

Charleston, S. C.  
June 19, 2012

A regular meeting of County Council of Charleston County was held on the 19<sup>th</sup> day of June, 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; Henry E. Darby; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey. Council Member Anna B. Johnson was absent.

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

Rev. Robert Reid gave the invocation. Media Specialist Tracey Amick 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 June 5, 2012, seconded by Mr. Sass, and carried.

An Ordinance approving the FY Budget of the Charleston County Park and Recreation Commission was given third reading by title only

**FY 2013 Budget  
Charleston  
County Park &  
Recreation  
Commission  
Ordinance 3<sup>rd</sup>  
Reading**

#### **AN ORDINANCE**

**APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE CHARLESTON COUNTY PARK AND RECREATION COMMISSION FOR FISCAL YEAR 2012-2013**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named Charleston County Park and Recreation Commission, and

**WHEREAS**, the Charleston County Park and Recreation Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

#### **Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund budget of the Charleston County Park and Recreation Commission in the amount of \$13,861,124 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 3.6 mills before adjustment for reassessment (not to exceed 3.7 mills after adjustment for reassessment) for operating expenditures for the Commission in the year 2012, and the Treasurer shall collect upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

The Auditor of Charleston County shall levy the necessary Millage, and the Treasurer shall collect upon all taxable property within the boundary of the district during the fiscal year beginning July 1, 2012, and ending June 30, 2013 a total not to exceed \$5,677,695 for the debt service for the district.

**Section 4.**

The \$2,804,547 difference between the \$13,861,124 in budgeted expenditures and the \$11,056,577 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for fiscal year 2013, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the Charleston County Park and Recreation Commission a sum or sums up to \$4,500,000 for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Special Purpose District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

**Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

**Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Charleston County Park and Recreation Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Charleston County Park and Recreation Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 8.**

All monies properly encumbered as of June 30, 2012, shall be added to the Charleston County Park and Recreation Commission's budget for Fiscal Year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Charleston County Park and Recreation Commission's governing

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	- absent
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 passed third reading.

**FY 2013 Cooper  
River Park &  
Playground  
Commission  
Ordinance 3<sup>rd</sup>  
Reading**

An Ordinance approving the FY 2013 budget of the Cooper River Park and Playground Commission was given third reading by title only.

**AN ORDINANCE**

**APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE COOPER RIVER PARK AND PLAYGROUND COMMISSION FOR FISCAL YEAR 2012-2013**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named Charleston County Park and Recreation Commission, and

**WHEREAS**, the Charleston County Park and Recreation Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund budget of the Charleston County Park and Recreation Commission in the amount of \$13,861,124 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 4.0 mills for operating expenditures and 1.4 mills for debt service for the Commission in the year 2012, and the Treasurer shall collect upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

**Section 4.**

The \$1,908,547 difference between the \$13,861,124 in budgeted expenditures and the \$11,953,056 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for fiscal year 2013, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the Charleston County Park and Recreation Commission a sum or sums up to \$4,500,000 for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Special Purpose District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from

special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

**Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

**Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Charleston County Park and Recreation Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Charleston County Park and Recreation Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 8.**

All monies properly encumbered as of June 30, 2012, shall be added to the Charleston County Park and Recreation Commission's budget for Fiscal Year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Charleston County Park and Recreation Commission's governing body.

**Section 9.**

All monies designated by the Charleston County Park and Recreation Commission as of June 30, 2012, shall be added to the applicable organizational budget for Fiscal Year 2013. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 10.**

The Charleston County Park and Recreation Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the Charleston County Park and Recreation Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 11.**

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 12.**

This Ordinance shall become effective upon Third Reading.

ADOPTED and APPROVED in meeting duly assembled this 19<sup>th</sup> day of June, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.  
Chairman of Charleston County Council

ATTEST:

Beverly T. Craven  
Clerk to Charleston County Council

First Reading: June 5, 2012  
Second Reading: June 12, 2012  
Third Reading: June 19, 2012

This Ordinance shall become effective upon 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	- absent
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 passed third reading.

An Ordinance approving the FY 2013 budget for the James Island PSD was given third reading by title only.

