

September 21, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 21st day of September, 2010 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, at 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided; Colleen Condon; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; Elliott Summey and Dickie Schweers. Council Member Paul R. Thurmond was absent and Council Member Henry E. Darby was still recovering from injuries received when he was struck by a car and suffered a concussion.

Also present were: Allen O'Neal, County Administrator; County Attorney Joe Dawson; and Dan Pennick, Director of the Zoning/Planning Department.

Council Member Schweers gave the invocation. Council Member Condon led in the pledge to the flag.

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

Mr. Rawl moved approval of the minutes of September 7, 2010, seconded by Mr. Summey, and carried.

**Literacy
Month
Request
Resolution**

A report was read from the Finance Committee under date of September 16, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Eileen Chepenik, representing Trident Literate Association, regarding a request that Charleston County Council approve a Resolution proclaim September, 2010 as Literacy Month in Charleston County.

Committee recommended that Council approve the requested Resolution.

Mr. McKeown moved approval of Committee recommendation, seconded by Mr. Summey, and carried.

The Chairman requested Ms. Chepenik to come forward to accept Council's Resolution from Mr. McKeown.

Mr. McKeown read the Resolution which is as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

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WHEREAS, the need for a highly literate citizenry increases as our community moves toward an increasingly technological future; **and,**

WHEREAS, approximately 25% of Charleston County's adults experience literacy issues that impact severely on their lives and families, their ability to work productively, and their full participation as citizens and residents of our state; **and,**

WHEREAS, more than 30,000 adults in Charleston County do not have a high school credential and 10,000 have less than a ninth grade education, which negatively affects their ability to become employed and to participate full as citizens; **and**

WHEREAS, Trident Literacy Association provides self-paced, individualized instruction in basic literacy, GED preparation, English as a second language, WorkKeys Career Readiness and basic computer skills to approximately 2,000 adults in Charleston County annually; **and,**

WHEREAS, Trident Literacy Association consistently exceeds the performance standards set by the state and federal governments; **and,**

WHEREAS, Charleston County Council deems it important to recognize and highlight the economic and societal importance of literacy.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that Charleston County Council does hereby proclaim September 2010 as Literacy Month in Charleston County, South Carolina, and urges its citizens to learn more about the importance of literacy and to become involved with literacy in our community.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman
September 21, 2010

**ZREZ 3-10-
7521, 10571
Highway 78
Ordinance
3rd Reading**

An Ordinance rezoning property at 10571 Highway 78 was given third reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 10571 HIGHWAY 78, PARCEL IDENTIFICATION NUMBER 385-06-00-023 FROM THE SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) DISTRICT.

WHEREAS, the real property located at 10571 Highway 78 identified as parcel identification number 385-06-00-023 is currently zoned Single Family Residential 4 (R-4) District and

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WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from Single Family Residential 4 (R-4) to Neighborhood Commercial District (CN) pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

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

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTY

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The property identified as parcel identification number 385-06-00-023 is hereby rezoned from the Single Family Residential 4 (R-4) District to the Neighborhood Commercial District (CN) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 21st day September 2010

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

Beverly T. Craven
Clerk of County Council

First Reading: August 17, 2010
Second Reading September 7, 2010
Third Reading: September 21, 2010

The Chairman called for third reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

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**St. Johns
Fire District
Budget
Amendment
Ordinance
2nd Reading**

An Ordinance amending Budget Ordinance 1642 was given second reading by title only.

AN ORDINANCE

TO AMEND THE FISCAL YEAR 2010-2011 BUDGET ORDINANCE NO. 1642 TO PROVIDE FOR THE INCREASE OF THE ST. JOHNS FIRE DISTRICT'S AUTHORIZED EXPENDITURES FROM \$9,497,762 TO 9,717,762 FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, HEREINAFTER REFERRED TO AS FISCAL YEAR 2011 AND OTHER MATTERS RELATED THERETO.

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

The Chairman called for second reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received second reading approval.

**Remount
Ventures,
LLC
Ordinance
2nd Reading**

An Ordinance authorizing the execution and delivery of a fee-in-lieu of tax agreement was given second reading by title only.

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND REMOUNT VENTURES, LLC, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH REMOUNT VENTURES, LLC; PROVIDING FOR PAYMENT BY R4EMOUNT VENTURES, LLC OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.

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

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The Chairman called for second reading of the Ordinance. The roll was called and votes recorded as follows:

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received second reading approval.

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

A report was read from the Planning/Public Works Committee that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding proposed amendments to the Charleston County Zoning and Land Development Regulations Ordinance.

Committee recommended that Council give first reading to an Ordinance approving all amendments submitted with the exception of Article 5.7, Dorchester Road Corridor Overlay District, which was recommended to be sent back to the Planning Commission for further consideration.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Rawl, and carried.

