

Charleston, SC
March 15, 2011

A regular meeting of County Council of Charleston County was held on the 15th day of March, 2011 at 7:00 p.m. in the Beverly T. Craven 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; Henry E. Darby; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; Dickie Schweers; and J. Elliott Summey.

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

Rev. Gary McJunkin gave the invocation. Deputy Clerk Kristen Salisbury led in the pledge to the flag.

The Deputy 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 the minutes of County Council's meeting of March 1, 2011, seconded by Mr. Rawl, and carried.

An Ordinance amending Charleston County's Fiscal Year 2011 Operating Budget was given second reading by title only.

AN ORDINANCE TO AMEND THE 2010-2011 BUDGET ORDINANCE NO. 1646, TO PROVIDE FOR THE INCREASE OF CHARLESTON COUNTY'S OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$7,810,000 FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, HEREINAFTER REFERRED TO AS FISCAL YEAR 2011; TO PROVIDE FOR THE BUDGETARY CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR AND OTHER MATTERS RELATED THERETO.

FY 2011 Budget
Amendment

Ordinance 2nd
Reading

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. Schweers | - aye |
| Mr. Summey | - aye |
| Mr. Pryor | - aye |

The vote being eight (8) ayes and zero (0) nays, the Chairman declared the Ordinance to have received second reading approval.

**ZPD-9-10-9387,
4398 Highway
174**

A) Request to
Approve

B) Ordinance 1st
Reading

A report was read from the Planning/Public Works Committee under date of March 10, 2011 that it considered the information provided by Dan Pennick, Zoning and Planning Director, the recommendations of the Planning Commission, and the comments received by County Council at a public hearing held on March 1, 2011, regarding a zoning change request received in case #ZPD-9-10-8387, 4398 Highway 174 on Edisto Island to change from Agricultural Preservation (AG-10) District to Planned Development (PD-148) District. It was stated that Staff and Planning Commission recommended approval of the requested change with conditions.

Committee recommended that Council approve the requested change with the following recommended conditions:

1. Revise the PD document to indicate the correct property address of 4398 Highway 174.
2. Include a definition of the use term, "Boat Charter Services/Rentals" and provide more detail about this proposed accessory use.
3. An encroachment permit from the S.C. Department of Transportation shall be required for ingress/egress to Highway 174 and Little Britton Road.
4. The Special Exception procedures of the *ZLDR*, Article 3.6, shall apply to any liquor, beer, or wine sales not associated with the restaurant.
5. Page 7, Section 10 (Architectural Guidelines) replace "follow" with "following"
6. Page 10, Section 20 (Letters of Support) remove the term "potential"
7. Include a statement indicating that all temporary signage shall comply with Table 9.11.2-C of the *ZLDR*.
8. Include a copy of the applicable sections of the *Zoning & Land Development Regulations Ordinance (ZLDR)*, as amended on December 16, 2010, in digital format (i.e. CD).

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

An Ordinance rezoning the real property located at 4398 Highway 174 was given first reading by title only.

**AN ORDINANCE REZONING PROPERTIES LOCATED AT 4398 HIGHWAY 174
FROM AGRICULTURAL PRESERVATION (AG-10) DISTRICT TO PLANNED
DEVELOPMENT (PD-148) DISTRICT**

**ZLDR
Amendment
Table 6.1,
Article 6.7,
Article 12,
Special Event
Uses**

A) Request to
Approve
B) Ordinance 1st
Reading

A report was read from the Planning/Public Works Committee under date of March 10, 2011 that it considered the information provided by Dan Pennick, Zoning and Planning Director, the recommendations of the Planning Commission, and the comments received by County Council at a public hearing held on March 1, 2011, regarding a proposed text amendment to the Zoning and Land Development Regulations Ordinance that would amend Articles 6.7 and 12.1, Special Event Uses provide greater flexibility for special event uses in residential and agricultural areas while establishing reliable permitting procedures and sufficient public safety measures.

Committee recommended that Council approve the amendments.