**FY 2013 Budget  
James Island  
PSD Ordinance  
3<sup>rd</sup> Reading**

**AN ORDINANCE**

APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE JAMES ISLAND PSD FOR FISCAL YEAR 2012-2013

**WHEREAS**, Charleston County Council has budgetary authority over the above named James Island Public Service District, and

**WHEREAS**, the James Island Public Service District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the James Island Public Service District in the amount of \$6,037,431 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 50.1 mills for operating expenditures and 3.8 mills for Debt Service for the District in the year 2012, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

**Section 4.**

The \$432,486 difference between the \$6,037,431 in budgeted expenditures and the \$5,604,945 in budgeted ad valorem taxes will come from operating reserves.

**Section 5.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

**Section 6.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the James Island Public Service District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the James Island Public Service District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 7.**

All monies properly encumbered as of June 30, 2012, shall be added to the James Island Public Service District's budget for Fiscal Year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the James Island Public Service District's governing body.

**Section 8**

All monies designated by James Island Public Service District as of June 30, 2012, shall be added to the applicable organizational budget for Fiscal Year 2013. These designated monies may be expended only as set forth in their authorization by the District. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 9.**

The James Island Public Service District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the James Island Public Service District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 10.**

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 11.**

This Ordinance shall become effective upon 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	- absent
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 passed third reading.

An Ordinance approving the FY 2013 Budget for North Charleston District was given third reading by title only.



APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE NORTH CHARLESTON DISTRICT FOR FISCAL YEAR 2012-2013

**WHEREAS**, Charleston County Council has budgetary authority over the above-named North Charleston District, and

**WHEREAS**, the North Charleston District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the North Charleston District in the amount of \$1,199,766 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 88.0 mills for the operating expenditures of the District in the year 2012, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

**Section 4.**

The \$371,022 difference between the \$1,199,766 in budgeted expenditures and the \$828,744 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

**Section 6**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the North Charleston District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the North Charleston District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 7.**

All monies properly encumbered as of June 30, 2012, shall be added to the North Charleston District's budget for Fiscal Year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the North Charleston District's governing body.

### **Section 8**

All monies designated by the North Charleston District Commission as of June 30, 2012, shall be added to the applicable organizational budget for Fiscal Year 2013. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

### **Section 9.**

The North Charleston District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the North Charleston District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

### **Section 10.**

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 11.**

This Ordinance shall become effective upon 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	- absent
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 passed third reading.

**FY 2013 Budget  
St. Andrews  
Parish Park &  
Recreation  
Commission  
Ordinance 3<sup>rd</sup>  
Reading**

The Chairman called for third reading on the FY 2013 St. Andrews Parish Park and Recreation Commission budget.

Ms. Condon moved to increase the St. Andrews Parish Parks & Playground Commission's budget by \$35,120 to \$2,146,857, as requested by the Commission, with no change to the millage rate, due to use of their fund balance.

This motion was seconded by Mr. Schweers and carried.

An Ordinance, as amended, approving the FY 2013 Budget for St. Andrews Parish Park and Recreation Commission was given third reading by title only

**AN ORDINANCE**

**APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE ST. ANDREWS PARK AND PLAYGROUND COMMISSION FOR FISCAL YEAR 2012-2013**

**WHEREAS**, Charleston County Council has budgetary authority over the above-named St. Andrew's Parish Parks and Playground Commission, and

**WHEREAS**, the St. Andrew's Parish Parks and Playground Commission has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the St. Andrew's Parish Parks and Playground Commission in the amount of \$2,146,857 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 17.4 mills for operating expenditures for the Commission in the year 2012, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the Commission during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

**Section 4.**

The \$779,622 difference between the \$2,146,857 in budgeted expenditures and the \$1,367,235 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for Fiscal Year 2013, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. Andrew's Parish Parks and Playground Commission a sum or sums up to \$400,000 for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Commission; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

#### **Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

#### **Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. Andrew's Parish Parks and Playground Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. Andrew's Parish Parks and Playground Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

#### **Section 8.**

All monies properly encumbered as of June 30, 2012, shall be added to the St. Andrew's Parish Parks and Playground Commission's budget for Fiscal Year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. Andrew's Parish Parks and Playground Commission's governing body.

#### **Section 9.**

All monies designated by the St. Andrew's Parish Parks and Playground Commission as of June 30, 2012, shall be added to the applicable organizational budget for Fiscal Year 2013. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

#### **Section 10.**

The St. Andrew's Parish Parks and Playground Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. Andrew's Parish Parks and Playground Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

#### **Section 11.**

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 12.**

This Ordinance shall become effective upon Third Reading.

