority and the County Supervisor with respect to the sale of the Series 2005 Bond. The County Supervisor and Chairman of County Council, Clerk to County Council, Director of the Authority, and Counsel to the Authority are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate issuance of the Series 2005 Bond and to carry out the intentions of this Sixth Supplemental Ordinance. The County retains the law firm of McNair Law Firm, P.A., as bond counsel in connection with the issuance of the Series 2005 Bond.

Section 13. Section Headings. The headings and titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Supplemental Ordinance.

Section 14. Notices. All notices, certificates or other communications hereunder or under the General Bond Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:

If to the County:

Berkeley County  
Attention: County Supervisor  
1003 U.S. Highway 52  
Moncks Corner, SC 29461

If to the Authority:

Berkeley County Water and Sanitation Authority  
Attention: Director  
P. O. Box 1090  
0 Pulaski Court  
Goose Creek, South Carolina 29445

If to the Purchaser:

Branch Banking and Trust Company  
Attention: Andrew Smith  
Post Office Box 714  
Columbia, SC 29202

If to the Registrar, Paying Agent and Escrow Agent:

Wachovia Bank, National Association  
1426 Main Street, 17<sup>th</sup> Floor  
SC8358  
Columbia, South Carolina 29201  
Attention: Corporate Trust Administration

If to the Custodian/Trustee:

Wachovia Bank, National Association  
Attention: Corporate Trust Administration  
1426 Main Street, 17<sup>th</sup> Floor  
SC8358  
Columbia, South Carolina 29201

Any of the entities listed above may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 15. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution in conflict or inconsistent with the Ordinance, are hereby repealed to the extent of such inconsistency.

Section 16. Effective Date. This Sixth Supplemental Ordinance shall become effective upon its enactment.

Enacted by the County Council of Berkeley County, South Carolina, this 29th day of August, 2005.

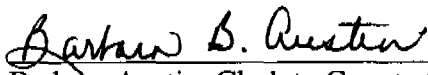
BERKELEY COUNTY, SOUTH CAROLINA

By: 

James H. Rozier, Jr., County Supervisor and  
Chairman of County Council

(SEAL)

ATTEST:



Barbara Austin, Clerk to County Council

Date of First Reading: July 25, 2005  
Date of Second Reading: August 8, 2005  
Date of Third Reading: August 29, 2005

Approved as to form:



County Attorney, Berkeley County,  
South Carolina

MEMBERS OF COUNCIL



Phillip Farley Voting: yes



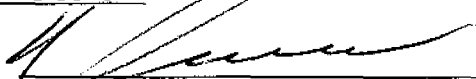
Judith K. Spooner Voting: yes



William E. Crosby Voting: yes



Charles E. Davis Voting: yes



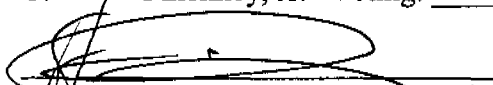
Dennis L. Fish Voting: yes

Excused 8-29-05

Judy C. Mims Voting: yes

Excused 8-29-05

Caldwell Pinckney, Jr. Voting: yes



Steve C. Davis Voting: yes

[Signature Page]

05-08-66

EXHIBIT A

COPY OF PROPOSAL OF PURCHASER

A-1

05-08-66



Branch Banking & Trust Co.  
of South Carolina

Governmental Finance

P.O. Box 714  
Columbia, SC 29202  
(803) 251-1328  
Fax (803) 251-1329

August 25, 2005

Ms. Kristy McMichael  
Internal Auditor  
Berkeley County Water and Sanitation Authority  
0 Pulaski Street  
Goose Creek, SC 29445

Dear Ms. McMichael:

Branch Banking and Trust Company ("BB&T"), is pleased to offer this proposal for the financing requested by Berkeley County Water and Sanitation Authority ("County").

- (1) Project: Solid Waste Refunding Revenue Bonds, Series 2005
- (2) Amount To Be Financed: \$2,950,000
- (3) Interest Rates, Financing Terms and Corresponding Payments:

We offer a fixed interest rate of 3.56% with a final maturity date of December 1, 2014. We also offer a premium of \$10.00 for this transaction.

The bonds may be redeemed without penalty on and after December 1, 2010. Prepayment must be in whole. No reserve fund will be required.

The County must maintain a debt service coverage ratio of 1.20 at all times.

The interest rates stated above are valid for a closing not later than 30 days after today.

It is anticipated that the delivery date will be on or about September 7, 2005.

The stated interest rates assume that the County expects to borrow less than \$10,000,000 in calendar year 2005 and that the financing shall qualify as qualified tax-exempt financing under the Internal Revenue Code. BB&T reserves the right to terminate its interest in this bid or to negotiate a mutually acceptable rate if the financing is not qualified tax-exempt financing.

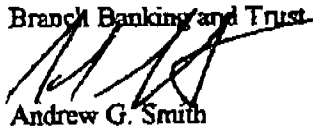


05-08-66

Please call me at (803) 251-1328 with your questions and comments. We look forward to hearing from you.

Sincerely,

Branch Banking and Trust Company



Andrew G. Smith  
Vice President

EXHIBIT B

(FORM OF SERIES 2005 BOND)  
 UNITED STATES OF AMERICA  
 STATE OF SOUTH CAROLINA  
 BERKELEY COUNTY  
 SOLID WASTE SYSTEM REFUNDING REVENUE BOND  
 SERIES 2005

KNOW ALL MEN BY THESE PRESENTS, that Berkeley County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to Branch Banking and Trust Company, (the "Purchaser"), or registered assigns, but solely from the revenues hereinafter mentioned and not otherwise, the principal sum of \$2,950,000. Interest shall accrue at the rate of 3.56% per annum, and the County hereby promises to pay interest on the principal amount hereof, from time to time unpaid, but solely from such revenues and not otherwise. Interest on this Bond is payable until this Bond matures semiannually on June 1 and December 1 of each year, commencing December 1, 2005. Interest on this Bond shall be calculated on the basis of a 360-day year (30-day month).

