

Charleston, SC
September 27, 2011

A regular meeting of County Council of Charleston County was held on the 27th day of September, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located 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; Henry E. Darby; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey.

Also present were: Allen O'Neal, County Administrator and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation. County Assistant Administrator for Human Services, Jennifer Miller, 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 County Council's meeting of, August 16th, 2011, seconded by Mr. Summey, and carried.

**Alcohol and
Other Drug
Addiction
Resolution**

A report was read from the Finance Committee under date of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Jennifer Miller, Assistant Administrator for Human Resources, regarding a request from the National Association of Alcoholism and Drug Addiction Counselors (NAADAC) for Charleston County to proclaim September as "Alcohol and Drug Addiction Recovery Month". It was stated that this is the 22th anniversary of this awareness campaign and Governor Nikki Haley has issued proclamations affirming these events in South Carolina.

Committee recommended that Council declare by Resolution that the month of September is Alcohol and Drug Addiction Recovery Month in Charleston.

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

The Chairman requested Dr. Chanda Brown, Director of the Department of Alcohol and Other Drug Abuse Service to come down with any of her Staff present and asked Council Member Henry Darby to read and present the Resolution to Dr. Brown.

The Resolution is as follows:



A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, substance abuse disorders are serious, chronic, but manageable public health problems affecting millions of Americans of all ages, races and ethnic backgrounds, and having huge medical, societal and economic costs; **and**,

WHEREAS, Charleston County supports helping citizens live productive lives free from the impact of alcohol and drug addictive behaviors and promotes active recovery for persons whose lives are affected by addiction, **and**,

WHEREAS, addiction professionals are uniquely qualified, frontline health care professionals vital to the process of guiding patients with addictive disorders to recovery, and committed to increasing public knowledge of alcohol and drug dependency; **and**,

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

NOW THEREFORE, BE IT RESOLVED, that **Charleston County Council** does hereby join in the 22nd anniversary observance of and proclamation of the month of September 2011 as

ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in Charleston County and encourages all citizens to recognize the achievement of those who seek to overcome the stigma and secure the benefits of substance abuse treatment and recovery.

CHARLESTON COUNTY COUNCIL

**Teddie E. Pryor, Chairman
September 27, 2011**

Charleston
County PRC
FY 2011
Budget

An Ordinance amending the FY 2011 Budget for the Charleston County PRC FY 2011 Budget was given third reading by title only.

AN ORDINANCE

TO AMEND THE FISCAL YEAR 2010-2011 BUDGET ORDINANCE NO. 1643 TO PROVIDE FOR THE INCREASE OF THE CHARLESTON COUNTY PARK AND RECREATION COMMISSION'S OPERATING BUDGET FROM \$12,910,381 TO \$14,890,381 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

WHEREAS, Charleston County Council enacted Ordinance Number 1643 on June 15, 2010 which, *inter alia*, provided approval of the Fiscal Year 2011 budget for the Charleston County Park and Recreation Commission (the Commission), and

WHEREAS, the desired increased authorized expenditures were not reflected in Ordinance No. 1643, and

WHEREAS, as provided in Ordinance Number 1643, County Council must approve an amendment to said Budget Ordinance when expenditures are increased,

NOW, THEREFORE, BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL that Charleston County Ordinance No. 1643 is hereby amended as follows:

Section 1.

Section 2. is amended by increasing the approved budget amount from \$12,910,381 to \$14,890,381 so that Section 2 reads as follows:

"That the budget of the Charleston County Park and Recreation Commission in the amount of \$14,890,381 is hereby approved by Charleston County Council".

Section 2.

Section 4 is amended to increase the difference between budgeted expenditures and budgeted revenues by \$1,980,000 so that the section reads as follows:

"The \$4,358,570 difference between the \$14,890,381 in budgeted expenditures and the \$10,531,811 in budgeted ad valorem taxes consists of other available funding sources.

Section 3.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not

affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 4.

The remainder of the original ordinance shall continue in full force and effect.

Section 5.

This Ordinance shall take effect upon approval following Third Reading.