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- absent
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, as amended, to have passed third reading.

**FY 2013 Budget  
St. Johns Fire  
District  
Ordinance 3<sup>rd</sup>  
Reading**

An Ordinance approving the FY 2013 budget for the St. John's Fire District was given third reading by title only.

**AN ORDINANCE**

APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE ST. JOHN'S FIRE DISTRICT FOR FISCAL YEAR 2012-2013

**WHEREAS**, Charleston County Council has budgetary authority over the above-named St. John's Fire District, and

**WHEREAS**, the St. John's Fire District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

**Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

**Section 2.**

That the General Fund Budget of the St. John's Fire District in the amount of \$10,520,924 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 20.5 mills for operating expenditures and 2.8 mills for debt service in the year 2012, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

**Section 4.**

The \$778,899 difference between the \$10,520,924 in budgeted expenditures and the \$9,742,025 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said District for Fiscal Year 2013, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. John's Fire District a sum or sums up to \$1,000,000 Dollars for the use of the aforementioned District and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting

therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

#### **Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

#### **Section 7.**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. John's Fire District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. John's Fire District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

#### **Section 8.**

All monies properly encumbered as of June 30, 2012, shall be added to the St. John's Fire District's budget for Fiscal Year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. John's Fire District's governing body.

#### **Section 9.**

All monies designated by the St. John's Fire District's Commission as of June 30, 2012, shall be added to the applicable organizational budget for Fiscal Year 2013. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

#### **Section 10.**

The St. John's Fire District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. John's Fire District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

#### **Section 11.**

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 12.**

This Ordinance shall become effective upon 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	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes, one (1) nay and one (1) absent, the Chairman declared the Ordinance to have passed third reading.

**FY 2013 Budget  
St. Pauls Fire  
District  
Ordinance 3<sup>rd</sup>  
Reading**

An Ordinance approving the FY 2013 budget for the St. Pauls Fire District was given third reading by title only

## **AN ORDINANCE**

APPROVING THE BUDGET AND DIRECTING THE AUDITOR OF CHARLESTON COUNTY TO LEVY THE NECESSARY MILLAGE AND THE TREASURER TO COLLECT TAXES FOR THE ST. PAULS FIRE DISTRICT FOR FISCAL YEAR 2012-2013 AND AUTHORIZING THE ISSUANCE OF A TAX ANTICIPATION NOTE IN THE AMOUNT UP TO \$1,500,000.

**WHEREAS**, Charleston County Council has budgetary authority over the above-named St. Paul's Fire District, and

**WHEREAS**, the St. Paul's Fire District has submitted a budget to County Council for approval,

**NOW, THEREFORE, BE IT ORDAINED** by the Charleston County Council, in meeting duly assembled:

## **Section 1.**

That the findings contained in this Ordinance are approved and confirmed in all respects.

## **Section 2.**



That the General Fund Budget of the St. Paul's Fire District in the amount of \$4,851,821 is hereby approved by Charleston County Council.

**Section 3.**

The Auditor of Charleston County shall levy 48.2 mills for operating expenditures and 3.1 mills for debt service of the District in the year 2012, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2012, and ending June 30, 2013.

**Section 4.**

The \$406,388 difference between the \$4,851,821 in budgeted expenditures and the \$4,445,433 in budgeted ad valorem taxes consists of other available funding sources.

**Section 5.**

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said District for fiscal year 2013, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. Paul's Fire District a sum or sums up to \$1,500,000 for the use of the aforementioned District and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

**Section 6.**

By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

**Section 7**

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. Paul's Fire District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant

application and expenditures by the governing body of the St. Paul's Fire District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

**Section 8.**

All monies properly encumbered as of June 30, 2012, shall be added to the St. Paul's Fire District's budget for fiscal year 2013. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. Paul's Fire District's governing body.

**Section 9**

All monies designated by the St. Paul's Fire District Commission as of June 30, 2012, shall be added to the applicable organizational budget for Fiscal Year 2013. These designated monies may be expended only as set forth in their authorization by the Commission. Unencumbered appropriations shall remain in the respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

**Section 10.**

The St. Paul's Fire District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. Paul's Fire District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

**Section 11.**

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 12.**

This Ordinance shall become effective upon Third Reading.

