

Charleston, SC
February 7, 2012

A regular meeting of County Council of Charleston County was held on the 7th day of February, 2012 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; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey. Council Member Henry E. Darby was absent.

Also present were: W. Kurt Taylor, County Administrator and County Attorney Joseph Dawson.

Rev Gary McJunkin gave the invocation. Council Member Johnson 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. Summey moved approval of Council's minutes of January 24th, seconded by Mr. Sass and carried.

The Chairman said it was always a pleasure to have the opportunity to recognize our excellent Charleston County employees, and requested Ms. Easter LaRoche of the Charleston County Sheriff's office and Ms. Ellen Steinberg of the Ninth Judicial Circuit Solicitor's Office to come forward.

Mr. Pryor said that Zonta of Charleston, a nonprofit organization dedicated to increasing the awareness of domestic violence in the greater Charleston area and Liza's Lifeline, a nonprofit organization dedicated to assisting domestic violence victims, their families, pets, and the community through financial assistance, education and social change had recently held their second annual Breaking the Silence Awards Gala and recognized Easter LaRoche, Victim-Advocate with the Charleston County Sheriff's Office as the Best Domestic Violence Advocate and Ellen Steinberg, a Criminal Domestic Violence prosecutor in the Ninth Circuit Solicitor's Office, as Liza's Lifeline Person of the Year.

An Ordinance to rezone the Royal Palms Planned Development was given second reading by title only.

ZPDA-11-
11-12411,
1150-1275
Dingle Road
Ordinance
2nd Reading

AN ORDINANCE

REZONING THE ROYAL PALMS PLANNED DEVELOPMENT (PD-112)

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

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

An Ordinance amending the Charleston Tea Plantation PD was given second reading by title only.

ZPDA-11-11-12442
Charleston Tea Plantation PD Ordinance 2nd Reading

AN ORDINANCE

REZONING THE CHARLESTON TEA PLANTATION PLANNED DEVELOPMENT (PD-109)

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

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

An Ordinance to amend the Charleston County Comprehensive Plan was given first reading by title only.

Comp Plan
Amendments
Energy
Element
Ordinance
2nd Reading

AN ORDINANCE
AMENDING THE CHARLESTON COUNTY COMPREHENSIVE PLAN
ORDINANCE, NUMBER 1095, AS AMENDED, TO INCLUDE
CHAPTER 3.10, ENERGY ELEMENT

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

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

Form based
Zoning Comp
Plan
Amendment
A) Request to
approve
B) Ordinance
1st Reading

A report was read from the Planning/Public Works Committee under date of February 2, 2012 hat it considered the information furnished by W. Kurt Taylor, County Administrator and Dan Pennick, Director of Planning regarding proposed amendments to the Comprehensive Plan regarding how Form-Based Zoning can be used to further the goals and strategies of the Plan.

Committee recommended that Council approve and give first reading to an Ordinance amending the County's Comprehensive Plan.

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

The proposed Ordinance was given first reading by title only.

AN ORDINANCE
TO APPROVE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN TO
INCORPORATE FORM-BASED ZONING.

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

Developments of County Significance
A) Request to approve
B) Ordinance
1st Reading

A report was read from the Planning/Public Works Committee under date of February 2, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator and Dan Pennick, Director of Planning regarding proposed amendments designed to implement the Development of County Significance Provisions contained in the Comprehensive Plan.

Committee recommended that Council approve and give first reading to the proposed Ordinance.

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

Mr. Rawl stated that it was his understanding that these amendments, along with the Comprehensive Plan amendments for Form-Based Zoning, were held back from previous public hearings in order to bundle them together with the ZLDR amendments in order to incorporate a Form Based Zoning District, and that the ZLDR amendments for Form Based Zoning are underway and should be brought to the Planning Commission for consideration in the near future after the consultants have prepared the draft Ordinance language.

Planning Director Pennick acknowledged that Mr. Rawl's understanding was correct.

The proposed Ordinance was given first reading by title only.