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance conveying any County interest in real property identified as Tax Map Parcel # 343-07-00-068 was given third reading

Unopened
Road Quit
Claim
Ordinance

AN ORDINANCE

AUTHORIZING CHARLESTON COUNTY COUNCIL TO CONVEY CHARLESTON COUNTY'S INTEREST, IF ANY, IN REAL PROPERTY IDENTIFIED AS TAX MAP PARCEL NUMBER 343-07-00-058 BY QUITCLAIM DEED TO LOUIE F. GARVIN, JR.

WHEREAS, there exists an unopened, untraveled "paper" road on James Island that was platted but never opened traveling from Stephan Drive to Fleming Road running between tax map parcels identified as numbers 343-07-00-004, 343-07-00-005, 343-07-00-049 and 343-07-00-048 and through the parcel of property identified as tax map parcel number 343-07-00-058 also known as 429 Fleming Road, Charleston, SC 29412 owned by Louie F. Garvin, Jr.; and

WHEREAS, since 1940, a residence has been located on the parcel where the unopened road would be located, and since 1973, when tax maps were first utilized, the road was included as part of the parcel; and

WHEREAS, the portion of the parcel containing the unopened road has been used for decades by the current owner and prior owners of the parcel, and the County of Charleston has never asserted ownership of the road; and

WHEREAS, the owner of the parcel has requested the County of Charleston relinquish any interest it may have in the unopened road and quit claim that interest to him.

NOW, THEREFORE, BE IT ENACTED by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

SECTION I. INCORPORATION OF FINDINGS

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

SECTION II. EXECUTION OF QUIT CLAIM DEED

Charleston County Council authorizes and empowers its Chairman to execute and deliver the Quit Claim Deed that is attached hereto as Exhibit "A" in order to quitclaim any right, title and interest the County of Charleston may have in the parcel of property identified as tax map parcel number 343-07-00-058 to Louie F. Garvin, Jr.

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 upon approval following third reading by the County Council.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

Beverly T. Craven
Clerk to County Council

First Reading: August 16, 2011
Second Reading: September 13, 2011
Third Reading: September 27, 2011

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received third reading approval.

**ZREZ-5-11-
11193, 8895
University
Boulevard**

An Ordinance rezoning 8895 University Boulevard was given second reading by title only.

**AN ORDINANCE
REZONING THE REAL PROPERTY LOCATED AT 8895
UNIVERSITY BOULEVARD, TAX MAP PARCEL IDENTIFICATION
NUMBER 486-11-00-008, FROM THE (R-4) SINGLE FAMILY
RESIDENTIAL 4 DISTRICT TO THE (OR) RESIDENTIAL OFFICE
DISTRICT.**

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

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received second reading approval.

**Comprehensive
Plan Amendments
3.1.7 Future Land
Use
Recommendation**

An Ordinance amending the Charleston County Comprehensive Plan was given second reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY COMPREHENSIVE PLAN ORDINANCE, NUMBER 1095, AS AMENDED, CHAPTER 3.1 LAND USE ELEMENT, SECTION 3.1.7: FUTURE LAND USE RECOMMENDATIONS, SUBSECTION C. PLANNED DEVELOPMENTS

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	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received second reading approval.

ZLDR Text
Amendments
A) Article
4.27, Planned
Development
Zoning
Ordinance
B) Chapter 12
Definitions

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

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, CHAPTER 4 , BASE ZONING DISTRICTS, ARTICLE 4.27, PD, PLANNED DEVELOPMENT ZONING DISTRICT.

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

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye

Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received second reading approval.

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

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, CHAPTER 8, SUBDIVISION REGULATIONS, AND CHAPTER 12, DEFINITIONS.

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	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received second reading approval.

**FY 2012
County
Budget
Amendment**

An ordinance amending the FY 2011-2012 County Budget was given second reading by title only.

AN ORDINANCE

TO AMEND THE 2011-2012 BUDGET ORDINANCE NO. 1684, TO PROVIDE FOR THE INCREASE OF CHARLESTON COUNTY'S OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$2,217,023 FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012, HEREINAFTER REFERRED TO AS FISCAL YEAR 2012; TO PROVIDE FOR BUDGETARY

CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR 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	- aye
Ms. Johnson	- aye
Mr. Qualey	- nay
Mr. Rawl	- aye
Mr. Sass	- nay
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being six (6) ayes and three nays, the Chairman declared the Ordinance to have received second reading approval.