Mr. Summey moved approval of Committee recommendation. The motion was seconded by Ms. Johnson.

Council Member Condon asked how many times per year a landowner can currently hold special events on their property. Mr. Pennick stated that a person could currently hold 5 special events per year. Ms. Condon then asked how many special event permits are currently granted each year and Mr. Pennick stated that the County usually grants about a dozen special event permits per year.

Hearing no further questions from members of Council, the Chairman called for a vote on the motion, which carried unanimously.

An Ordinance to amend the Zoning and Land Development Regulations Ordinance, Articles 6.7 and 12.1, Special Event Uses was given first reading by title only.

**AN ORDINANCE AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED:
ARTICLES 6.7 AND 12.1, SPECIAL EVENT USES**

**ZLDR
Amendment
Section 3.2.6,
Comprehensive
Plan
Amendments**

A) Request to
Approve
B) Ordinance 1st
Reading

A report was read from the Planning/Public Works Committee under date of March 10, 2011 that it considered the information provided by Dan Pennick, Zoning and Planning Director, the recommendations of the Planning Commission, and the comments received by County Council at a public hearing held on March 1, 2011, regarding a proposed amendment to the Zoning and Land Development Regulations Ordinance that would amend Article 3.2, Comprehensive Plan Amendments (Approval Criteria) to implement the Developments of County Significance provisions of the Comprehensive Plan y inserting a new approval criterion to authorize the approval of Developments of County Significance and to add a new criterion to authorize the approval of Comprehensive Plan Amendments that are consistent with comprehensive plan

recommendations of adjacent jurisdictions for subject parcels through extra-territorial jurisdiction.

Committee recommended that Council approve the amendments.

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

An Ordinance to amend the Zoning and Land Development Regulations Ordinance, Article 3.2, Comprehensive Plan Amendments (Approval Criteria) was given first reading by title only.

AN ORDINANCE AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: ARTICLE 3.2, COMPREHENSIVE PLAN AMENDMENTS (APPROVAL CRITERIA)

A report was read from the Planning/Public Works Committee under date of March 10, 2011 that it considered the information provided by Allen O'Neal County Administrator, and Dan Pennick, Zoning and Planning Director, and Christine DuRant, Community Services Director regarding the need for a region wide housing needs assessment. It was stated that the Charleston County Comprehensive Plan identifies the need for affordable workforce housing in the County and that in response the County Planning Commission established an Affordable Housing Committee comprised of representatives from the cities of North Charleston, Charleston, the Town of Mount Pleasant, the Low Country Housing Trust, for-profit and non-profit representatives from the real estate community and staff support from the County's Planning and Community Services Departments.

It was shown that the outcome of this effort is a need for a region-wide in-depth housing needs assessment which would provide an accurate up-to-date portrayal of the existing housing situation in our region. It was also shown that concurrent with this process, and as a requirement of securing federal funds from the US Department of Housing and Urban Development, the Community Services Department is conducting a study to determine and address the issues that affect citizens' ability to access affordable housing.

Committee recommended that Council forward the Charleston County Affordable Housing Committee's request for a region wide housing needs assessment to the Berkeley-Charleston-Dorchester Council of Governments for implementation.

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

The Chairman stated that the next item on the agenda was the Consent Agenda. Mr. Summey moved approval of all Consent Agenda items, seconded by Ms. Condon, and carried. The Consent Agenda is as follows:

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information provided by Allen O'Neal County Administrator, and Ninth

**COG
Tri-County
Housing Needs
Assessment**

Request to
Forward

**Consent
Agenda**

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Circuit Solicitor Scarlett Wilson regarding the submission of a grant application to the Violence Against Women Act Grant Program. It was stated that this is a competitive grant awarded by the South Carolina Department of Public Safety with US Department of Justice funds. It was further stated that the Solicitor's Office has been awarded this grant for the past two years, and that this award would be a continuation of the previously awarded grant.