The principal amount of this Bond is payable on December 1 in each of the years and in the principal amounts set forth below:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2005	\$190,000	2010	\$280,000
2006	280,000	2011	300,000
2007	275,000	2012	365,000
2008	270,000	2013	355,000
2009	290,000	2014	345,000

On and after December 1, 2010, the County shall have the right to prepay the principal amount of this Bond as a whole at any time at the principal amount thereof and interest accrued on such principal amount to the date fixed for redemption.

In the event of the prepayment of this Bond, the County shall give notice of prepayment of this Bond by first-class mail, postage prepaid, to the registered owner thereof as shown on the Books of Registry not less than five (5) business days prior to the date fixed for the prepayment thereof.

Both the principal of and interest on this Bond are payable at the corporate trust office of Wachovia Bank, National Association, as successor to First Union National Bank of South Carolina, in Columbia, South Carolina, in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

This Bond issued by the County for the purpose of refunding certain outstanding solid waste system revenue bonds. This Bond is issued under, pursuant to and in full compliance with the Constitution and statutes of the State of South Carolina, including particularly Article X, Section 14(10) of the South Carolina Constitution and Title 6, Chapter 21, of the Code of Laws of South Carolina, 1976, as amended (collectively the "Act"). This Bond is issued under and pursuant to a General Bond Ordinance No. 96-7-33 duly enacted July 29, 1996, and Sixth Supplemental Ordinance No. \_\_\_\_ of the County duly enacted on August 29, 2005 (collectively, the "Bond Ordinance"), under the Act which Bond Ordinance has been duly codified and indexed as prescribed by law. Reference is hereby made to the Bond Ordinance to all of the provisions of which any holder of this Bond by acceptance hereof thereby assents. The provisions of the Act and the Bond Ordinance shall be a contract with the holder of this Bond.

The Bond Ordinance contains provisions defining terms, including the properties comprising the County's solid waste system (the "System"); sets forth the revenues pledged for the payment of the principal of and interest on this Bond and the Bonds of other series herewith which may hereafter be issued on a parity herewith under the Bond Ordinance; sets forth the nature, extent and manner of enforcement of the security of this Bond and of such pledge, and the rights and remedies of the holder hereof with respect thereto; sets forth the terms and conditions upon which and the extent to which the Bond Ordinance may be altered, modified and amended; sets forth the terms and conditions upon which this Bond is issued and upon which other bonds may be hereafter issued payable as to principal, premium, if any, and interest on a parity with this Bond and equally and ratably secured herewith; sets forth the rights, duties and obligations of the County thereunder; and sets forth the terms and conditions upon which the pledge made in the Bond Ordinance for the security of this Bond and upon which the covenants, agreements and other obligations of the County made therein may be discharged at or prior to the maturity or redemption of this Bond with provisions for the payment thereof in the manner set forth in the Bond Ordinance. Reference is hereby made to the Bond Ordinance to all of the provisions of which any holder of this Bond by the acceptance hereof thereby assents. The provisions of the Act and the Bond Ordinance shall be a contract with the holder of this Bond.

This Bond and the interest hereon is a special obligation of the County payable solely from, and secured equally and ratably by a pledge of and lien upon, the Revenues (as defined in the Bond Ordinance) derived by the County from the System (as defined in the General Bond Ordinance) and on a parity with the Bond of 2002 and the Bond of 2003 (each as defined in the Bond Ordinance) and any Series of Bonds (as defined in the Bond Ordinance) hereafter issued under the Bond Ordinance payable from such Revenues on a parity and equally and ratably secured therewith.

THIS BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF TITLE 6, CHAPTER 21, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN STATE CONSTITUTIONAL PROVISIONS (OTHER THAN ARTICLE X, SECTION 14, PARAGRAPH

10 OF THE SOUTH CAROLINA CONSTITUTION AUTHORIZING OBLIGATIONS PAYABLE SOLELY FROM SPECIAL SOURCES NOT INVOLVING REVENUES FROM ANY TAX OR LICENSE) OR STATUTORY LIMITATION AND SHALL NEVER CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. THE FULL FAITH, CREDIT AND TAXING POWERS OF THE COUNTY ARE NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THIS BOND.

To the extent and in the manner permitted by the terms of the Bond Ordinance, the provisions of this Bond or of the Bond Ordinance, or any ordinance amendatory thereof or supplemental thereto, may be amended or modified by the County with the written consent of the holders of at least sixty-six and two-thirds percent (66-2/3%) in principal amount of the Bonds then outstanding under the Bond Ordinance (including the Bond of the series of which this Bond is one); provided, that no such amendment or modification shall permit a change in the date of maturity of any installment of principal hereof or date of optional or mandatory redemption of any Bond or the date of payment of interest thereon or a reduction in the principal amount or redemption price thereof or rate of interest thereon with the consent of the holder of each such Bond affected thereby, or shall reduce the percentage of the principal amount of Bonds, the consent of the holders of which is required by the Bond Ordinance to effect such an amendment or modification.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified, recited and declared that all acts, conditions and things required by the Constitution and statutes of the State of South Carolina to exist, to happen and to be performed precedent to and in the issuance of this Bond, do exist, have happened and have been performed in due time, form and manner as required by law; that the series of which this Bond is a part does not exceed any constitutional or statutory limitation of indebtedness; and that provision has been made for the payment of the principal of and interest on this Bond and the series of which it is a part, as provided in the Bond Ordinance (hereinafter defined).