An Ordinance to amend the Charleston County Code of Ordinances to establish a chapter entitled "Livability" was given second reading by title only.

**Livability
Issues**

AN ORDINANCE TO AMEND PART II OF THE CHARLESTON COUNTY CODE OF ORDINANCES SO AS TO ESTABLISH A CHAPTER 3 ENTITLED "LIVABILITY," COMPRISED OF THE FULL PROVISIONS OF THE EXISTING CHAPTER 3, "ANIMALS AND FOWL" AND ADDITIONAL PROVISIONS AS ESTABLISHED BY THIS ORDINANCE; TO ENACT ADDITIONAL PROCEDURES AND REQUIREMENTS FOR ANIMALS AND FOWL KEPT ON RESIDENTIAL PROPERTIES, INCLUDING PROVISIONS RELATED TO NOISE FROM ANIMALS AND FOWL; TO REPEAL ARTICLE III OF CHAPTER 13.5, CONTAINING THE PROVISIONS OF ORD. 1138 OF 2000 ("NOISE ORDINANCE") AND REPEAL §§14.5-2 AND 14.5-3 RELATED TO LOUD AND UNNECESSARY NOISES AND SOUND AMPLIFICATION DEVICES; AND TO ENACT NEW PROVISIONS AND REQUIREMENTS MAKING UNLAWFUL CERTAIN OFFENSES RELATED TO NOISE THAT DISTURBS THE PEACE AND TRANQUILITY OF CITIZENS OF THE COUNTY; AND TO MAKE CERTAIN TECHNICAL CORRECTIONS AND AMENDMENTS TO THE EXISTING CODE OF ORDINANCES CONSISTENT WITH STATE LAW AND CURRENT PRACTICE.

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	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received second reading approval.

**2908
Designated
Management
Agency
Amendment**

A report was read from the Planning/Public Works Committee that it considered the information received from a Staff presentation regarding the status of the County's 208 Designated Management Agency Plan. Committee also considered the request of the Town of Ravenel to provide wastewater services in portions of the County's 208 Designated Management Agency Service Area.

Committee recommends that Council authorize the Town of Ravenel to provide wastewater services in portions of the County's 208 Designated Management Agency Service Area in the Meadwestvaco East Edisto Business Park Area and the proposed Spring Grove mixed use Development Area as requested by the Town of Ravenel, subject to:

1. The successful negotiation of an Intergovernmental Agreement the terms of which will be negotiated and documents prepared by the Charleston County Attorney's Office.
2. The execution of the agreement by the Chairman of Council, and
3. The authorization for Staff to proceed with the changes to the County's Comprehensive Plan necessary to implement this action.

Mr. Pryor moved approval of Committee recommendation, seconded by Ms. Johnson and carried.

**ZREZ-4-11-
10929, 1643
Pineview
Road**

A report was read from the Planning/Public Works Committee under date of September 22, 2011 that the Planning/Public Works Committee approved the rezoning request to change 1643 Pineview Road from a single family residential 4 (R-4) District to a Community Commercial (CC) District.

Ms Johnson moved approval of the Planning/Public Works Committee recommendation for approval, seconded by Mr. Schweers and carried.

The proposed Ordinance was given first reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1643 PINEVIEW ROAD, PARCEL IDENTIFICATION NUMBER 351-16-00-132 FROM A SINGLE FAMILY RESIDEENTIAL 4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.

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

ZREZ-4-11-10930, 1703 Pineview Road

A report was read from the Planning/Public Works Committee under date of September 22, 2011 that the Planning/Public Works Committee approved the rezoning request to change 1703 Pineview Road from a single family residential 4 (R-4) District to a Community Commercial (CC) District.

Ms Johnson moved approval of the Planning/Public Works Committee recommendation for approval, seconded by Mr. Schweers and carried.

The proposed Ordinance was given first reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1703 PINEVIEW ROAD, TAX MAP PARCEL IDENTIFICATION NUMBEER 351-16-100, FROM A SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.

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

ZREZ 4-11-11072, 1713 Pineview Road

A report was read from the Planning/Public Works Committee under date of September 22, 2011 that the Planning/Public Works Committee approved the rezoning request to change 1713 Pineview Road from a single family residential 4 (R-4) District to a Community Commercial (CC) District.

