

March 17, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 17th day of March, 2009, at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 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; Dickie Schweers; J. Elliott Summey and Paul R. Thurmond. Council Member Henry E. Darby was absent.

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

Council Member Schweers gave the invocation. Deputy Administrator for Support Walt Smalls led in the pledge to the flag.

Mr. Thurmond moved approval of the minutes of March 3, 2009, seconded by Mr. McKeown, and carried.

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

**Holocaust
Remembrance
Resolution**

A report was read from the Finance Committee meeting of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, regarding County Council's annual Resolution and candle lighting ceremony in observance of the Days of Remembrance, a week long remembrance of the victims of the Holocaust and Yom Hashoah, the International Day of Remembrance. It was stated that this year the Days of Remembrance will take place the week of Sunday, April 19 through Sunday, April 26, 2008.

Committee recommended that Council approve the Holocaust Remembrance Resolution and take part in the Candle Lighting Ceremony.

Ms. Condon moved approval of committee recommendation, seconded by Mr. McKeown, and carried.

The Chairman asked Dr. Michael Engle, and Holocaust Survivors, Mr. Joe Engle and Mrs. Janet Kolender, widow of Mr. Pincus Kolender, to come forward to accept the Resolution.

The Chairman asked the Clerk to read the Resolution, which is as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

**PROCLAIMING THE DAYS OF REMEMBRANCE
IN MEMORY OF THE VICTIMS OF THE HOLOCAUST**

"NEVER AGAIN: WHAT YOU DO MATTERS"

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims – six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; **and**,

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; **and**,

WHEREAS, we, the people of Charleston County, should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; **and**,

WHEREAS, we, the people of Charleston County, should actively rededicate ourselves to the principles of individual freedom in a just society; **and**,

WHEREAS, the Days of Remembrance have been set aside for the people of Charleston County to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; **and**,

WHEREAS, pursuant to an Act of Congress, the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, April 19 through Sunday, April 26, 2009, including the International Day of Remembrance, known as Yom Hashoah, April 21, 2009.

NOW, THEREFORE BE IT RESOLVED that Charleston County Council does hereby proclaim the week of Sunday, April 19 through Sunday, April 26, 2009, as Days of Remembrance in memory of the victims of the Holocaust and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of Charleston County, should strive to overcome intolerance and indifference through learning and remembrance.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
March 17, 2009

As the candles were lit, Dr. Michael Engle recited the following meditation

As I light this Yellow Candle, I vow never to forget the lives of the Jewish men, women, and children who are symbolized by this flame. They were tortured and brutalized by human beings who acted like beasts; their lives were taken in cruelty. May we be inspired to learn more about our six million brothers and

sisters as individuals and as communities, to recall their memory throughout the year, so that they will not suffer a double death. May we recall not only the terror of their deaths, but also the splendor of their lives. May the memory of their lives inspire us to hallow our own lives and to live meaningful lives so that we may help to insure that part of who they were shall endure always.

**Outstanding
County Waste
Reduction/
Recycling
Recognition**

The Chairman requested Greg Varner, Director of the Solid Waste/Recycling Department to come forward to accept the "Most Outstanding" State Award. Mr. Pryor said that this award was presented by the South Carolina Department of Health and Environmental Control for the County's wide variety of recycling and waste reduction programs targeted to widespread audiences, from residents to businesses and schools.

**Case #3463-C
Bears Bluff Rd.
Ordinance
3rd Reading**

An Ordinance amending Charleston County Zoning Ordinance was given third reading by title only.

**AN ORDINANCE REZONING PROPERTIES LOCATED
AT 6775 BEARS BLUFF ROAD FROM PD-94
DISTRICT TO PLANNED DEVELOPMENT DISTRICT PD 94-A**

WHEREAS, the properties located at **6775 BEARS BLUFF ROAD**, identified as Tax Map Parcel Numbers **133-00-00-041** and (is/are) currently zoned **PD-94**); and

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD) and has submitted a complete application for PD Development Plan approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve with conditions the proposed development plan, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves with conditions the proposed PD Development Plan based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR;

WHEREAS, County Council has determined the PD Development Plan meets the following criteria:

- A. The PD Development Plan complies with the standards contained in Article 4.27 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- C. The County and other agencies will be able to provide necessary public

services, facilities, and programs to serve the development proposed, at the time the property is developed.