**A) Violence
Against Women
Act SCDPS**

Request to
Approve

It was shown that the \$150,000 grant award would be used to fund a prosecutorial team consisting of a Prosecutor, Investigator, and Victim Advocate. It was also shown that the \$50,000 cash match associated with this grant will be funded by Victim Witness State Appropriation Funds.

Committee recommended that Council allow the Ninth Circuit Solicitor's Office to apply for the Violence Against Women Act Program Grant from the SC Department of Public Safety in the amount of \$150,000 with the understanding that :

1. the \$50,000 cash match is available in the Solicitor's Victim Witness State Appropriation fund.
2. the grant period will run from October 1, 2011 until September 30, 2012.
3. there are three grant-funded FTEs associated with this request and at the conclusion of the grant period, the FTEs positions will be dissolved if no further grant funding is available.

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information provided by Allen O'Neal County Administrator, and Ninth Circuit Solicitor Scarlett Wilson regarding the submission of a grant application to the Victims of Crime Act Grant Program. It was stated that this is a competitive grant awarded by the South Carolina Department of Public Safety with US Department of Justice funds. It was further stated that the Solicitor's Office has been awarded this grant for the past two years, and that this award would be a continuation of a previously awarded grant.

**B) Victims of
Crime Act
SCDPS Grant**

Request to
Approve

It was shown that the \$56,031 grant award would be used to fund a Victim Advocate. It was also shown that the match associated with this grant is in-kind and therefore does not cause an expense to the Solicitor's Office or to the County.

Committee recommended that Council: allow the Ninth Circuit Solicitor's Office to apply for the Victims of Crime Act Program Grant from the SC Department of Public Safety in the amount of \$56,031 with the understanding that:

1. the required match is in-kind and therefore does not cause an expense to the Solicitor's Office.
2. the grant period will run from July 1, 2011 until June 30, 2012.
3. there is one grant-funded FTE associated with this request and at the conclusion of the grant period, the FTE position will be dissolved if no

further grant funding is available.

**C) FY 2011
Local
Emergency
Management
Grant**

Request to
Approve

A report was read from the Finance Committee, under date of March 10, 2011, that it considered the information provided by Allen O'Neal County Administrator, and Jason Patno, Emergency Preparedness Director, regarding the submission of a grant application in the amount of \$39,952 to the Federal Emergency Management Agency's Local Emergency Management Performance Grant Program. It was stated that, if awarded, the grant funding would be used to offset annual personnel cost and funding for two personnel to attend the Annual South Carolina Emergency Management Workshop.

It was shown that an in-kind match on behalf of the County would be required and that the salaries of department personnel associated with the completion of projects identified in the grant scope of work would be used to satisfy the match requirement.

Committee recommended that Council approve the Emergency Management Department request to apply for grant funding in the amount of \$39,952, through the 2011 Local Emergency Management Performance Grant Program with the understanding that :

1. the grant performance period will run from April 1, 2011 through March 31, 2012.
2. the required in-kind match on behalf of the Emergency Management Department would be satisfied by department personnel salaries.
3. no additional FTEs or vehicles are associated with this grant.
4. additional funds may be made available at a later date for emergency management projects when the Federal Budget is passed.

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information provided by County Administrator Allen O'Neal and Environmental Management Business Manager Cynthia Campbell regarding an application to be submitted to the SC Department of Health and Environmental Control for the annual Waste Oil and Waste Tire Grants. It was stated that the Waste Oil Grant application request totals \$9,000 and will be used to support professional development for attendance of waste reduction/recycling seminars, public information/education projects, and anticipated contractor collection costs. It was also stated that the Waste Tire Grant application request totals \$66,078 and will be used to offset the difference between actual tire disposal expenses and anticipated revenue received from Tire Taxes and Landfill tipping fees and to fund allowable public education and professional development expenses for program staff.