Ms Condon moved approval of the Planning/Public Works Committee recommendation for approval, seconded by Mr. Schweers and carried.

The proposed Ordinance was given first reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1713 PINEVIEW ROAD TAX MAP PARCEL IDENTIFICATION NUMBER 351-16-00-099, FROM A SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.

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

**ZREZ 5-11-
11251, 3183
Sanders
Road**

A report was read from the Planning/Public Works Committee under date of September 22, 2011 that the Planning/Public Works Committee approved the rezoning request to change the property at 3183 Sanders Road from an Industrial (I) District to a single family residential 4 (R-4) District .

Mr. Schweers moved approval of the Planning/Public Works Committee recommendation for approval, seconded by Mr. Sass and carried.

The proposed Ordinance was given first reading by title only.

AN ORDINANCE

REZONING 0.13 ACRES PORTION OF THE REAL PROPERTY LOCATED AT 3183 SANDERS ROAD, TAX MAP PARCEL IDENTIFICATION NUMBER 286-00-00-001 (PORTION OF) FROM THE INDUSTRIAL (I) DISTRICT THE SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT.

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

**208
Designated
Management
Agency**

A report was read from the Planning/Public Works Committee under date of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and James Neal, Director of Public Works, regarding the establishment of a 208 Water Quality Technical Review Board. It was stated that Charleston County was successful in obtaining Designated Management Agency (DMA) status under the federal Clean Water Act, Section 208 Water Quality Management Program from the Environment Protection Agency, effective on March 4, 2010 for all undesignated unincorporated portions of the County. It was further stated that after significant discussion and consultation with the Council of Governments Staff for Berkeley/Charleston/Dorchester, Public Wastewater service Providers and others, and it is recommended that Charleston County establish a 208 Water Quality Review Board rather than engaging a set of technical consultants for contract wastewater plan review.

Committee recommended that Council authorize Staff to develop the necessary Ordinance for the establishment of a 208 Water Quality Technical Review Board.

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

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

Mr. Schweers moved approval of the Consent agenda, seconded by Ms. Johnson, and carried.

The Consent agenda is as follows:

**CONSENT
AGENDA
A) FY 2011
COPS Secure
our Schools
Grant
B) Victim
Services
Funding/
Town of Kiawah
C) FY 2012 "C"
Fund Road
Improvement
Program
D)
Transportation
Enhancement
Grant**

A report was read from the Finance Committee under date of September 22, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and J. Al Cannon, Sheriff of Charleston County, regarding The 2011 Secure Our Schools grant program is a project administered by the U. S. Department of Justice, Office of Community Oriented Policing Services which provides funding for the development of school safety resources such as a comprehensive video surveillance and access control system installed in our schools. The U. S. Department of Justice has awarded funding in the amount of \$366,690.00 to the Charleston County Sheriff's Office for school security. The total project amount is \$733,380.00. (Federal plus Local share)

The 2011 Secure Our Schools grant program requires prospective applicants to have law enforcement authority within a partner primary or secondary school. As a result of this requirement the Charleston County Sheriff's Office and the Charleston County School District have agreed to enter into a collaborative agreement and have come together to make application for grant funding.

The grant program requires a 50% cash match which the Charleston County School District is providing in the amount of \$366,690.00. The grant period is for two years and will expire on September 30, 2013. The Charleston County School District will be responsible for the continuation of the project after the grant period ends. The funds will be used to purchase and install video surveillance and access control systems. No FTE's are requested in this grant.

Committee recommended that Council: Allow the Charleston County Sheriff's Office to accept funds from the 2011 Secure Our Schools grant program through the U. S. Department of Justice, Office of Community Oriented Policing Services and the agreed partnership with the Charleston County School District, with the understanding that:

1. Funding to the Sheriff's Office from the grant is in the amount of \$366,690.00; that a 50% cash match in the amount of \$366,690.00 is being provided by the Charleston County School District for a total project of \$733, 380.00.and that Funding is designated to purchase video surveillance equipment.
2. The grant period will run from September 1, 2011 until September 30, 2013 and the Charleston County School District will be responsible for the continuation of the project after the grant period ends.