AN ORDINANCE

APPROVING AMENDMENTS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE (ZLDR) ARTICLES 3.17, DEVELOPMENT OF COUNTY SIGNIFICANCE & CHAPTER 12, DEFINITIONS.

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

Consent Agenda
A) Berkeley Electric Utility Tax Credit Grant
B) US 17 Turn Lane at Buckhorn
C) Phillips Community Sidewalk & Drainage
D) Folly Beach Renourishment

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

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

Mr. Summey stated that he was voting in the affirmative on all the consent items with the exception of item A which was the Berkeley Electric Utility Tax Credit Grant. He said he was abstaining on this item since he had sold land to the applicant, and he furnished the Clerk with a written statement for the record

The agenda items are as follows:

A report was read from the Finance Committee under date of February 2, 2012 t That it considered the information furnished by Kurt Taylor, County Administrator, and Steve Dykes, Economic Development Director, regarding a Utility Tax Credit Grant

(UTC) by Berkeley Electric Cooperative (BEC) in the amount of \$300,000. It was stated that the grant would assist with infrastructure installation along Palmetto Commerce Parkway, and to support this recent uptick in development interest, area water, sewer, electrical, natural gas, and telecommunications providers are responding with various initiatives to extend, expand, or upgrade service. It was shown that companies relocating along Palmetto Commerce Parkway, include TIGHTCO, Inc., Streit USA Armoring, LLC, and Immedion, Inc. have announced plans to construct new facilities in the vicinity of the ongoing Consolidated Dispatch Center, and Roper Hospital Data Center projects. It was further stated that in December 2011, the Economic Development Director was offered a Utility Tax Credit Grant (UTC) by Berkeley Electric Cooperative (BEC) in the amount of \$300,000 to assist with infrastructure installation along Palmetto Commerce Parkway, and that due to year-end accounting requirements at BEC, the County Administrator entered into an agreement and accepted the funds on December 21, 2011.

It was further shown that the Utility Tax Credit Grant program established by the SC General Assembly (Section 12-6-3420 of the SC Code of Laws) provides the opportunity for such investments by state utilities, granting them a corresponding credit against their state corporate income taxes, and as with other conduit grants, the County receives the funds, and administers them to a company or associated entity on a reimbursement basis for documented eligible public infrastructure expenditures.

Committee recommended that Council approve the administrative action taken by the County Administrator on December 21, 2011 accepting a \$300,000 Utility Tax Credit Grant offered by Berkeley Electric Cooperative for use on eligible public infrastructure expenses associated with TIGHTCO, Inc. and other companies relocating to Palmetto Commerce Parkway.

A report was read from the Finance Committee under date of February 2, 2012 that it considered the information furnished by Kurt Taylor, County Administrator, and Barrett J Tolbert, Director of Procurement, regarding bids received for the US 17 turn lane at Buckhorn Road. It was stated that this is a Charleston County Transportation Committee (CTC) funded project and is located in the southern portion of Charleston County. It was further stated that this Project will consist of adding a left turn deceleration lane to US17 southbound and improving the Buckhorn Road apron at its intersection with US17 northbound.

It was shown that bids were received in accordance with the terms and conditions of IFB No. 4595-12C. The DBE goal is 5%. State "C" Fund regulations do not allow SBE or local preference goals.

Bidder	Bid Price	DBE Percentage
Truluck Construction Company Charleston, SC Principal: Charles E. Truluck	\$ 107,709.00	4.82%

Sanders Brothers North Charleston, SC Principal: J. Gregory Sanders	\$ 130,622.68	10.10%
---	---------------	--------

Committee recommended that Council authorize award of a contract for US17 Turn Lane at Buckhorn Road to Truluck Construction Company, the lowest responsive and responsible bidder, in the amount of \$107,709.00, with the understanding that funds are available in the Transportation Development "C" funds.

A report was read from the Finance Committee under date of February 2, 2012 that it considered the information furnished by Kurt Taylor, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids received for the Phillips Community Sidewalk and drainage improvements. It was stated that this is a Transportation Sales Tax (TST) 2009 Local Paving funded project consisting of sidewalk and drainage improvements along 1.282 miles of SC-41 between Virginia Rouse Road and Joe Rouse Road. It was further stated that work shall include, but is not limited to, new sidewalk, drainage improvements, paving, erosion and sedimentation control, and traffic control during construction.