An Ordinance amending the Charleston County Zoning and Land Development regulations was given first reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 2 (REVIEW AND DECISION MAKING BODIES), CHAPTER 4 (BASE ZONING DISTRICTS), CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS) AND CHAPTER 8 (SUBDIVISION REGULATIONS).

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

**ZPDA 6-10-
8670(PD85A)
Freshfields PD
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, in Case ZPDA 6-10-8670, regarding

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proposed amendments to allow for electric vehicle charging stations and electric vehicle sales within the Freshfields Planned Development.

Committee recommended that Council give first reading to an Ordinance approving the requested changes.

Mr. McKeown moved approval of Committee recommendation, seconded by Mr. Summey, and carried.

An Ordinance amending the Charleston County Zoning and Land Development regulations was given first reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 224, 225, 345, 350, 440, 540 AND 649 FRESHFIELDS DRIVE; 91 AND 165 VILLAGE GREEN LANE; 900 KIAWAH ISLAND PARKWAY AND 1884 SEABROOK ISLAND ROAD, PARCEL IDENTIFICATION NUMBERS: 204-00-00-029 AND 205-00-00-014,- 076 -218,- 219,-220,-221, 222, -223, - 224, AND -225, FROM THE PLANNED DEVELOPMENT DISTRICT (PD-85) TO THE PLANNED DEVELOPMENT DISTRICT (PD-85A).

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

**ZPD 6-10-8672 (PD 85A, 1147 Six Mile Road
A) Request to Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, in Case ZPD-6-10-8672, regarding a requested zoning change from the Special Management 3 (S-3) District to a Planned Development (147) Zoning District.

Committee recommended approval with Staff Recommendations.

Mr. Summey moved approval of Committee recommendation, seconded by Mr. McKeown, and carried.

An Ordinance rezoning property located at 1147 Six Mile Road was given first reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 1147 SIX MILE ROAD FROM A SPECIAL MANAGEMENT 3 DISTRICT (S-3) TO A PLANNED DEVELOPMENT DISTRICT (PD-147)

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

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ZREZ-3-10-7578, 1360 & 1374 Florence Lane
Disapproved

A report was read from the Planning/Public Works Committee that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, in Case ZREZ-3-10-7578, regarding a requested zoning change from a Single Family Residential (R-4) Zoning District to a Mixed Style Residential 12 (M-12) Zoning District.

Committee recommended disapproval.

Ms. Condon moved for approval of Committee recommendation for disapproval, seconded by Mr. Schweers, and carried.

Consent Agenda
A) Rev. Joseph A. Darby
B) Addiction Professional Day/Recovery Month
C) Criminal Domestic Violence Grant
D) Hazard Tree Pruning Service
E) Seawater Dr. & Elias Lane
F) Ambulances

The Chairman stated that the next item on Council's agenda was the Consent Agenda.

Ms. Condon moved approval of Council's Consent Agenda recommendations, seconded by Mr. Summey, and carried.

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of September 16, 2010 that it considerate the information furnished by Allen O'Neal, County Administrator and Council Member Henry E. Darby, regarding a request that Council approve a Resolution honoring the Reverend Joseph A. Darby for his many contributions to Charleston County, the State of South Carolina, and to the world at large.

Committee recommended that Council approve the requested Resolution.

This Resolution will be furnished to Reverend Darby upon the return of Council Member Darby.

A report was read from the Finance Committee under date of September 16, 2010 that it considerate the information furnished by Allen O'Neal, County Administrator and Mark Cowell, Director of the County Department of Alcohol and Other Drug Abuse Services, regarding a request for Council to approve a Resolution stating that the month of September is Alcohol and Drug Addiction Recovery Month and September 20, 2010 is Addiction Professionals Day in Charleston County. It was stated that Charleston Center, the County's Department of Alcohol and Other Drug Abuse Services is one of the most comprehensive systems of care in South Carolina, and provides over 4,000 citizens of Charleston and surrounding counties twenty four hours a day services.

Committee recommended that Council declare by Resolution that the month of September is Alcohol and Drug Addiction Recovery Month and September 20, 2009 is Addiction Professionals Day in Charleston County.

A report was read from the Finance Committee under date of September 16, 2010 that it considerate the information furnished by Allen O'Neal, County Administrator and Scarlett Wilson, Ninth Judicial Circuit Solicitor, regarding funds available to be used

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within the Ninth Judicial Circuit. It was stated that of the award of \$100,000, \$76,000 of the funds will be used to fund a Criminal Domestic Violence prosecutor in Berkeley County and \$24,000 will be used to fund temporary administrative and/or law clerk support in Charleston County.

Committee recommended that Council approve the Solicitor's Office acceptance of a \$100,000 Justice Assistance Grant (American Recovery and Reinvestment Act) from the S. C. Department of Public Safety through the S. C. Prosecution Commission for use within the Ninth Judicial Circuit, with the understanding that:

1. The grant has a five per cent (5%) match which will come from the Solicitor's State Appropriations;
2. The grant will run from July 1, 2010 to June 30, 2011
3. No Charleston County FTE are requested
4. At the end of the grant funding any temporary positions will be eliminated, and the County is under no obligation for the continuation of the services provided by the grant.