A report was read from the Finance Committee under date of September 22, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Scarlett Wilson, Solicitor of the Ninth Judicial Circuit regarding permission for the Solicitor's Office to accept funds under a formal agreement with the Town of Kiawah in the amount of \$5,000 for FY12. It was stated that "to be determined amounts in the future" would be used to partially fund the salaries or expenses of the victim

advocates who will be employed by the Solicitor's Office but will provide victim services for the Town of Kiawah. It was shown that these funds are generated by the Victim Bill of Rights, S.C. Code Ann. §16-3-1505, *et. seq.*

Committee recommended that Council approve the Solicitor's Office acceptance of funds from the Town of Kiawah under a formal agreement by which the Town agrees to provide the Solicitor's Office with funds generated by the Victim Bill of Rights, S.C. Code Ann. §16-3-1505, *et. seq.*, under the following condition,

- a) The Solicitor's Office in return agrees to provide victim services for the Town of Kiawah.
- b) The Town of Kiawah will contribute \$5,000 at this time and may contribute further funds in amounts to be determined in the future.
- c) The County of Charleston will not contribute any funds toward this project at this time and will not be responsible for any costs unless otherwise decided in the future.
- d) There is not an FTE associated with this request.
- e) These funds will be used to defray the cost of victim advocates who are currently employed.

A report was read from the Finance Committee under date of September 22, 2011 that it considered the information furnished by Allen O O'Neal, County Administrator, and James Armstrong, Director of Transportation Development, regarding funding by the Charleston County Transportation Committee for FY 2012 "C" Fund Road Improvement Program. It was stated that the practice for many years for Charleston County Staff to administer the funds, engineering design, contracts and perform construction management services for the CCTC. It was shown that "C" Funds are derived from 2.66 cents per gallon of the state gasoline user fee which is deposited in the County transportation Fund to be allocated to all counties with the State. It was further stated that the Charleston County Transportation Committee (CCTC) has accepted the responsibility to administer the funding in Charleston County with the daily responsibilities of the program being managed by County Staff.

Committee recommended that Council authorize County Staff to enter into necessary agreement(s) with the South Carolina Department of Transportation and others to enable County Staff to carry out project design, contract administration and construction management for the CCTC's FY 2012 "C" Fund Road Improvement Program.

A report was read from the Finance Committee under date of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and James Armstrong, Director of Transportation Development, regarding the Berkeley Charleston Dorchester Council of Governments (BCDCOG) announcement that they are accepting applications for the Transportation Enhancement Program, which provides grants to local governments for the purpose of constructing bicycle and pedestrian facilities or landscaping and beautification projects, which projects are selected by the CHATS Policy Committee from applications submitted by member governments. It was stated that the Charleston County Transportation Development

staff reviewed the list of active Transportation Sales Tax projects and determined that the following projects represent the best candidates for funding under the program:

1. SC 171 Sidewalk (Charlestowne Landing to the Boy Scout Camp),
2. SC 61 Multi-Use Path (Magwood Road to Tobias Gadson Boulevard),
3. Ben Sawyer Boulevard Multi-Use Path (Center Street to Middle Street).

It was further stated that the projects will be selected by the CHATS Policy Committee from applications submitted by member governments.

Committee recommended that Council authorize Staff to submit applications to CHATS for the following projects with the understanding that the grant requires a 20% match which would come from Transportation Sales Tax funds previously allocated to the projects by Council; that there are no FTEs or re-occurring cost associated with this request and that the application due date is September 30th, 2011

1. SC 171 Sidewalk (Charlestowne Landing to the Boy Scout Camp),
2. SC 61 Multi-Use Path (Magwood Road to Tobias Gadson Boulevard),
3. Ben Sawyer Boulevard Multi-Use Path (Center Street to Middle Street).

**TIGHITCO
Financial
Incentives**

A report was read from the Finance Committee meeting of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Director of Economic Development, regarding the use of a fee-in-lieu-of-taxes (FILOT); a Special Source Revenue Credit (SSRC); and a utility infrastructure grant of up to \$50,000 to be drawn from the Economic Development Fund (EDF). It was stated that this grant funding will be utilized by the company to offset expenses incurred in establishment of sewer service to their currently undeveloped land tract in the winter of 2010. It was further stated that Company officials are planning a \$14.5 million capital investment to create their state-of-the-art facility, which is envisioned to employ approximately 300 following its five-year ramp up and an annual payroll for the facility, once fully staffed, is projected to reach \$9 million annually.