NOW, THEREFORE, be ordained it by 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 PROPERTIES

A. Charleston County Council rezones the properties located at **6775 BEARS BLUFF ROAD**, identified as Tax Map Parcel Numbers **133-00-00-041**, from **PD-94** to Planned Development **PD-94-A**; and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for **PD-94-A**, Charleston County, South Carolina Dated **JULY 24, 2008**", including the changes thereto and conditions, if any, approved by County Council as Planned Development **94-A** or **PD-94-A**, is

Incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of **PD-94-A** must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Numbers **133-00-00-041** is amended to **PD-XXX** in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

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.

The Chairman called for third reading of the Ordinance. The roll was called and vote 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	- aye
Mr. Pryor	- aye

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

**Charles
River
Labs FILOT
Agreement
Ordinance
2nd Reading**

An Ordinance authorizing 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 AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN CHARLESTON COUNTY AND CHARLES RIVER LABORATORIES, INC. WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH CHARLES RIVER LABORATORIES, INC.; PROVIDING FOR PAYMENT BY CHARLES RIVER LABORATORIES, INC. 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 at the time of third reading.

The Chairman called for second reading of the Ordinance. The roll was called and vote 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	- 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.

**Multi-County
Industrial
Park
Ordinance
2nd Reading**

An Ordinance amending the County's Multi County Industrial Park Ordinance was given second reading by title only.

AN ORDINANCE

TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

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 vote 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	- 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.

**Charleston
Legislative
Delegation
Request to Lift**

A report was read from the Finance Committee under date of March 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Members of Council regarding the restrictions that are placed on funds under County control. It was stated that in preparing the fiscal year 2010 budget it was important that the County be given as much flexibility as possible.

Committee recommended that Council request the County Attorney to prepare a letter to the Charleston County Legislative Delegation requesting that they lift restrictions on State Restricted Funds.

Ms. Condon moved approval of committee recommendation, seconded by Mr. McKeown, and carried.

**Presidents
Day Holiday
Request to
Reimburse**

A report was read from the Finance Committee under date of March 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Members of Council, concerning funding for the Presidents Day Holiday. It was stated that due to recent discovery of a credit from the State Health Insurance Fund, the unpaid holiday was not necessary.

Committee recommended that Council authorize the Administrator to reimburse employees for the unpaid Presidents Day holiday.

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

**FYear 2009
Budget
Request to
Balance**

A report was read from the Finance Committee under date of March 11, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Chief Deputy Administrator, regarding the shortfall anticipated in this year's budget which ends on June 30, 2009.

Committee recommended that Council task staff to go back and look at the functional review suggestions to see where additional opportunities for funds exist before asking Council to use the fund balances to help balance the fiscal year 2009 budget.

Mr. McKeown moved approval of committee recommendation, seconded by Mr. Schweers, and carried. Mr. Pryor voted nay.

**AACP-1-09
2521 – 3780,
3830 Chisolm
Road
Request to
Change**

A report was read from the Planning/Public Works Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administration, and Dan Pennick, Director of the Planning Department, regarding a request to amend the Charleston County Comprehensive Plan adopted November 18, 2008.

Committee recommended that this matter be sent to Council without recommendation.

After a lengthy discussion Mr. McKeown moved to table the requested change in order for the applicant to submit an application for a Planned Development, which would require Staff and Planning Commission review as well as a Public Hearing on the Planned Development.

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

**ZPD-12-08-2132
2630 Bryans
Dairy Road
Request to
Change**

A report was read from the Planning/Public Works Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administration, and Dan Pennick, Director of the Planning Department, regarding a request to change from an Agricultural Preservation (AG-8) District to a Planned Development (PD-138) District.