IN WITNESS WHEREOF, Berkeley County, South Carolina, has caused this Bond to be executed the \_\_\_\_ day of \_\_\_\_\_, 2005, in its name by the manual signature of the County Supervisor and Chairman of County Council and attested by the manual signature of the Clerk to County Council under the seal of the County impressed, imprinted or reproduced hereon.

BERKELEY COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
County Supervisor and Chairman of  
County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk to County Council

This Bond has been registered in the name of Branch Banking and Trust Company, on registration books of Berkeley County, South Carolina, kept by the Registrar.

WACHOVIA BANK, NATIONAL  
ASSOCIATION, as successor to First Union  
National Bank, as Registrar

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

Dated: \_\_\_\_\_, 2005

**Resolution No. 05-36**

**A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AAI CORPORATION AND API PROPERTIES 812, LLC, WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL ENTER INTO AGREEMENTS PURSUANT TO TITLE 4, CHAPTER 12 OF THE CODE OF LAWS OF SOUTH CAROLINA AND/OR TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA**

**WHEREAS**, Berkeley County (the "County") has recruited an investment in the County by AAI Corporation and API Properties 812, LLC, a single-member limited liability corporation wholly owned by AAI Corporation, (collectively referred to as the "Corporation") in the form of an expansion to an existing facility located in the County (the "Project"); and

**WHEREAS**, Berkeley County Council (the "Council"), in order to induce the Corporation to located the Project in the County, has committed to the Corporation that the Council will take certain actions and provide certain incentives, including but not limited to entering into a fee-in-lieu of taxes ("FILOT") agreement providing certain benefits to the Corporation, since the Corporation was willing to locate the Project in the County;

**NOW, THEREFORE, BE IT RESOLVED** by the Berkeley County Council, in a meeting duly assembled, that:

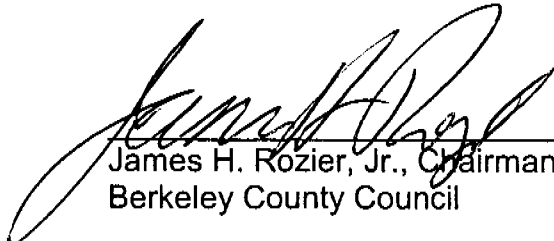
1. Since the Corporation decided to locate the Project in the County, the Council, upon request by the Corporation, hereby agrees to enter into agreements under Title 4, Chapter 12 of the Code of Laws of South Carolina, as amended, and/or Title 12, Chapter 44 of the Code of Laws of South Carolina, as amended (the "Applicable Statute"), as the Corporation may decide, which arrangement will provide the Corporation with the maximum possible benefits allowed pursuant to a FILOT agreement.
2. The Council agrees to enter into and execute appropriate agreements and other documents under the Applicable Statute to implement the provision of

this Resolution and such other provisions as the Corporation may request consistent with this Resolution and the Applicable Statute. The appropriate FILOT agreement shall provide the Corporation an assessment ratio of 6%. The millage rate shall be fixed for the full term of the agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the project is to be located on either: (1) June 30 preceding the year in which the millage rate agreement or fee agreement, as applicable, is executed, or (2) June 30 of the year in which the lease agreement or fee agreement is executed.

3. The Council agrees to place the Project in a multi-county industrial park.
4. The Council agrees to provide the Corporation with the most favorable provisions allowable under the Applicable Statute with respect to the disposal and replacement of personal property.
5. This Resolution shall constitute action reflecting and identifying the Project for purposes of the Applicable Statute with respect to the Corporation.


**ADOPTED** this 29<sup>th</sup> day of August, 2005.

**BERKELEY COUNTY, SOUTH CAROLINA**

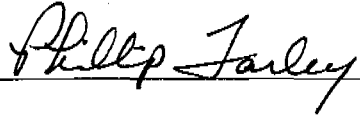
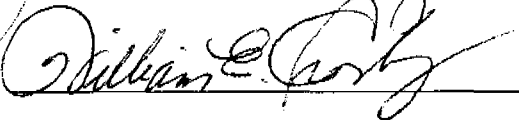
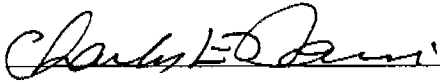
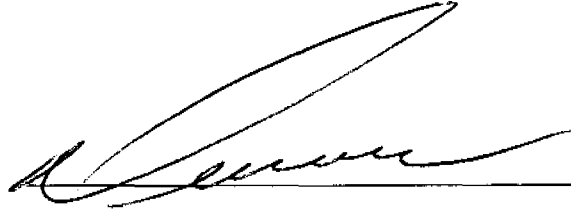
  
James H. Rozier, Jr., Chairman  
Berkeley County Council

(SEAL)

**ATTEST:**

  
Barbara B. Austin, CCC  
Clerk of Council

## MEMBERS OF COUNTY COUNCIL

PHILLIP FARLEY Voting yesJUDITH K. SPOONER Voting yesWILLIAM E. CROSBY Voting yesCHARLES E. DAVIS Voting yes

DENNIS L. FISH

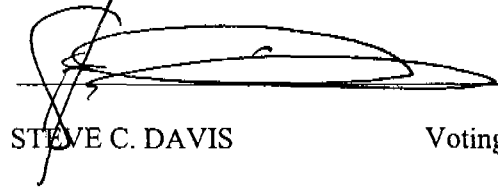
Voting yesExcused 8-29-05

JUDY C. MIMS

Voting \_\_\_\_\_

Excused 8-29-05

CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_



STEVE C. DAVIS

Voting yes



## RESOLUTION

**A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND BOONEDOCK, LLC WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL EXECUTE A FEE-IN-LIEU OF TAX AGREEMENT FOR A PROJECT INVOLVING NOT LESS THAN A FIVE MILLION DOLLAR (\$5,000,000) INVESTMENT**