Committee recommended that Council authorize the execution and delivery of fee-in-lieu-of-taxes (FILOT), a special source revenue credit (SSRC), and use of a \$50,000 infrastructure assistance grant to be drawn from the Economic Development Fund to facilitate the relocation of TIGHITCO (\$14.5 million skilled manufacturing facility, employing 300 persons). FILOT terms to include 6% assessment, with millage 'fixed' at 273.8 over the twenty-year term, and a 30% SSRC each year. County will make available \$50,000 from its Economic Development Fund for infrastructure assistance to the company, and the County also pledges, in a separate action later in 2011, to designate the TIGHITCO as a Multi-County Industrial Park (MCIP) site.

Mr. Schweers moved approval of Committee recommendation, seconded by Mr. Sass, and carried.

An Ordinance authorizing the execution and delivery of a fee agreement was given first reading by title only.

AN ORDINANCE

AUTHORIZING PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND TIGHITCO, INC.; AND MATTERS RELATING THERETO.

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

Titan Atlas Financial Incentives

A report was read from the Finance Committee under date of September 22, that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Economic Development Director, regarding the expansion of Titan Atlas manufacturing facility in North Charleston. It was stated that Company officials are planning a \$6.7 million capital investment to upgrade their facility which produces housing constructed of concrete panels and the Company envisions employing approximately 200 following a five-year ramp up, with an annual payroll for the facility, once fully staffed, projected to reach \$6.4 million annually. It was further stated that In order to facilitate this relocation, the Economic Development Director committed to the use of fee-in-lieu-of-taxes (FILOT) and a Special Source Revenue Credit (SSRC). Under the FILOT, the company investment will be assessed at 6%, with millage 'fixed' at the current rate for Tax District 4-3 (City of North Charleston) of 273.8 mills over the twenty year term of the deal. The Special Source Revenue Credit (SSRC), equaling 14% of FILOT twenty-year revenues, is specifically targeted (and dependent upon) the company reaching key hiring milestones in years two and five. FILOT revenues accruing to the public taxing entities from Titan Atlas over the twenty year period should equate to \$368,000, including approximately \$62,500 to Charleston County.

Committee recommended that Council Authorize the execution and delivery of fee-in-lieu-of-taxes (FILOT) and a special source revenue credit (SSRC) to facilitate the competitive expansion of Titan Atlas (\$6.7 million manufacturing facility, employing 200 persons) with the understanding that:

FILOT terms will include 6% assessment, with millage 'fixed' at 273.8 over the twenty-year term, and Titan Atlas will receive an SSRC equivalent to 14% of 20-year FILOT revenues upon reaching key hiring milestones in years two and five.

Also, the County pledges, in a separate action later in 2011, to designate the Titan Atlas facility and property as a Multi-County Industrial Park (MCIP) site.

Mr. Schweers moved approval of Committee recommendation, seconded by Mr. Sass, and carried.

An Ordinance authorizing a fee in lieu of tax agreement was given first 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 TITAN ATLAS MANUFACTURING, INC., WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH TITAN ATLAS MANUFACTURING, INC., PROVIDING FOR PAYMENT BY TITAN ATLAS MANUFACTURING, INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; PROVIDING FOR SPECIAL SOURCE REVENUE OR INFRASTRUCTURE IMPROVEMENT CREDITS PROVIDING FOR SPECIAL SOURCE REVENUE OR INFRASTRUCTURE IMPROVEMENT CREDITS, PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR THE ESTABLISHMENT OF MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

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

Harbor View Road Project

A report was read from the Finance Committee meeting of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, Transportation Director, James Armstrong and Council Member Joseph Qualey, regarding the current Harbor View Road Improvement Project design, which was approved by Charleston County Council on October 2, 2007. after being developed through a series of public meetings and alternative analysis performed pursuant to the National Environmental Policy Act (NEPA, 1969) under the oversight of the SCDOT and Federal Highway Administration (FHWA). It was stated that Plan development progressed based upon the approved design and County Council subsequently authorized use of eminent domain to secure right-of-way for the project on April 22, 2009. It was shown that on August 26, 2011 Charleston County staff was provided with a proposed typical section by Councilman Qualey.