ADOPTED and APPROVED in meeting duly assembled this 19<sup>th</sup> day of June, 2012.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr., Chairman  
Charleston County Council

ATTEST:

Beverly T. Craven, Clerk

First Reading: June 5, 2012  
 Second Reading: June 12, 2012  
 Third Reading: June 19, 2012

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	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes, one (1) nay and one (1) absent, the Chairman declared the Ordinance to have passed third reading.

**FY 2013  
 Transportation  
 Sales Tax  
 Budget  
 Request to  
 Approve  
 Ordinance 3<sup>rd</sup>  
 Reading**

An Ordinance to approve the FY 2013 budget for the Transportation Sales Tax Special Revenue Fund was given third reading by title only.

#### AN ORDINANCE

TO ESTABLISH AND MAKE APPROPRIATIONS FOR FISCAL YEAR 2013 FROM THE TRANSPORTATION SALES TAX SPECIAL REVENUE FUND FOR PROJECTS AND PURPOSES PERMITTED BY LAW; TO PROVIDE FOR BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; AND OTHER MATTERS RELATED THERETO

**WHEREAS**, County Council, by Ordinance No. 1324, duly enacted on August 10, 2004 (the "Sales Tax Ordinance"), provided for the imposition of a ½ of one percent sales and use tax (the "Sales Tax") in Charleston County pursuant to the provisions of S.C. Code Section 4-37-10 et seq. (the "Act"), subject to the results of a referendum to be held on the imposition of the sales tax on November 2, 2004 (the "Referendum"); and

**WHEREAS**, the Referendum was approved by a majority of the qualified electors of the County, and

**WHEREAS**, pursuant to applicable law, rules and regulations, the sales tax will be collected starting May 1, 2005, and

**WHEREAS**, there is a need to provide funds for greenbelts, mass transit, administration and other transportation-related projects before the beginning of the next County fiscal year, and

**WHEREAS**, pursuant to the Sales Tax Ordinance, a budget for expenditures of sales and use tax revenues from this source must be approved by County Council,

NOW, THEREFORE, BE IT ORDAINED by the County Council of Charleston County:

County Council hereby adopts the above recitals as findings of fact.

**SECTION 1:** Revenues and income accruing to the County of Charleston during Fiscal Year 2013 from the proceeds of the Sales Tax shall be deposited into the Transportation Sales Tax Special Revenue Fund, and paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance.

**SECTION 2:** There is hereby appropriated from the Transportation Sales Tax Special Revenue Fund the following amounts for the following respective corporate purposes of Charleston County for and during the period beginning July 1, 2012, and ending June 30, 2013, to wit:

<u><b>Organization Units:</b></u>	<u><b>Mass Transit</b></u>	<u><b>Greenbelts</b></u>	<u><b>Transportation Related Projects</b></u>
CARTA	\$ 6,762,000	\$ -	\$ -
RTMA - Tri-County Link	398,000	-	-
ITN Charleston Trident	30,000	-	-
Greenbelts - Operating	-	178,034	-
MWDBE Program	-	-	308,860
Public Information Office	-	-	36,141
Roads Program	-	-	17,390,850
Debt Service	-	8,527,078	18,657,400
County Indirect Cost	10,000	5,000	160,000
<b>TOTAL</b>	<u><b>\$ 7,200,000</b></u>	<u><b>\$ 8,710,112</b></u>	<u><b>\$ 36,553,251</b></u>

**SECTION 3:** Unless covered by SECTION 5 or 6 of this ordinance, all of the foregoing appropriations are maximum and conditional, and are subject to reduction by action of County Council in the event that the County's revenues accruing to its Transportation Sales Tax Special Revenue Fund shall fail to be sufficient to pay the same, to the end that the cost of operation of the county government shall remain at all times within its income.

**SECTION 4:** For internal County organizational units, the salaries or compensation of positions funded in whole or in part through this budget shall be determined and paid in accordance with the provisions of the Personnel Policies and Procedures adopted by County Council. Travel and expense allowances shall be paid only upon proper documentation as prescribed by the County Administrator. The per diem rates adopted by the State of South Carolina and the mileage reimbursement rates adopted by the Internal Revenue Service shall apply. Positions funded in whole or in part through this budget shall only be those in support of expenditures of funds authorized by the Act and the Sales Tax Ordinance. Positions not solely providing administrative support to projects and purposes under the Act and the Sales Tax Ordinance shall be funded in part from other sources.