**WHEREAS**, Berkeley 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 and Title 4, Chapter 1, Code of Laws of South Carolina, 1976, as amended (together, the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute a "project" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such a project; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

**WHEREAS**, subject to compliance with the Home Rule Act, the County is authorized by the Act to execute a fee agreement, as defined in the Act, with respect to such project; and

**WHEREAS**, BooneDock, LLC, a limited liability company organized and existing under the laws of the State or its assignee (the "Company"), requested the County participate in executing an Inducement Agreement, a Millage Rate Agreement, and a Fee-In-Lieu of Tax Agreement in the form of a Fee Agreement pursuant to the Act for the purpose of authorizing and of acquiring by purchase, lease and construction certain land, buildings, machinery, apparatus, and equipment, for the purpose of constructing a manufacturing facility supporting the biotech and pharmaceutical research and development industries (the "Project") which will be operated and leased by NanoScreen, LLC, a limited liability company organized and existing under the laws of the State ("NanoScreen"), all as more fully set forth in the Inducement Agreement attached hereto as Exhibit A; and

**WHEREAS**, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs; and,

**WHEREAS**, the County has determined solely on the basis of the information supplied to it by the Company and NanoScreen that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act.

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

Section 1. The Supervisor is hereby authorized and directed to execute the Inducement Agreement attached hereto in the name of and on behalf of the County, and the Clerk of County Council is hereby authorized and directed to attest the same; and the Supervisor is hereby further authorized and directed to deliver said executed Inducement Agreement to the Company.

Section 2. As provided in the Inducement Agreement, pursuant to the authority of the Act and for the purpose of authorizing a fee-in-lieu of tax agreement (as described in the Act) for the Project, the County intends to authorize and execute a fee agreement between the County and the Company, as such term is defined in the Act, pertaining to the Project involving investment in the amount of approximately Seven Million Dollars (\$7,000,000) and in no event, less than Five Million Dollars (\$5,000,000) (the "Fee Agreement").

Section 3. The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of up to twenty (20) years from the date of the Fee Agreement, the annual capital investments made under the Fee Agreement for the first five years, and any amendments or supplements to the Fee Agreement to the extent permitted by law. The amounts of such payments shall be determined by using an assessment ratio of 6%, the millage rate in effect on June 30, 2004, which millage rate shall be a fixed rate for the duration of the Fee Agreement, and the fair market value (which value is not subject to reassessment as provided in the Act) as determined by using original cost for any real property and original cost less allowable depreciation for any personal property in accordance with Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended. The remaining provisions, terms and conditions of the Fee Agreement by and between the County and the Company and the form, details, and maturity provisions, if any, of the Fee Agreement shall be prescribed by subsequent ordinance of the County Council.

Section 4. Notwithstanding anything in this Resolution to the contrary, the execution and delivery by the County of the Fee Agreement are subject to compliance by the County with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions, and to the actual adoption of such ordinances and resolutions.

Section 5. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This Resolution shall take effect and be in full force from and after its passage by the County Council.

Section 6. It is the intention of the County Council that this Resolution shall constitute an official action on the part of the County relating to the inducement of the Project.

Done in meeting duly assembled this 29<sup>th</sup> day of August, 2005

BERKELEY COUNTY, SOUTH CAROLINA

By: 

James H. Rozier, Jr.

Supervisor/Chairman of County Council

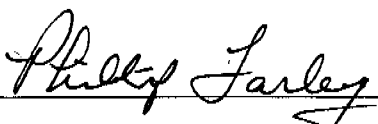
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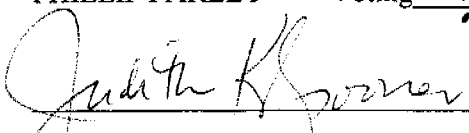
By: 

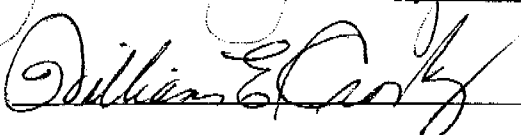
Barbara B. Austin


Clerk to County Council

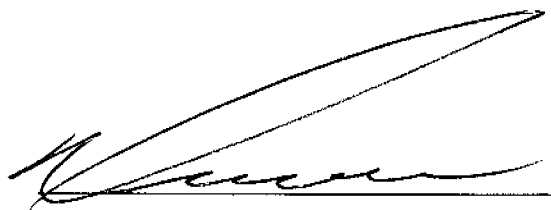
MEMBERS OF COUNTY COUNCIL

  
 PHILLIP FARLEY Voting yes

  
 JUDITH K. SPOONER Voting yes

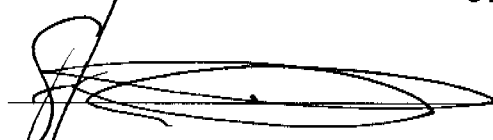
  
 WILLIAM E. CROSBY Voting yes

  
 CHARLES E. DAVIS Voting yes

  
 DENNIS L. FISH Voting yes

Excused 8-29-05  
 JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05  
 CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

  
 STEVE C. DAVIS Voting yes

**INDUCEMENT AGREEMENT  
AND MILLAGE RATE AGREEMENT**

THIS INDUCEMENT AGREEMENT made and entered into by and between Berkeley County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina (the "County") and BooneDock, LLC, a limited liability company organized and existing under the laws of the State of South Carolina or its assignee (the "Company").