Bidder	Bid Price	SBE Percenta ge	DBE Percenta ge
First Construction Management, LLC Hanahan, SC Principal: Roger M. Holcombe, Jr.	\$ 549,443.00	100%	20.04%
Celek & Celek Construction, Inc. Hollywood, SC Principal: Brian F. Celek	\$ 585,984.00	100%	12.96%
CBD, Inc. Eastover, SC Principal: Forest Hill	\$ 579,937.00 *(non responsive)	0%	0%
L-J, Inc. Columbia, SC Principal: David N. Jordan	\$ 586,999.50	17%	17.03%
Weaver Contracting, Inc. Charleston, SC Principal: Joan G. Weaver	\$ 596,216.50	15%	13.12%
AOS Specialty Contractors, Inc. Lexington, SC Principal: Dianna Rushing	\$ 607,417.75	100%	100%
R.H. Moore Company, Inc. Murrells Inlet, SC Principal: R. Henry Moore	\$629,926.00	15.2%	19.99%
Green Construction Company Summerville, SC Principal: Marion Green	\$ 630,635.00	100%	100%

International Public Works Charleston, SC Principal: L. Kai Yeh	\$653,044.00	12.2%	87.75%
Sanders Brothers North Charleston, SC Principal: J. Gregory Sanders	\$ 849,677.55	22.5%	21.35%
O.L. Thompson Construction, Inc. North Charleston, SC Principal: J. David Hand	\$ 973,554.70 *(non responsive)	17.2%	0%
Gulf Stream Construction Company, Inc. North Charleston, SC Principal: Kenneth A. Hulseberg	\$ 1,000,000.00	14.8%	22.60%

* Bidders used incorrect bid forms.

Committee recommended that Council authorize award of a contract for Phillips Community Sidewalk and Drainage Project to First Construction Management, the lowest responsive and responsible bidder, in the amount of \$49,443.00, with the understanding that funds are available in the roads portion of the Transportation Sales Tax.

A report was read from the Finance Committee Meeting of February 2, 2012 that it considered the information furnished by W. Kurt Taylor, County Administrator and the letter received from the Mayor of Folly Beach, Tim Goodwin regarding a Resolution in support of the Folly Beach renourishment project. It was stated that in September, 1992, the Assistant Secretary of the Army entered into an agreement with the City of Folly Beach to fund 85 per cent of renourishment projects for the next 50 years beginning from the date of the initial renourishment in 1993 because research determined that the Charleston jetties built by the Corps of Engineers was the direct cause of 57% of Folly Beach's erosion problems. It was shown that the last beach renourishment had taken place in 2005 and that a renourishment was determined to be needed every eight years.

Committee recommended that Council adopt a Resolution supporting the renourishment project for Folly Beach and urging the South Carolina Congressional Delegation to support the immediate funding of this project.

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, in September of 1992, the Assistant Secretary of the Army entered into an agreement with the City of Folly Beach to fund 85 percent of renourishment projects for the next 50 years beginning from the date of the initial renourishment (1993); and,

WHEREAS, the renourishment was estimated to be needed every eight years; and

WHEREAS, this agreement was entered into by the Federal government because research determined that the Charleston jetties built by the Corps of Engineers was the direct cause of 57 percent (57%) of Folly Beach's erosion problems; and

WHEREAS, today the city is looking at a beach that has very little of the primary dune remaining which was created by the 2005 project; and,

WHEREAS, it also has been determined that the beaches have reached the point that this project is needed and needed immediately; and,

WHEREAS, analysis indicates the benefit/cost ratio is two to one; and,

WHEREAS, it is estimated that the cost of the project is estimated to be \$18 million with the City's share to be \$2.7 million; and,

WHEREAS, this shoreline protection project is essential to the City of Folly Beach, Charleston County, and the State of South Carolina due to Folly Beach being a tourist destination which generates money and jobs; and,

WHEREAS, Charleston County Council desires to show its support for this project.