Committee recommended approval with conditions.

Mr. McKeown moved approval of committee recommendation, seconded by Mr. Rawl. Council Members Condon, Inabinett, Thurmond and Pryor voted nay.

The Chairman stated that the motion was 4 in favor and 4 opposed and the motion failed.

Ms. Condon moved to bring this matter back to the Planning/Public Works Committee meeting of April 2, 2009, seconded by Mr. Summey, and carried.

ZREZ-1-09-2504
10542 Highway
78 East
A) Request to
Change
B) Ordinance
1st Reading

A report was read from the Planning/Public Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administration, and Dan Pennick, Director of the Planning Department, regarding a request to change from a Single Family Residential (R4) District to a Community Commercial (CC) District.

Committee recommended that Council approve and give first reading to an Ordinance reflecting the requested change.

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

An Ordinance rezoning property located at 10542 Highway 78 was given first reading by title only.

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 10542 HIGHWAY 78, PARCEL IDENTIFICATION 379-00-00-002, FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMUNITY COMMERCIAL (CC) DISTRICT

Charleston County Council, in meeting duly assembled, hereby makes the following findings of fact:

WHEREAS, the property known as Parcel Identification **379-00-00-002** Case **ZREZ-1-09-2504** is currently zoned **SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT**; and

WHEREAS, the current owner or an agent thereof has applied for a change in the zoning district applicable to the parcel, and

WHEREAS, the application has been reviewed by County staff and has been found to be complete and in proper form, and

WHEREAS, the County Planning Commission has reviewed the application in accordance with the procedures established in state law and the County Zoning and Land Development Regulations; and

WHEREAS, the rezoning complies in all respects with Article 3.4 of the Charleston County Zoning and Land Development Regulations; and

WHEREAS, the rezoning would conform to and implement the Charleston County Comprehensive Plan;

NOW, THEREFORE BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL THAT THE PROPERTY KNOWN AS PARCEL IDENTIFICATION 379-00-00-002, BE AND HEREBY IS REZONED FROM SINGLE FAMILY RESIDENTIAL (R-4)

DISTRICT TO COMMUNITY COMMERCIAL (CC) 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 ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.

The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL FOLLOWING THIRD READING.

**ZREZ-1-09-2527
2896 Maybank
Highway
A) Request to
Change
B) Ordinance
1st Reading**

A report was read from the Planning/Public Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administration, and Dan Pennick, Director of the Planning Department, regarding a request to change from a Single Family Residential (R4) District to a Commercial Transition (CT) District.

Committee recommended that Council approve and give first reading to an Ordinance reflecting the requested change.

Ms. Condon moved approval of committee recommendation, seconded by Mr. McKeown, and carried.

An Ordinance rezoning property located at 2896 Maybank Highway was given first reading by title only.

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT JOHNS ISLAND; 2896 MAYBANK HIGHWAY PARCEL IDENTIFICATION 312-00-00-095, FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMERCIAL TRANSITION (CT) DISTRICT

Charleston County Council, in meeting duly assembled, hereby makes the following findings of fact:

WHEREAS, the property known as Parcel Identification **312-00-00-095**, Case **ZREZ-1-09-2527** is currently zoned **SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT**; and

WHEREAS, the current owner or an agent thereof has applied for a change in the zoning district applicable to the parcel, and

WHEREAS, the application has been reviewed by County staff and has been found to be complete and in proper form, and

WHEREAS, the County Planning Commission has reviewed the application in accordance with the procedures established in state law and the County Zoning and Land Development Regulations; and

WHEREAS, the rezoning complies in all respects with Article 3.4 of the Charleston County Zoning and Land Development Regulations; and

WHEREAS, the rezoning would conform to and implement the Charleston County Comprehensive Plan;

NOW, THEREFORE BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL THAT THE PROPERTY KNOWN AS PARCEL IDENTIFICATION 312-00-00-095, BE AND HEREBY IS REZONED FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMERCIAL TRANSITION (CT) 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 ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.