WITNESSETH:

ARTICLE I

RECITATION OF FACTS

Section 1.1. As a means of setting forth the matters of mutual inducement which have resulted in the making and entering into of this Agreement, the following statements of fact are herewith recited:

- (a) The County is authorized and empowered by the provisions of Title 12, Chapter 44, and Title 4, Chapter 1 Code of Laws of South Carolina, 1976 (together, the "Act") to acquire, enlarge, improve, expand, equip, furnish, own, lease, and dispose of properties through which the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing new industries to locate in the State and by encouraging industries now located in the State to expand their investments and thus utilize and employ manpower and other resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally.
- (b) The Company, as such term is defined in the Act, is considering acquiring by purchase, lease and construction facilities and capabilities to be used for a manufacturing facility supporting the biotech and pharmaceutical research and development industries (the "Project") which will be leased and operated by NanoScreen, LLC, a limited liability company organized and existing under the laws of the State ("NanoScreen") (the "Project") in the County. The Project would involve an investment of approximately Seven Million Dollars (\$7,000,000), and in no event less than Five Million Dollars (\$5,000,000) within the meaning of the Act, and the creation of approximately 40 new jobs.
- (c) The Company has requested the County to assist it through the incentive of a payment in lieu of ad valorem taxes as authorized by the Act.
- (d) The County has given due consideration to the economic development impact of the Project, has found that the Project and the payments in lieu of ad valorem taxes set forth herein are beneficial to the Project and that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general

credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the costs; and, has agreed to effect the issuance and delivery of this Agreement, pursuant to the Act, and on the terms and conditions hereafter set forth.

## ARTICLE II

### UNDERTAKINGS ON THE PART OF THE COUNTY

Subject to the general provisions contained in Article IV hereof, the County agrees as follows:

Section 2.1. The Project will represent an investment in an aggregate amount of approximately Seven Million Dollars (\$7,000,000) and in no event less than Five Million Dollars (\$5,000,000). The Project will be constructed or installed by the Company on the sites now owned, leased or hereafter acquired by the Company.

Section 2.2. The terms and provisions of the Fee Agreement by and between the County and the Company, shall be substantially in the form generally utilized in connection with the Act as agreed upon by the County and the Company. Such Fee Agreement shall contain, in substance, the following provisions:

- (a) The term of the Fee Agreement will coincide with the maximum term of the negotiated fee pursuant to the Act.
- (b) The Company will maintain the Project and will (i) keep the Project insured against loss or damage or perils generally insured against by industries or businesses similar to the Company and will carry public liability insurance covering personal injury, death or property damage with respect to the Project; or (ii) self-insure with respect to such risks in the same manner as it does with respect to similar property owned by the Company; or (iii) maintain a combination of insurance coverage and self-insurance as to such risks.
- (c) The Fee Agreement shall provide that, in the performance of the agreements contained therein on the part of the County, any obligations the County may incur for the payment of money shall not create a pecuniary liability of the County nor create a general obligation on its part or by the State or any incorporated municipality, but shall be payable solely from the payments received under such Fee Agreement and, under certain circumstances, insurance proceeds and condemnation awards.
- (d) The Fee Agreement shall contain agreements providing for the indemnification of the County and the individual officers, agents and employees thereof for all expenses or attorney's fees incurred by them and for any claim of loss suffered or damage to property or any injury or death of any person occurring in connection with the planning, design,

acquisition, construction and carrying out of the Project, including without limitation any environmental liability.

(e) The Fee Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of up to twenty (20) years from the date of the Fee Agreement, the annual capital investments made under the Fee Agreement for the first five years, and any amendments or supplements to the Fee Agreement to the extent permitted by law. The amounts of such payments shall be determined by using an assessment ratio of 6%, the millage rate in effect on June 30, 2004, which millage rate shall be a fixed rate for the duration of the Fee Agreement, and the fair market value (which value is not subject to reassessment as provided in the Act) as determined by using original cost for any real property and original cost less allowable depreciation for any personal property in accordance with Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended.

(f) The County and the Company agree, in accordance with the Act, that the Company may dispose of property subject to fee payments, as set forth in this Section.

(1) When the Company disposes of property subject to the fee, the fee payment must be reduced by the amount of the fee payment applicable to that property.

(2) Property shall be considered disposed of for purposes of this Section only when it is scrapped or sold in accordance with the Fee Agreement.

(g) The County and the Company agree that the Company may purchase replacement property which replacement property will be included into the fee to the full extent allowed pursuant to the Act.

Section 2.3. Upon the request of the Company, the County will permit the planning, design, acquisition, construction and carrying out of the Project to commence prior to the execution and delivery of the Fee Agreement. Contracts for construction and for purchase of machinery, equipment and related real and personal property deemed necessary under the Fee Agreement may be let by the Company.

Section 2.4. The County Council agrees that this is a Millage Rate Agreement providing the Company with the fixed millage rate of 349.3 as to all property subject to the Fee Agreement for the duration of the Fee Agreement.

### ARTICLE III

#### UNDERTAKINGS ON THE PART OF THE COMPANY

Section 3.1. Prior to execution of the Fee Agreement and subsequent to this Agreement, the Company may advance any acquisition or construction funds required in connection with the planning, design, acquisition, construction and carrying out of the Project and be entitled to subject the constructed or acquired property to the Fee Agreement.

Section 3.2. The County will have no obligation to assist the Company in finding a bank and the Company may endeavor to finance the Project to the extent required to finance the cost of the acquisition and installation of the Project.