**SECTION 5:** Anticipated revenues accruing to the Transportation Sales Tax Special Revenue Fund are stated in this Budget Ordinance. Should actual funding sources for said fund be less than projected, the Administrator shall reduce budgeted expenditures attributable to said fund. Should actual funding sources be greater than projected in this Ordinance, the Administrator may a) revise budgeted expenditures or b) direct the increase to be held for future years expenditures. Any such actions shall be periodically reported to County Council.

SECTION 6: Internal County organizational units are bound to the appropriated disbursements as defined in SECTION 2 as delineated in the FY 2013 Approved Budget Detail document prepared in support of this ordinance.

The County Administrator, or his designated representative, is hereby authorized to effect transfers between County organizational units. By amendment to this ordinance, County Council may also adjust appropriations and make supplemental appropriations from the proceeds of the Sales Tax.

SECTION 7: Agencies outside the County which receive funds from the Transportation Sales Tax Special Revenue Fund shall enter into an intergovernmental agreement in a form approved by the County Administrator and County Attorney. Such agreements shall include, provisions set forth herein, as well as other provisions necessary or helpful in administering the distribution of funds hereunder pursuant to the Act, the Sales Tax Ordinance, and other applicable laws, rules, regulations and County policies.

SECTION 8: In order that Council may be assured that monies appropriated to the outside agencies funded from the proceeds of the Sales Tax are properly expended for projects and purposes permissible under the Act and the Sales Tax Ordinance, such agencies receiving funds shall submit requests for funding in accordance with procedures and schedules established by the County Administrator. Such procedures and schedules shall require, *inter alia*, a statement of the particular purpose(s) for which the money is intended to be spent. Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of Sales Tax funds must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in a form satisfactory to County Council.

SECTION 9: Contracts necessary for County organizational units to expend monies appropriated in this budget when not specifically permitted by the Charleston County Procurement Code are hereby authorized and said contracts shall be approved by a resolution of County Council. Awards of bids are hereby authorized and shall be conducted in accordance with the provisions of the Charleston County Procurement Code.

SECTION 10: The Charleston County Administrator is hereby authorized to prepare and administer the detailed operating budget in support of and not inconsistent with the provisions of this ordinance as the detailed transportation sales tax budget for Charleston County.

SECTION 11: The classification and grades of all positions shown in the detailed budget are only provisional and are subject to audit by the Human Resources Department to recommend the appropriate grade and classification.

SECTION 12: The County Administrator, or his designated representative, is hereby authorized to transfer positions (Full Time Equivalents – FTEs) among organizational units and fund types.

SECTION 13: If any provision of this ordinance or its applications 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 14:** All provisions of the Charleston County Fiscal Year 2013 operating budget which are complementary hereto and not inconsistent herewith are hereby incorporated by reference and shall govern expenditures from the Transportation Sales Tax Special Revenue Fund.

**SECTION 15:** This ordinance shall be effective following approval of 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	- absent
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- ay
Mr. Summey	- aye
Mr. Pryor	- aye

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

An Ordinance approving the FY 2013 Solid Waste User Fee Budget was given third reading by title only.

### **AN ORDINANCE**

**RELATING TO THE IMPOSITION OF ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES FOR THE DISPOSITION OF SOLID WASTE AND RECYCLING; PROVIDING FOR CLASSIFICATIONS OF REAL PROPERTY SUBJECT TO ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES; AND ESTABLISHING THE AMOUNT OF THE ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES.**

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

**SECTION 1. Findings.** It is hereby found and declared by Charleston County Council ("County Council"), the governing body of Charleston County, South Carolina (the "County"):

1. On October 20, 1987, County Council adopted an ordinance entitled AN ORDINANCE RELATING TO THE DISPOSITION OF SOLID WASTE; PROVIDING FOR THE COLLECTION OF SUCH USER FEE; AND PROVIDING FOR AN EFFECTIVE DATE, (the "Solid Waste Ordinance"). A requirement of the Solid Waste Ordinance is that County Council each year adopt an ordinance relating to rates to be imposed during the year to pay certain costs associated with disposition of Solid Waste. County Council attempts to consider the rate ordinance at substantially the same time each year that it considers its budget ordinance