The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL FOLLOWING THIRD READING.

Consent Agenda
A) Fair Housing Month
B) Community Development Week
C) Emergency Management Grant

The Chairman announced that the next item on the agenda was Council's consent agenda.

Mr. McKeown moved approval of committee recommendation, seconded by Ms. Condon, and carried.

The consent agenda is as follows:

A report was read from the Finance Committee under date of March 12th that it considered the information furnished by Allen O'Neal, County Administrator, and Christine O. DuRant, Director of Grants Administration, regarding Council adopting a Resolution declaring April as Fair Housing Month in Charleston County. It was shown that Fair Housing Month is a time to celebrate the progress made in opening the doors of housing opportunity to every citizen of this nation, regardless of race, gender, color, national, religion, family status, or disability, and to acknowledge the fair housing challenges that still remain and collectively commit in finding viable solutions to those challenges. It was further shown that the Fair Housing Act, was passed into law in 1969.

Committee recommended that Council approve a Resolution declaring April, 2009 to be Fair Housing Month in Charleston County.

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, Charleston County is designated as an Urban Entitlement Community and is a grantee of funds from the US Department of Housing and Urban Development; and

WHEREAS, HUD-funded grant recipients are obligated under various laws not to discriminate in housing or services directly or indirectly on the basis of race, color, religion, sex, national origin, age, familial status, or disability; and

WHEREAS, HUD rules further require that recipients of Federal financial assistance comply with civil rights related program requirements that affect nearly every aspect of each program. HUD's non-discrimination requirements are compiled from several different federal laws designed to protect each individual's right to fair housing and equal opportunity; and

WHEREAS, fair housing and fair housing choice is generally defined as the ability of people with similar incomes to have similar access to housing; and

WHEREAS, fair housing is an issue of affordable housing in our cities and rural areas and continues to be a problem for many families of all races, the young as well as the elderly; and

WHEREAS, Charleston County utilizes HUD funding to educate the public regarding the rights and responsibilities afforded by the fair housing law, to include the education of housing providers and financial providers; and

WHEREAS, April has been designated as Fair Housing Month in the United States, and provides an opportunity for all Americans to dedicate themselves to the principles of free choice and to reacquaint themselves with the rights and responsibilities that are theirs under the law.

NOW, THEREFORE, BE IT RESOLVED, that Charleston County Council, does hereby proclaim April 2009 as Fair Housing Month in Charleston County, and urges all citizens of Charleston County to join in this effort to reaffirm fair housing opportunities for all people and to practice the letter and spirit of the Fair Housing Law.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
March 17, 2009

A report was read from the Finance Committee of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine O. DuRant, Director of Grants Administration, regarding a request for Council to approve a Resolution naming the week of April 12-18, 2009 as Community Development Week in Charleston County. It was stated that this year marks the 35th Anniversary of the Community Development Block Grant program, which is funded through the U. S. Department of Housing and Urban Development. It was further stated that National Community Development week provides an opportunity to educate citizens at a local level on the block grant program and its critical importance to the lives of low and moderate income citizens.

Committee recommended that Council approve a Resolution declaring April 12 through April 18, 2009 as Community Development Week in Charleston County.

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, the Community Development Block Grant (CDBG) Program has operated since 1975 to provide local governments with the resources required to meet the needs of persons of low and moderate income, and CDBG funds are used by thousands of neighborhood-based non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS, the Community Development Block Grant Program has had a significant impact on our local economics through job creation, physical redevelopment and improved local tax bases; and;

WHEREAS, Charleston County and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify and resolve pressing local problems, such as affordable housing, neighborhood and human service needs, job creation and retention and physical redevelopment.

NOW, THEREFORE, BE IT RESOLVED, that Charleston County Council, does hereby proclaim the week of April 12-18, 2009, as Community Development Week in Charleston County, and urges all citizens to join in recognizing the Community Development Program of Charleston County and its importance to our community.

**CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
March 17, 2009**

A report was read from the Finance Committee of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of Emergency Management, requesting authorization to apply for grant

funding in the amount of \$78,481 from the Federal Emergency Management Agency's Local Emergency Management Planning Grant. It was stated that an in-kind match would be required, and personnel associated with the completion of projects identified in the grant scope of work would be used to satisfy the match requirement. It was further stated that no FTE's or vehicles are requested.

Committee recommended that Council approve the Emergency Preparedness Division's request to apply for grant funding in the amount of \$78,461 through the 2009 Local Emergency Management Performance Grant Program, with the understanding that the grant performance period is April 1, 2009 through March 31, 2010; that the in-kind match by the Emergency Preparedness Department personnel is required, and that no additional FTE's or vehicles are associated with the grant program.

**Establish/
Increase Fees
A) Amend
Ordinance
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of March 17, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Chief Deputy Administrator, regarding Charleston County fees. It was stated that at County Council meeting of December 16, 2008, Council directed:

1. That a fee be established for marriages performed by the Probate Court.
2. That a fee be established for duplicate tax receipts.
3. That the fee for copy charges be increased.

Committee recommended that Council amend and give first reading to Ordinance No. 1532, Chapter 2, Administration, Article V-Finance, Sec. 2-137 to include the following, with all revenues collected deposited into the General Fund:

1. Establish a marriage ceremony fee of \$60.00.
2. Establish a duplicate tax receipt fee of \$0.50.
3. Increase the fee for copied materials to \$0.50 per page.

Mr. McKeown moved approval of committee recommendation, seconded by Ms. Condon, and carried.

An Ordinance amending the County's fee Ordinance was given first reading by title only.

AN ORDINANCE

AMENDING THOSE PORTIONS OF CHARLESTON COUNTY CODE SECTION 2-137 TO ESTABLISH FEES FOR PERFORMING MARRIAGE CEREMONIES, FOR THE COST OF A DUPLICATE TAX RECEIPT AND FOR THE COST OF A COPY OF A DOCUMENT.

WHEREAS, Charleston County Council passed Charleston County Code Section 2-137. Schedule Established, of Article V. Finance, Division 2. Fees, of the

Charleston County Code of Ordinances, establishing fees for certain services and authorizing the fee amounts by the appropriate departments of the County government prior to the service being performed; and

WHEREAS, Charleston County Council seeks to amend Section 2-137 to establish fees for the performance of marriage ceremonies by the Charleston County Probate Court; and

WHEREAS, Charleston County Council seeks to amend Section 2-137 to establish a fee for a duplicate tax receipt to requesting parties; and

WHEREAS, Charleston County Council seeks to amend Section 2-137 to establish a fee for a copy of a document to requesting parties; and

WHEREAS, Charleston County Council finds that it is in the best interests of the citizens of Charleston County to establish a fee for marriage ceremonies to be performed by the Charleston County Probate Court, to establish a fee for a duplicate tax receipt to requesting parties, and to establish a fee for a copy of a document to requesting parties;

NOW, THEREFORE, be it ordained and enacted by Charleston County Council, in meetings duly assembled, 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. FEES FOR PERFORMING MARRIAGE CEREMONIES, DUPLICATE TAX RECEIPTS, AND THE COST OF A COPY OF DOCUMENT

A. Charleston County Council amends Section 2-137 of the Charleston County Code, to include the following fees:

- | | |
|---|----------------------|
| (1) Performance of Marriage Ceremony by Probate Judge | \$60.00 per marriage |
| (2) Duplicate Tax Receipt | .50 per receipt |
| (3) A Copy of a Document | .50 per page |

County Council establishes the fees for the above-listed services and authorizes the specified fee amount to be charged prior to the service being performed. This Ordinance supersedes all prior ordinances and parts of ordinances in conflict with it.

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 following third reading.

The Chairman announced that the next item on Council's Agenda, EMS Service Fees had been removed from the agenda.