Section 3.3. If the Project proceeds as contemplated, the Company, further agree as follows:

- (a) To enter into the Fee Agreement, under the terms of which it will obligate itself to pay to the County sums sufficient to pay payments in lieu of tax in accordance with Section 2.2(e) hereof, to the extent and when the same may become due and payable with the Fee Agreement to be in form and to contain such provisions, consistent with those set forth in Section 2.2 hereof as shall be satisfactory to the County and to the Company;
- (b) To indemnify, defend, and hold the County harmless from all pecuniary liability and to reimburse it for all expenses to which it might be put in the fulfillment of its obligations under this Agreement and in the implementation of its terms and provisions, including without limitation its reasonable attorneys fees;
- (c) To perform such further acts and adopt such further proceedings as may be required to faithfully implement its undertakings and consummate the proposed financing;
- (d) To apply for, and use its best efforts to obtain, all permits, licenses, authorizations and approvals required by all governmental authorities in connection with the acquisition, construction, operation and use of the Project;
- (e) To indemnify, defend and hold the County and the individual directors, officers, agents and employees thereof harmless against any claim or loss or damage to property or any injury or death of any person or persons occurring in connection with the planning, design, acquisition, construction, leasing and carrying out of the Project, including without limitation any environmental liability. The Company also agrees to reimburse or otherwise pay, on behalf of the County, any and all expenses not hereinbefore mentioned incurred by the County in connection with the Project, including without limitation its reasonable attorney's fees. This indemnity shall be superseded by a similar indemnity in the Fee Agreement;
- (f) To invest not less than Five Million Dollars (\$5,000,000) in the Project and to use its best efforts to hire approximately 40 additional employees by December 31 of the fifth year subsequent to the year in which the Fee Agreement is executed.

#### ARTICLE IV



GENERAL PROVISIONS

Section 4.1. All commitments of the County under Article II hereof are subject to compliance by the County with the provisions of the South Carolina Home Rule Act and all of the provisions of the Act, including, without limitation, the condition that nothing contained in this Agreement shall constitute or give rise to a pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing powers of either.

Section 4.2. All commitments of the County and the Company hereunder are subject to the condition that the County and the Company agree on mutually acceptable terms and conditions of all documents, the execution and delivery of which are contemplated by the provisions hereof.

Section 4.3. If for any reason this Agreement is not executed and delivered by the Company on or before December 31, 2006 the provisions of this Agreement shall be cancelled and neither party shall have any rights against the other and no third parties shall have any rights against either party except:

- (a) The Company will pay the County for all expenses which have been authorized by the Company and incurred by the County in connection with the planning, design, acquisition, construction and carrying out of the Project and for all expenses incurred by the County in connection with the authorization and approval of the Fee Agreement or this Agreement;
- (b) The Company will assume and be responsible for all contracts for construction or purchase of the Project entered into by the County at the request or direction of the Company in connection with the Project; and
- (c) The Company will pay the out-of-pocket expenses of officers, agents and employees of the County and Counsel for the County incurred in connection with this Agreement, the Project and the execution of the Fee Agreement, including fees for legal services related to the Project and the preparation of the Fee Agreement and this Agreement.

Section 4.4. The parties understand that the Company may choose not to proceed with the Project, in which event this Agreement shall be cancelled and, subject to parties' obligations described in Section 4.3, neither party shall have any further rights against the other, and no third party shall have any rights against either party.

Section 4.5. To the maximum extent allowable under the Act, the Company may, with the prior consent of the County, assign (including, without limitation, absolute, collateral, and other assignments) all or a part of its rights and/or obligations under this Agreement, the Fee Agreement, or any other agreement related hereto or thereto, to one or more other entities without adversely affecting the benefits to the Company or its assignees pursuant to any such agreement or the Act.

IN WITNESS WHEREOF, the parties hereto, each after due authorization, have executed this Inducement Agreement on the respective dates indicated below.

BERKELEY COUNTY, SOUTH CAROLINA

By: 

James H. Rozier, Jr.

Supervisor/Chairman of County Council

ATTEST:

By: 

Barbara B. Austin

Clerk to County Council

Date: August 29, 2005

BOONEDOCK, LLC

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

Date: \_\_\_\_\_, 2005

AGREED TO AND ACCEPTED BY:  
NANOSCREEN, LLC

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

Date: \_\_\_\_\_, 2005

**A RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN RACHPAL S. GILL D/B/A BERKELEY INVESTMENTS, INC., AND BERKELEY COUNTY FOR PREMISES LOCATED AT 105 GULLEDGE STREET, MONCKS CORNER, SOUTH CAROLINA**

**WHEREAS**, Rachpal S. Gill d/b/a Berkeley Investments, Inc., is the principal owner of the premises located at 105 Gulledge Street, Moncks Corner, South Carolina; and

**WHEREAS**, Berkeley County desires to lease said premises to be used for the Berkeley County Division of the South Carolina Department of Social Services;

**NOW, THEREFORE, BE IT RESOLVED** by the Berkeley County Council, in a meeting duly assembled, that:

The County Supervisor is hereby authorized to negotiate and execute a Lease Agreement between Berkeley County and Rachpal S. Gill d/b/a Berkeley Investments, Inc., for the premises located at 105 Gulledge Street, Moncks Corner, South Carolina.

**ADOPTED** by Berkeley County Council this 29<sup>th</sup> day of August 2005.

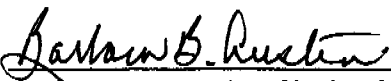
BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR.