NOW, THEREFORE BE IT RESOLVED BY CHARLESTON COUNTY COUNCIL, that it fully supports the renourishment project for Folly Beach and urges the South Carolina Congressional Delegation to support the immediate funding of this project.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman
February 7, 2012

**Utilize Council
Contingency
A) Charleston
Promise
Neighborhood
B) 2012
Summer
Youth
Program**

A report was read from the Finance Committee under date of February 2, 2012 that it considered the information furnished by County Administrator, W. Kurt Taylor, and Budget Director, Mack Gile regarding the Memorandum of Understanding, between Charleston County and Promise Neighborhood requested funding from Charleston County as follows:

"Each Governmental Promise Holder will provide direct cash funding, to the extent permissible under applicable law, of \$50,000 in calendar year 2010, \$100,000 in 2011, and \$150,000 in 2012. Additional governmental, non-direct financial and non-financial support will need to be committed through department budgets, Federal dollars (including but not limited to Title I and Community Block Grants) and State appropriations during the 2010-2012 period. Subsequent funding levels will be determined by the needs of CPN and the level of private funds contributed."

It was stated that on August 16, 2011, Council approved \$50,000 from Council's FY 2012 contingency, and Staff now recommends that the remaining \$50,000 for FY2012 also come from Council's FY2012 contingency.

Committee recommended that Council

1. Appropriate \$50,000 from Council's FY 2012 contingency to the Charleston Promise Neighborhood.
2. Approve the sum of \$150,000 for the Charleston Promise Neighborhood to be included in the proposed FY 2013 Budget.

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

A report was read from the Finance Committee under date of February 2, 2012 that it considered the information furnished by County Administrator, W. Kurt Taylor, and Keith Bustraan, Deputy Administrator for Finance, regarding Charleston County's Summer Youth Program. It was stated that on May 26, 2011, County Council approved the establishment of the 2011 Summer Youth Work Program, and because of the overwhelming community response, it was decided that a continuation of the program into 2012 would address the ongoing need for summer employment for county high school and college students. It was shown that for 2012, the program would serve a minimum of 100 students residing in Charleston County between the ages of 16-21, and this opportunity would provide workplace readiness training, 120 hours per student of work experience in a county or municipal setting, the development of job seeking and work skills, and the opportunity to gain insight into a variety of professional careers. It was further stated that Staff was recommends a seven week program that would begin on June 4, 2012 and end on July 19, 2012, with a proposed \$100,000 budget and that funding will provide work opportunities in Charleston County departments as well as offices of Elected and Appointed Officials. It was further shown that supplemental funding will be sought from local corporations and municipalities to extend the job opportunities in the private sector and other local governments.

Committee recommended that Council:

1. Authorize the 2012 Summer Youth Work Program as described with a \$100,000 budget.
2. Appropriate \$48,000 from the FY 2012 Council Contingency to supplement the \$12,000 carried over from the FY 2011 program.

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

**Public
Forum**

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

Mr. Wilbur Jones, of 4777 Pinecrest Road, in the St. Paul Area, was very interested in a time table for completion of the Business Park. He said his area is in need of jobs.

Ms. Jerilyn Crawford of 777 Mondal Woods said her family is from the Willtown area, and that she is very interested in working with Charleston County on improvements to this area.

The Chairman asked if any Member of Council wished to bring a matter before the Body. There was no affirmative response.

The Chairman asked if the County Administrator if he had any matter or matters that he wanted to advise Council of.

Mr. Taylor asked Mr. Jason Patno, Director of Charleston County Emergency Management to introduce the new Fire Chief from Awendaw Mr. Tommy Norris, and requested Mr. Jim Armstrong, Assistant County Administrator for Transportation, Development and Public Works to tell Council about the award that the South Carolina Asphalt Pavement Association to Charleston County. Mr. Armstrong said that the SCAPA had presented its 2011 ACAOA Quality Pavement Award to Charleston County for Design and Construction Administration of the Glenn McConnell Parkway at 1-526 Project,

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

Beverly T. Craven
Clerk of Council