A report was read from the Finance Committee under date of September 16, 2010 that it considerate the information furnished by Allen O'Neal, County Administrator and Dan Pennick, Director of Zoning and Planning, regarding funds to complete the Hazard Tree Pruning Project on Bohicket Road and River Road on Johns Island. It was stated that Charleston County Zoning/Planning Staff has identified 127 total trees (89 on Bohicket Road and 38 on River Road) eligible for hazard limb removal that meets the conditions specified in the grant. It was shown that the grant awarded to Charleston County was in the amount of \$21,000 and that the lowest bid received was in the amount of \$27,940.

Committee recommended that Council authorize the release of \$6,940 from the Charleston County Tree Fund to supplement ARRA Grant Funds awarded by the SC Forestry Commission to complete the Hazard Tree Pruning Project on Bohicket Road and River Road on Johns Island.

A report was read from the Finance Committee under date of September 16, 2010 that it considerate the information furnished by Allen O'Neal, County Administrator and Barrett J. Tolbert, Director of Procurement, regarding bids received for site layout, traffic control, sub grade preparation, storm drainage improvements, erosion and sedimentation control for paving Seawater Drive and rocking and realigning Elias Lane and associated appurtenances. It was shown that ten qualifying bids were received for this project.

Committee recommended that Council, as agent for the Charleston County Transportation Committee (CTC) authorize award of a contract for the Seawater Drive and Elias Lane Roadway and drainage improvement to the lowest responsive and responsible bidder, meeting specifications, Landscape Pavers LLC, in the amount of \$336,658.00, with the understanding that funding is available through the State "C" Fund for road improvements.

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A report was read from the Finance Committee under date of September 16, 2010 that it considerate the information furnished by Allen O'Neal, County Administrator and Barrett J. Tolbert, Director of Procurement, regarding bids received for the purchase of six replacement ambulances to be utilized by the Emergency Medical Services Department. It was stated that these ambulances were approved as replacement equipment by Council in the FY11 Fleet Operations budget.

Committee recommended that Council authorize award of the bid for six replacement ambulances to be utilized by the Emergency Medical Services Department to the lowest responsive and responsible bidder, Taylor Made Ambulances, in the amount of \$992,088.00, with the understanding that funds are available in the FY11 Fleet Operations budget.

**ACS/
Firehouse
Software
Award of
Contract**

A report was read from the Finance Committee under date of September 16, 2010 that Barrett H. Tolbert, Director of Procurement, regarding the award of a contract for the purchase of ACS Firehouse Fire Records Management System Software. It was stated that due to operational efficiencies and cost benefits the working group and the fire Chiefs Association voted unanimous approval of moving forward with the purchase of ACS/Firehouse Software. It was further stated that pursuant to the Procurement Ordinance Section 2-187, justification/documentation has been received which supports purchasing these goods and services as a non-competitive procurement, and that a sole source or non-competitive award greater than \$150,000 for a supply service, or construction items is subject to County Council approval.

Committee recommended that Council:

1. Authorize Staff to negotiate and enter into a contract by and between ACS Government Systems for Firehouse Records Management System to be used by the multiple fire/rescue agencies from those jurisdictions who are participants in the Intergovernmental Agreement for the Charleston County Consolidated 9-1-1 Center, with the understanding that all future Fire Records Management Systems Maintenance costs will be borne by the participating jurisdictions.
2. Authorize that certain future procurements related to Consolidated Dispatch, may be undertaken based upon this model utilizing evaluation and coordination efforts generated from the Consolidated Dispatch Board consistent with their goals to maximize cost savings, interoperability, information sharing and operating efficiencies.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Inabinett, and carried.

**PUBLIC
FORUM**

The Chairman asked if any Member of the Audience wished to address Council.

Ms. Tracy Bush of Rushton Landing Road spoke in opposition to the current 526 Plan.

Mr. Anthony Bryant, of Courtland Drive, spoke of the lack of State and Regulatory

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Agencies holding Public Hearing on matters affecting Charleston County residents. He cited the State Ports Authority and the South Carolina Department of Transportation as examples.

Mr. Don Appleton said that there is a need for a turn lane onto Hamlin Road.

Ms. Anna Johnson Candidate for County Council District 8 stated her opposition to the completion of I-526.

Ms. Jeanette Lee spoke of the letter she had sent to County Administrator O'Neal regarding issues dealing with 7 mile, East of the Cooper.

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

Ms. Condon displayed her United Way form which she had completed and asked her fellow Council Members to be sure to complete theirs so that there would be a 100 % participation by Council's Office.

Mr. Pryor gave an update on Mr. Darby's condition and stated that Mr. Darby was scheduled to return to his doctor on October 4th.

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

Beverly T. Craven
Clerk of Council