Chairman, Berkeley County Council

ATTEST:



Barbara B. Austin, Clerk of Council  
Berkeley County, South Carolina

## MEMBERS OF COUNTY COUNCIL

Phillip Farley  
PHILLIP FARLEY Voting yes

Judith K. Spooner  
JUDITH K. SPOONER Voting yes

William E. Crosby  
WILLIAM E. CROSBY Voting yes

Charles E. Davis  
CHARLES E. DAVIS Voting yes

Dennis L. Fish  
DENNIS L. FISH Voting yes

Excused 8-29-05  
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05  
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

Steve C. Davis  
STEVE C. DAVIS Voting yes

## RESOLUTION

**A RESOLUTION CLARIFYING BERKELEY COUNTY COUNCIL'S INTENT AND POLICY REGARDING CERTAIN SERVICE AREA RESTRICTIONS FOR WASTEWATER REMOVAL AND TREATMENT IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY.**

**WHEREAS**, Berkeley County Council has enacted an ordinance providing for certain water and sewer services throughout the unincorporated areas of Berkeley County, Berkeley County Code, Section 65-1, et seq.; and,

**WHEREAS**, Berkeley County Council has enacted by ordinance certain zoning rules and regulations which apply throughout the unincorporated areas of Berkeley County, Berkeley County Code, Appendix A, Article 1.1, et seq.; and,

**WHEREAS**, Articles 7.4 and 7.5 therein prohibit the residential use of property in areas zoned and classified as Light Industrial (LI) and Heavy Industrial (HI), save and except where the use of property for residential purposes has been determined to be nonconforming pursuant to Article 19 of the Zoning Ordinance; and,

**WHEREAS**, Planned Development Districts are permitted, if approved pursuant to Article 8 of the Zoning Ordinance; and,

**WHEREAS**, Berkeley County Council is authorized to enter into certain Development Agreements pursuant to S.C. Code Ann. Section 6-31-10, et seq. (1993, as amended); and,

**WHEREAS**, Berkeley County Council adopted Resolution 05-35 on August 8, 2005, establishing its policy and intent regarding certain service area restrictions for wastewater removal and treatment in the current unincorporated areas of Berkeley County and its Council's desire to further clarify that policy and intent; and,

**WHEREAS**, Berkeley County Council finds that it is in the best interests of the health, safety, and welfare of the citizens of Berkeley County that certain service area restrictions for wastewater removal and treatment in the current unincorporated areas of Berkeley County be expressed as the policy of County Council as the governing body of Berkeley County;

**NOW, THEREFORE, BE IT RESOLVED** by Berkeley County Council, in a meeting duly assembled, that it is hereby recognized that the policy and intent of Berkeley County Council is to prohibit the use of public and private wastewater collection and treatment systems for any residential use within areas currently zoned Light Industrial (LI) and Heavy Industrial (HI) within the unincorporated areas of Berkeley County, the annexation thereof by a municipality notwithstanding, except: 1) where it is currently being provided to properties on which a residential use exists this date; 2) where the wastewater removal and treatment is approved as a component of a Planned Development District; or 3) as an express provision within a Development Agreement approved by Council and executed by its Chairman.

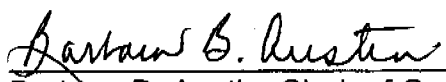
**ADOPTED** by the Berkeley County Council this 29th day of August, 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR.  
Chairman, Berkeley County Council

ATTEST:



Barbara B. Austin, Clerk of Council  
Berkeley County, South Carolina

## MEMBERS OF COUNTY COUNCIL

Phillip Farley  
PHILLIP FARLEY Voting yes

Judith K. Spooner  
JUDITH K. SPOONER Voting yes

William E. Crosby  
WILLIAM E. CROSBY Voting yes

Charles E. Davis  
CHARLES E. DAVIS Voting yes

Dennis L. Fish  
DENNIS L. FISH Voting yes

Excused 8-29-05  
JUDY C. MIMS Voting \_\_\_\_\_

Excused 8-29-05  
CALDWELL PINCKNEY, JR. Voting \_\_\_\_\_

Steve C. Davis  
STEVE C. DAVIS Voting yes



## **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL**

**Chairman:** Mr. James H. Rozier, Jr., Supervisor

**Vice Chairman:** Mr. William E. Crosby, District No. 3

**SPECIAL MEETING OF BERKELEY COUNTY COUNCIL** was held on **Monday August 8, 2005**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 9:23 p.m.

**PRESENT:** Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Judy C. Mims, Council Member District No. 6 and Mr. Steve C. Davis, Council Member District No. 8 were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

### **CALL TO ORDER**

Chairman Rozier called the meeting to order.

**PUBLIC DISCUSSION** – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** – Not Needed

### **SECOND READING:**

1. **Bill No. 05-71, the Sixth Supplemental Ordinance** providing for the issuance and sale of Berkeley County, South Carolina, **Solid Waste System Refunding Revenue Bond, Series 2005**, in the principal amount of **\$2,950,000** for the purpose of **Refunding the County's Solid Waste System Revenue Bond, Series 2000**; and other matters relating thereto.

[Recommended by Committee on Water and Sanitation]

It was moved by Council Member Spooner and seconded by Council Member C. Davis to approve the Second Reading Bill No. 05-71. This motion was passed by unanimous voice vote of the Committee.

**RESOLUTION:**

**Resolution** designating certain service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County.  
[Recommended by Committee on Land Use]

It was moved by Council Member C. Davis and seconded by Council Member Spooner to approve the Resolution designating certain service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County. This motion was passed by unanimous voice vote of the Committee. (A copy of Resolution No. 05-35 is attached to these minutes.)

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**ANNOUNCEMENTS**

The **August 2005 Regular Meeting of Berkeley County Council** will be held on **Monday, August 29, 2005**, immediately following Public Hearings and the meeting of the Committee on Finance at **6:00 p.m.** in the **Assembly Room** of the **Berkeley County Administration Building, 1003 Highway 52**, Moncks Corner, South Carolina.