**Procurement
Local
Preference
Option
A) Request to
Amend
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding an amendment to the County Procurement Ordinance. It was stated that on September 4, 2007, Council passed Ordinance no. 1519 incorporating a Local Preference Option into the County Procurement Ordinance. It was further stated that on February 28, 2009, Council directed staff to prepare an amendment to Section 2-285 of the Procurement Ordinance to eliminate the phrase "whichever is less" from the local Preference Component.

Committee recommended that Council amend Section 2-285 of the Charleston County Procurement Ordinance to eliminate the phrase "whichever is less" in the Local Preference component of the County's Procurement Ordinance.

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

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

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY PROCUREMENT ORDINANCE, DIVISION 11, SECTION 2-285, LOCAL PREFERENCE OPTION

WHEREAS, Charleston County Council passed Ordinance Number 1519, incorporating a Local Preference component into the Charleston County Procurement Ordinance; and

WHEREAS, the Local Preference Option was established to provide Charleston County businesses with the opportunity to match the bid price submitted by a non-local bidder, provided the local bidder's price is within 5% or \$10,000, whichever is less, of the lowest bid received; and

WHEREAS, Charleston County Council desires to eliminate the phrase "whichever is less" from the Local Preference Option component; and

NOW, THEREFORE, be it ordained by Charleston County Council, in meetings duly assembled, 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. SECTION 2-285 LOCAL PREFERENCE OPTION IN PROCUREMENT ORDINANCE AMENDMENT

This option allows the lowest local Bidder (defined as a Bidder whose Business is physically located and operating within the limits of Charleston County) who is within 5% or \$10,000 of the lowest non-local Bidder, to match the bid submitted by the non-local Bidder and thereby be awarded the contract. This preference shall apply only when (a) the total dollar purchase is \$10,000 or more; (b) the vendor has a valid Charleston County business license or valid business license issued by one of the municipalities within Charleston County, which was issued at least twelve (12) months prior to bid opening date; (c) the vendor has a physical business address located and operating within the limits of Charleston County and has been doing business in the County for a period of twelve (12) months or more; and (d) the vendor provides proof of payment of all applicable Charleston County taxes and fees.

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 following third reading.

**City of
Charleston
Radio System
Transition
Request to
Approve**

A report was read from the Finance Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Bill Tunick, Director of Technology Services, regarding the City of Charleston's request to begin full time operation in the County's digital radio network by late this summer. It was stated that at the March 10, 2009 meeting of the Charleston City Council, Mayor Riley was authorized to execute any required documents with the County to make this request possible.

Committee recommended that Council:

1. Authorize the Chairman of County Council to sign an agreement with the City of Charleston for use of the County Radio System, with the understanding that the \$1,388,287 capital cost required to support the City of Charleston on the County radio system will be paid through the City making annual payments of \$373,831 per year for four years starting January, 2010, and monthly payments of \$25.00 per radio, per month, also beginning in January, 2010.
2. Authorize the County Administrator to sign an agreement with Motorola for the capital lease of the radio equipment necessary to support the City on the

County radio network, with the understanding that the County will maintain ownership of this equipment.

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

**Management
RFP
Request to
Approve**

A report was read from the Finance Committee under date of March 12, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and the draft request for proposals to provide organizational management, financial and performance analysis and recommendations of Charleston County operations, functions and programs.

Committee recommended that Council approve the request for proposals, with the understanding that in addition to the normal recipients, the Request for Proposals will also be sent to the College of Charleston, Clemson University and the University of South Carolina.

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

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

Mr. Terrance Miller and Mrs. Viola Stoney Chisolm of Johns Island had some questions concerning the requested zoning changes for property on Chisolm Road.

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

Mr. Schweers said he had two comments. One, reimbursement of the Holiday pay to employees was the right thing for Council to have done, and Two, He felt that the Highway 17 South property should be used for purposes other than landfill.

Ms. Condon wished everyone a Happy St. Patrick's Day.

Mr. Summey said that he was happy that the money was found to reimburse the employees for the Presidents' Day Holiday.

The Chairman announced that the reimbursement to County employees would be in their April 3rd check.

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

Beverly T. Craven
Clerk of Council