inasmuch as the two ordinances each relate to the cost of providing basic services to the County's residents. County Council has adopted rate ordinances as contemplated by the Solid Waste Ordinance for each fiscal year since adoption of the Solid Waste Ordinance. The rate ordinances relate to, among other things, the imposition of annual disposal user fees for the disposition of solid waste, provide for classifications of real property subject to annual disposal user fees and establish the amount and make appropriations of the annual disposal user fees. The rate ordinances were adopted on September 20, 1988, August 22, 1989, October 2, 1990, June 18, 1991, June 2, 1992, June 15, 1993, June 7, 1994, June 6, 1995, June 4, 1996, June 3, 1997, June 2, 1998, June 1, 1999, June 6, 2000, June 5, 2001, June 4, 2002, June 3, 2003, June 1, 2004, June 6, 2005, June 6, 2006, June 5, 2007, June 3, 2008, June 2, 2009, June 15, 2010, and June 16, 2011. The Solid Waste Ordinance, the 1988 Ordinance, the 1989 Ordinance, the 1990 Ordinance, the 1991 Ordinance, the 1992 Ordinance, the 1993 Ordinance, the 1994 Ordinance, the 1995 Ordinance, the 1996 Ordinance, the 1997 Ordinance, the 1998 Ordinance, the 1999 Ordinance, the 2000 Ordinance, the 2001 Ordinance, the 2002 Ordinance, the 2003 Ordinance, the 2004 Ordinance, the 2005 Ordinance, the 2006 Ordinance, the 2007 Ordinance, the 2008 Ordinance, the 2009 Ordinance, the 2010 Ordinance, and the 2011 Ordinance are herein referred to as the Ordinances.

2. In each of the Ordinances, County Council has made certain findings and declarations concerning the need for an adequate Solid Waste Disposal and Resource Recovery System (the "System") for the County, concerning the means of obtaining the use of such System, concerning the benefits that would accrue to property owners in the County from the existence of the System, and concerning certain other matters set forth more fully in the Ordinances.

In each of the Ordinances, County Council has made specific reference to certain terms and conditions set forth in the Ordinances previously adopted but has not specifically set forth the provisions to which reference has been made. As a result, it has been necessary in the past to refer to each of the Ordinances for a complete understanding of all the terms and conditions relating to the System. In connection with adoption of the 1995 Ordinance, several citizens suggested that a single rate ordinance restating the relevant provisions of the Ordinances would be helpful to their understanding of the System. County Council determined to undertake such an effort in adopting the 1995 Ordinance, which attempted to include many of the separate terms and conditions set forth in each of the Ordinances in order to cumulatively present the County's system of Solid Waste. In the interest of efficiency, County Council has determined to incorporate by reference the 1995 Ordinance rather than restate herein the terms and conditions that cumulatively present the County's system of Solid Waste. In addition to incorporating by reference the 1995 Ordinance, it is the purpose of this Ordinance to take the action required on an annual basis by the Solid Waste Ordinance.

3. As stated in Paragraph 2 of SECTION 5 of the Solid Waste Ordinance, as amended, County Council must adopt a Rate Ordinance establishing classifications and determining the Recycling and Disposal Fees to be imposed upon the Owners of occupied real property within the County. The purpose of this Ordinance is to meet the requirements of the Solid Waste Ordinance and the Ordinances.

SECTION 2. Definitions. The definitions contained in the Ordinances are incorporated herein by reference.

SECTION 3. Annual Solid Waste Recycling and Disposal Fees, Amendment of SECTION 20 of the Solid Waste Ordinance. As required by Paragraph (1) of SECTION 5 of the Solid Waste Ordinance, and as further required by the Ordinance providing for the issuance of the 1994 User Fee Revenue Bonds, County Council is required annually to adopt a budget for the operation and maintenance of the System. Such budget is attached hereto as Exhibit A, which budget confirms the funds described in the Fiscal Year Beginning July 1, 2012 Budget Ordinance adopted by County Council substantially on a schedule consistent with adoption of this Ordinance, which funds are hereby appropriated for the purposes set forth in Exhibit A. In order to provide a portion of the sum reflected in the budget, County Council sets the following Annual Solid Waste Recycling and Disposal Fees.