It was pointed out that separate from the design revisions proposed by Councilman Qualey, staff had previously recommended at the August 11, 2011 Planning/Public Works committee meeting that Council consider implementing the following changes to the project plans:

1. Include a traffic signal at Fort Sumter Drive as an alternate construction item to be installed when warranted by traffic volumes.
2. Pursue a reduction in speed limit from 40 MPH to 35 MPH.
3. Include a pedestrian crosswalk at Mikell Drive if recommended by the SCDOT Safe Routes to School Study.

It was further stated that the changes listed directly above are proposed in response to recent public comments and remain a recommendation of staff.

Committee recommended that Council direct staff to meet with the SCDOT and FHWA to determine the appropriate steps necessary to proceed with the requested design changes and identify the impacts to project schedule and budget.

**Redistricting
Criteria**

A report was read from the Finance Committee under date of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Joseph Dawson, County Attorney, regarding redistricting Criteria, resulting from the 2010 census.

Committee recommended that Council:

1. Adhere to the Constitutional requirement of one person, one vote and do so by adhering to a state law population deviation of less than 10%
2. Adhere to the provisions of Sections 2 and 5 of the Voting Rights Act and relevant Court decisions.
3. Ensure that districts are contiguous and compact
4. Maintain, to the extent possible, boundaries of existing districts
5. Respect Communities of Interest
6. Avoid splitting voting precincts
7. Avoid incumbent conflicts, if possible
8. Solicit public input

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

**Board of
Zoning
Appeals**

A report was read from the Finance Committee meeting of September 22, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and the request of Council Member Joe Qualey regarding Mr. Qualey's appointee to the Board of Zoning Appeals. It was stated that Mr. Jamie Balliet, Mr. Qualey current appointee is now working outside the Country.

Committee recommended that Council appoint Mr. Leonard Blank to the Board of Zoning Appeals as Mr. Qualey's appointee.

**Ban on
paper bags**

A report was read from the Special Finance Committee meeting held on September 27th regarding the ban on plastic bags for yard waste.

Committee recommended that Council approve a 30 day extension on the implementation of the ban on plastic bags for disposal of yard waste at the Bees Ferry Landfill and directed staff to present information for Council's consideration at the October 6, 2011, Finance Committee Meeting.

The Chairman called for a roll call vote on this recommendation. The roll was called and votes recorded as follows:

Ms. Condon	- nay
Mr. Darby	- absent

Ms. Johnson	- nay
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being five (5) ayes, three (3), and one (1) absent, the Chairman declared the motion to have carried.

**Public
Forum**

The Chairman asked if anyone in the audience wished to address Council.

Mr. Graham Finch asked that Council put the I-526 completion project on the agenda for a decision as soon as possible. He also requested that County staff have a meeting with the 26 homeowners and 7 business owners who are in limbo with the indecision regarding the I-526 completion project.

Ms. Robin Hardin, of 902 Preston Road, James Island, thanked Council for agreeing to look into the revisions to the Harbor View Road project as presented by Council Member Joe Qualey.

Mr. Bob Hawes, of 765 Whispering Marsh Drive, James Island, thanked Council Member Qualey for his support in reviewing the Harbor View Road project. Mr. Hawes also remarked that he has a problem getting his yard clippings from his lawn mower bag into a paper bag and asked that Council continue to study the ban on plastic bags for yard waste.

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

Mr. Sass thanked the citizens for their input on the Harbor View Road project.

Mr. Rawl stated that he believed entering into an inter-governmental agreement with the Town of Ravenel, Charleston Water System, and Mead-Westvaco would create some liability for Charleston County that did not exist previously.

Mr. Darby asked staff if there was some other means the County could use aside from sending a letter to citizens regarding rezoning requests in their neighborhood and posting a sign at the property. Mr. Pennick, Zoning and Planning Director, stated that he is happy to set up a meeting with Mr. Darby regarding the notification procedures that the County uses and what is prescribed by law. Mr. Pennick also stated that the County goes over and above what is legally required for notice and what is done by other neighboring jurisdictions.

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

Beverly T. Craven
Clerk of Council