**D) FY 2012
SCDHEC Waste
Oil & Waste
Tire Grant**

Request to
Approve

Committee recommended that Council authorize Environmental Management staff to submit applications for the FY 2012 SCDHEC Used Oil and Waste Tire Grants with the understanding that:

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1. the total SCDHEC FY 2012 submission is \$75,078.
2. the grant period will run from July 1, 2011 until June 30, 2012.
3. no FTEs or matching funds are required.

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information furnished by County Administrator Allen O'Neal and EMS Director Don Lundy regarding a DUI Grant-In-Aid application in the amount of \$10,500 to be submitted to the SC Department of Health and Environmental Control. It was stated that this is a competitive grant and that a local cash match of \$577.50 would be required.

**E) FY 2011 EMS
Grant-in-Aid
Program (DUI
Funds)**

Request to
Accept

Committee recommended that Council authorize a contract between South Carolina Department of Health and Environmental Control and Charleston County for an application of Grant-in-Aid funds with the understanding that:

1. Charleston County's contract for reimbursement will be for no more than \$10,500.
2. The local cash match of \$577.50 is available in the FY 2011 EMS budget.
3. The grant period will run from March 15, 2011 until March 15, 2012.
4. Funds will be used for Public Information and Education Resources/Injury Prevention activities and materials for the High School Injury Prevention Coalition to raise the awareness of teenage drinking and driving.
5. No FTEs are associated with this grant.

A report was read from the Finance Committee under date of March 10, 2011, that it considered the information furnished by County Administrator Allen O'Neal and Procurement Director Barrett Tolbert regarding the need to award a contract for the construction of the Public Services Building Backup Cooling Tower. It was stated that the PSB currently has a single cooling tower and that failure of a key component on this tower could render the building uninhabitable until repairs could be made and would put the Emergency Operations Center, Dispatch Center, servers, and other key services in jeopardy. It was also stated that other significant County facilities, such as the Judicial Complex, and the Detention Center, have backup cooling towers.

**F) Public
Service
Building
Backup
Cooling Tower**

It was shown that sealed bids were received for the construction of the cooling tower and that the lowest responsive and responsible bidder meeting specifications was found to be Triad Mechanical Contractors of Charleston, SC, in the amount of \$378,525.

Award of
Contract

Committee recommended that Council :

1. Increase project estimate from \$250,000 to \$395,000 by allocating \$100,000 from the Meeting Street Senior Citizens Building, \$30,000 from the Parking Garage projects, and \$15,000 from the Main Library Roof Repair to the Public

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Services Building Backup Cooling Tower with the understanding that the difference between the project budget and the low bid is for design costs and contingency.

2. Award a contract for the construction of the PSB Backup Cooling Tower to the lowest responsive and responsible bidder, Triad Mechanical Contractors, Inc., of Charleston, SC, in the amount of \$378,525.

**Fee Waivers
Policy**

Request to
Approve

Following approval of the Consent Agenda, a report was read from the Finance Committee under date of March 10, 2011 that it considered the information furnished by County Administrator Allen O'Neal, Planning and Zoning Director Dan Pennick, and Building Services Director Carl Simmons regarding fee waiver requests. It was stated that from time to time the Zoning & Planning and Building Inspections Departments receive requests from other governmental agencies and organizations for fee waivers and that the County currently has no uniform policy to address these requests.

Committee recommended that Council adopt a policy that fee waiver requests will be considered by Council on a case-by-case basis.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Summey, and carried. Messrs. Schweers and Qualey voted against the motion.

**Saint Pauls Fire
District Fee
Waiver Request**

Request to
Approve

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information furnished by County Administrator Allen O'Neal, Planning and Zoning Director Dan Pennick, and Building Services Director Carl Simmons regarding a fee waiver request received from Liollio Architecture on behalf of Saint Pauls Fire District for their Station #7 construction project. It was stated that the new station was funded through a FEMA Assistance to Firefighters Grant as part of the Federal Stimulus Grant Program.