1. Residential Properties -- the Annual Solid Waste Recycling and Disposal Fee (the "Fee" or "Fees") for Residential Properties shall be as follows:

<u>Classification of Property</u>	<u>Annual Solid Waste Recycling and Disposal Fee</u>
Single Family Residence	\$99.00 each
Multi-family Unit	\$70.00 each

2. Non-Residential Properties -- the Fee for Non-Residential Properties shall be \$86.00 for all Non-Residential Properties that generate 0.5 cubic yards or less of non-compacted waste per week. The Fee for other Non-Residential Properties shall be the product of \$172.00 multiplied by the average number of cubic yards of non-compacted waste generated per week. Compacted waste shall be calculated at a ratio of four cubic yards of noncompacted waste for every one yard of compacted waste.

SECTION 4. Preparation of Annual Disposal User Fee Roll. The Solid Waste Ordinance provides that upon adoption by the County Council of the Rate Ordinance and not later than the date the County tax books are transmitted by the Auditor to the County pursuant to Section 12-39-140 of the S.C. Code, 1976, as amended, the Auditor shall cause to be prepared an Annual Disposal User Fee Roll (the "Fee Roll"). The information required to be included in the Fee Roll shall conform to that maintained by the Auditor on the tax books with respect to real property within the County.

The Solid Waste Ordinance further provides that County Council shall cause to be published in a newspaper of general circulation in the County, once each week for two consecutive weeks, notice that County Council on a specified date at a regular or special meeting will hear testimony as to the amount of any Fee. At such time as the Fee Roll is prepared, County Council will cause to be reviewed the Fee Roll prepared by the Auditor with respect to Residential Properties. County Council shall make such changes or additions as necessary to conform the roll to the Rate Ordinance. If upon the completion of such review, County Council shall be satisfied that the Fee Roll for Residential Properties has been prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll and certify the roll to the Treasurer and the Solid Waste User Fee Department, as appropriate, for collection.



County Council will also cause to be reviewed the Fee Roll for Non-Residential Properties prepared by the Revenue Collections Department. County Council shall make such changes or additions as necessary to conform such roll to the Rate Ordinance. If upon the completion of such review, County Council shall be satisfied that the Fee Roll for Non-Residential Properties has been prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll and certify the roll to the Revenue Collections Department for collection.

SECTION 5. Required Publications and Public Hearing. As required in Sections 5 and 7 of the Solid Waste Ordinance, a public hearing shall be held prior to adoption of this Ordinance for the following purposes:

1. To adopt a budget for the operation and maintenance of the System.
2. To adopt a Rate Ordinance establishing classifications and determining the Fees.

As required by the last paragraph of Section 5 of the Solid Waste Ordinance, notice of the time, place and purpose of the public hearing was published once a week for two successive weeks prior to the public hearing, specifically May 28, 2012 and June 4, 2012. The form of such notice is attached hereto as Exhibit B.

As required by SECTION 7 of the Solid Waste Ordinance, "County Council shall cause to be published in a newspaper of general circulation in the County once each week for two consecutive weeks, notice that the County Council on a specified date at a regular or special meeting will hear testimony as to the amount of any Annual Recycling and Disposal Fee." Such notice was supplied in the publication described in the preceding paragraph in order to afford County Council the opportunity to hear testimony as to the amount of the Fee. As stated above, the form of such notice is attached hereto as Exhibit B.

SECTION 6. Ratification and Confirmation of Annual Solid Waste Recycling and Disposal Fee. A public hearing has been held in connection with adoption of this Ordinance to enable County Council to hear comments and receive testimony regarding (1) the budget for the System and (2) the rates and classifications determining the Fees to be imposed upon the Owners of certain property within the County or collected by municipalities primarily located in the County. County Council hereby ratifies and confirms the Fee.

SECTION 7. Partial Invalidity. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect upon third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 19<sup>th</sup> day of June, 2012.

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	- absent
Mr. Qualey	- nay
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes, one (1) nay and one (1) absent, the Chairman declared the Ordinance to have passed third reading.

**Council  
Members  
Chairman's  
Comments.**

The Chairman stated that, as he had announced prior to beginning Council's meeting tonight, that he had removed third reading of the FY 2013 County Budget from this evening's Council meeting since the SC Legislature had not made a decision on its Local Government Funding. He said he was calling for a Special County Council Meeting on Tuesday, June 26<sup>th</sup> at 4:00 pm for Council to give third reading to the FY 2013 County Budget.

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

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

Beverly T. Craven  
Clerk of Council