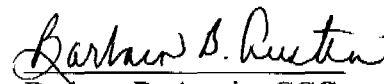
**ADJOURNMENT**

It was moved by Council Member Fish and seconded by Council Member Spooner to adjourn the Special Meeting of County Council. The motion passed by unanimous voice vote of Council.

The meeting adjourned at 9:24 pm.

**EXECUTION OF DOCUMENTS BY COUNCIL- none**

**PUBLIC DISCUSSION - none**

  
Barbara B. Austin, CCC  
Clerk of County Council

September 26, 2005  
Date Approved

## **NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL**

Chairman: Mr. James H. Rozier, Jr., Supervisor  
Vice Chairman: Mr. William E. Crosby, District No. 3

Members: Mr. Phillip Farley, District No. 1  
Mrs. Judith K. Spooner, District No. 2  
Mr. Charles E. Davis, District No. 4  
Mr. Dennis L. Fish, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8

There will be a **Special Meeting** of **BERKELEY COUNTY COUNCIL** on **Monday August 8, 2005**, in the Assembly Room, Berkeley County Administration Building 1003 Highway 52, Moncks Corner, South Carolina, following the meeting of the Committee on Land Use, the Committee on Public Works and Purchasing, the Committee on Planning and Development, the Committee on Water and Sanitation, the Committee on Community Services and the Committee on Justice and Public Service at **6:00 p.m.**

### **CALL TO ORDER**

**PUBLIC DISCUSSION** – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the County; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

### **CHAIRMAN OF COUNTY COUNCIL**

### **SECOND READING:**

1. **Bill No. 05-71**, the **Sixth Supplemental Ordinance** providing for the issuance and sale of Berkeley County, South Carolina, **Solid Waste System Refunding Revenue Bond, Series 2005**, in the principal amount of **\$2,950,000** for the purpose of **Refunding the County's Solid Waste System Revenue Bond, Series 2000**; and other matters relating thereto.  
[Recommended by Committee on Water and Sanitation]

**RESOLUTION:**

**Resolution** designating certain service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County.  
[Recommended by Committee on Land Use]

**UNFINISHED BUSINESS**

**NEW BUSINESS**

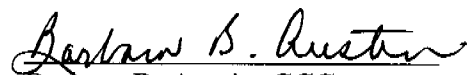
**ANNOUNCEMENTS**

**ADJOURNMENT**

**EXECUTION OF DOCUMENTS BY COUNCIL**

**PUBLIC DISCUSSION**

August 3, 2005

  
Barbara B. Austin, CCC  
Clerk of County Council

RESOLUTION NO. 05-35

**A RESOLUTION DESIGNATING CERTAIN SERVICE AREA RESTRICTIONS FOR WASTEWATER REMOVAL AND TREATMENT IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY.**

**WHEREAS**, Berkeley County Council, in ordinance providing for certain water and sewer service; *Spec. Mtg. Aug. 8, 2005 Minutes* orated areas of Berkeley County, Berkeley County Code, Section 1-1-1, *0*

**WHEREAS**, Berkeley County Council has enacted by ordinance certain zoning rules and regulations which apply throughout the unincorporated areas of Berkeley County, Berkeley County Code, Appendix A, Article 1.1, et seq.; and,

**WHEREAS**, Articles 7.4 and 7.5 therein prohibit the residential use of property in areas zoned and classified as Light Industrial (LI) and Heavy Industrial (HI), save and except where the use of property for residential purposes has been determined to be nonconforming pursuant to Article 19 of the Zoning Ordinance; and,

**WHEREAS**, Planned Development Districts are permitted, if approved pursuant to Article 8 of the Zoning Ordinance; and,

**WHEREAS**, Berkeley County Council is authorized to enter into certain Development Agreements pursuant to S.C. Code Ann. Section 6-31-10, et seq. (1993, as amended); and,

**WHEREAS**, Berkeley County Council finds that it is in the best interests of the health, safety, and welfare of the citizens of Berkeley County that certain service area restrictions for wastewater removal and treatment in the unincorporated areas of Berkeley County be expressed as the policy of County Council as the governing body of Berkeley County;

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that it is hereby recognized that the policy and intent of Berkeley County Council is to prohibit the use of public and private wastewater collection and treatment systems for any residential use within areas zoned Light Industrial (LI) and Heavy Industrial (HI) within the unincorporated areas of Berkeley County, except 1) where it is currently being provided to properties on which a residential use exists this date; 2) where the wastewater removal and treatment is approved as a component of a Planned Development District; or 3) as an express provision within a Development Agreement approved by Council and executed by its Chairman.

ADOPTED by the Berkeley County Council this 8th day of August, 2005.


BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR.

Chairman, Berkeley County Council

ATTEST:



Barbara B. Austin, Clerk of Council  
Berkeley County, South Carolina

MEMBERS OF COUNTY COUNCIL

*Phillip Farley*

PHILLIP FARLEY Voting yes

*Judith K. Spooner*

JUDITH K. SPOONER Voting yes

*William E. Crosby*

WILLIAM E. CROSBY Voting yes

*Charles E. Davis*

CHARLES E. DAVIS Voting yes

*Dennis L. Fish*

DENNIS L. FISH

Voting yes

Excused 8-08-05

JUDY C. MIMS

Voting \_\_\_\_\_

*Caldwell Pinckney, Jr.*

CALDWELL PINCKNEY, JR. Voting yes

Excused 8-08-05

STEVE C. DAVIS

Voting \_\_\_\_\_