It was shown that the waiver is requested for the following fees:

| | |
|-------------------|---------------------------------|
| \$2,699.75 | Building Plan Review Fee |
| 5,419.50 | Building Permit Fee |
| <u>50.00</u> | Zoning Permit Fee |
| \$8,169.25 | TOTAL FEE WAIVER REQUEST |

Committee recommended that Council approve the fee waiver of \$8,169.25 for St. Pauls Fire District's new Fire Station #7 construction project, based upon Council's policy decision on the preceding item.

Ms. Condon moved approval of Committee recommendation, seconded by Mr. Summey, and carried. Messrs. Schweers and Qualey voted against the motion.

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information furnished by Allen O'Neal, County Administrator; Keith Bustraen, Assistant Administrator for Finance, and Jeremy Cook, Attorney for the Charleston County PRC, regarding the PRC's request for Charleston County to approve an Ordinance on the issuance of not exceeding \$30,000,000 in General Obligation Bonds. It was stated that Council will hold a public hearing on March 15, 2011 to

receive comments on the issuance of the requested bonds.

Committee recommended that Council, after consideration of the comments received at the public hearing of March 15, 2011, approve and give first reading to the requested Ordinance.

**Charleston
County PRC
Bond
Ordinance**

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

An Ordinance approving of the issuance of not exceeding \$30,000,000 in General Obligation Bonds of the Charleston County Park and Recreation District was given first reading by title only.

A) Request to
Approve
B) Ordinance 1st
Reading

**AN ORDINANCE FINDING THAT CHARLESTON COUNTY PARK AND
RECREATION DISTRICT MAY ISSUE NOT EXCEEDING \$30,000,000 GENERAL
OBLIGATION BONDS, TO AUTHORIZE CHARLESTON COUNTY PARK AND
RECREATION DISTRICT TO ISSUE SUCH BONDS, AND TO PROVIDE FOR THE
PUBLICATION OF THE NOTICE OF THE SAID FINDING AND AUTHORIZATION.**

A report was read from the Finance Committee under date of March 10, 2011 that it considered the information furnished by County Administrator Allen O'Neal, Assistant Administrator for Finance Keith Bustraan, and Budget Director Mack Gile, regarding FY11 Local Accommodations Tax, and the desire to revise the FY11 Budget due to increased revenue collections. It was shown that with six months of collections received in FY11, the local accommodations tax is projected to exceed budgeted revenues of \$8.1 million by at least \$1.65 million.

**FY 2011 Local
Accommodations
Tax**

Recommendations

Committee recommended that Council:

1. Re-establish 5% contingency in FY11.
2. Fully restore allocations to municipalities for FY11.
3. A) Allocate a total of \$175,000 to the Citadel for FY11.
B) Allocate a total of \$175,000 to the College of Charleston for FY11.

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

The Chairman asked if any member of the audience wished to address Council.

Mr. Graham Finch, President of the Home Owners Association of Ellis Creek Landing, addressed Council regarding hardship acquisitions for the properties affected by the proposed paths of the I-526 Completion Project.

Public Forum

Mr. David Coe, of James Island, addressed Council regarding fiscal responsibility and the benefits afforded to County employees, including paid holidays and vacation time. Mr. Coe also addressed the issue of changing the boat situs law back to 90 days instead of the current 180 days.

Mr. Wilbur Jones, 4077 Pine Creek Road, Johns Island, stated that there is a chronic theft problem in the Parkers Ferry area, that the Willtown Community Association has had two air conditioning units stolen and that his own personal property in the Parkers Ferry area had been broken into and vandalized. Mr. Jones stated that he wished the Sheriff's Deputies in the area would be more rigid and appropriate in reporting crimes.

Hearing no further comments, the Chairman asked if any Member of Council wished to bring a matter before the Body.

Mr. Darby stated that he had scheduled a meeting with County Auditor Peggy Moseley regarding the taxation of boats issue that Mr. Coe has been so vocal about.

Ms. Johnson expressed her sorrow about the theft at Mr. Jones's home and stated that she would pursue the issue with the Sheriff.

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

Kristen L. Salisbury
Deputy Clerk of Council