

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **Monday October 24, 2005**, to begin immediately following Public Hearings, the meeting of the Committee on Finance, and the Committee on Land Use at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

**Public Hearing Bills Numbered: 05-63, 05-64, 05-65, 05-66, 05-67,
05-68, 05-69, and 05-70
Regular Council Meeting**

**September 26, 2005
September 26, 2005**

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. **Bill No. 05-62**, an ordinance granting a franchise renewal for the construction, acquisition, operation, and maintenance of a cable television system within specific unincorporated areas of the County of Berkeley to **Time Warner Cable, Inc.**
[Recommended by Committee on Finance]

2. **Bill No. 05-73**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Teresa F. Hood Clemmons**, 1950 Cane Gully Road, Moncks Corner, **TMS #105-00-00-052** (9.74 acres), **from GC, General Commercial District to F-1, Agriculture District.** Council District No. 6.
[Recommended by Committee on Land Use]

3. **Bill No. 05-74**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tony Berenyi**, Clements Ferry Road, Charleston, **TMS #268-00-00-124** (12.94 acres), **from GC, General Commercial District to R-4, Multi-Family District (Small Scale).** Council District No. 2.
[Recommended by Committee on Land Use]

4. **Bill No. 05-76**, an ordinance authorizing the execution and delivery of a **Fee-In-Lieu of Tax Agreement** by and among Berkeley County and **BooneDock, LLC**; and other matters relating thereto including, without limitation, payment of a Fee-In-Lieu of taxes.
[Recommended by Committee on Finance]

5. **Bill No. 05-78**, an ordinance to amend Chapter 65, Article 2, of the Berkeley County Code of Ordinances, establishing a prohibition against the use of public and private wastewater collection and treatment systems for certain areas within Berkeley County; and establishing certain exceptions thereto.
[Recommended by Committee on Water & Sanitation]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 05-80**, an ordinance authorizing the execution and delivery of a **Fee-In-Lieu of tax agreement** and certain instruments relating thereto by and between Berkeley County and **Union Underwear Company, Inc.**, whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Union Underwear Company, Inc.; providing for payment by Union Underwear Company, Inc. of certain fees in lieu of ad valorem taxes; and other matters relating thereto.
[Recommended by Committee on Finance]

2. **Bill No. 05-81**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Pointe North Community Church**, Old Highway 52, Moncks Corner, **TMS #142-00-01-073** (22 acre portion of 28 acres), **from GC, General Commercial District to R-4, Multi-Family (Small Scale)**. Council District No. 8.
[Recommended by Committee on Land Use]

3. **Bill No. 05-82**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Mt. Holly Commerce Park**, Moncks Corner, **TMS #211-00-02-096** (Lot 21), (19.2 acres), **from HI, Heavy Industrial to GC, General Commercial District**. Council District No. 3.
[Recommended by Committee on Land Use]

4. **Bill No. 05-83**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Charles and Katie Koth**, 1494 Charity Church Road, Huger, **TMS #240-00-00-013** (2.81 acres), **from RNC, Rural and Neighborhood Commercial District to F-1, Agricultural District**. Council District No. 8.
[Recommended by Committee on Land Use]

5. **Bill No. 05-84**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **HGBD, Inc.**, 567 Sanders Farm Road,

Charleston, TMS #271-00-02-060 (20.39 acres), from F-1, Agricultural District to R-1, Single Family District. Council District No. 8.
[Recommended by Committee on Land Use]

6. **Bill No. 05-85**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ruby J. Fields**, 2466 Clements Ferry, Charleston, TMS #271-00-01-094, and 004 (2.604 and .941 acres, Total 3.545 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 8.
[Recommended by Committee on Land Use]

7. **Bill No. 05-86**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **DRR Developers**, West Dike Road, Pinopolis, TMS (SCPSA) (36.087 acres), from F-1, Agricultural District to R-1, Single Family Residential District. Council District No. 6.
[Recommended by Committee on Land Use]

FIRST READING

1. **Bill No. 05-87**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **The Parks of Berkeley, LLC and Crescent Resources, LLC**, Sheep Island Road and US Hwy. 176, Summerville, TMS #221-00-00-133 (1,149.7 acres) and TMS #195-00-00-046 (3,402.2 acres), from F1, Agricultural District to PDMU, Planned Development Mixed Use District, and proposed Development Plan for The Parks of Berkeley. Council District No. 7.

2. **Bill No. 05-88**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Timothy Reed**, 1001 St. James Avenue, Goose Creek, TMS #223-00-00-010 (1.6 acres), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 4.

3. **Bill No. 05-89**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Kelli Garrett and Sunshine Jones**, 1068 Clements Ferry Road, Charleston, TMS #263-00-03-029 (.61 acre) from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 2.

4. **Bill No. 05-90**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Joe Lawrence**, Hamlin Corner Road, Huger, TMS #248-00-02-078 (1.7 acres), from R-2, Manufactured Residential District to RNC, Rural and Neighborhood Commercial District. Council District No. 8.

5. **Bill No. 05-91**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Maxine Woodham**, 3447 South Live Oak Drive, Moncks Corner, TMS #209-12-00-044 (1 acre), from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 6.

6. **Bill No. 05-92**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **J. B. Hood**, Old Mill Road, St. Stephen, Portion of TMS #036-00-03-011 (16.66 acres), **from GC, General Commercial District to R-1, Single Family District**. Council District No. 7.

7. **Bill No. 05-93**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Earthsource Engineering**, 2563 Clements Ferry Road, Charleston, TMS #271-00-02-035 (17.946 acres), **from R-2, Manufactured Residential District and GC, General Commercial District to R-4, Multi-Family District (Small Scale)**. Council District No. 8.

8. **Bill No. 05-94**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Amadeo & Erlinda Biascan**, 1818 South Live Oak Drive, Moncks Corner, TMS #180-00-02-009 (36.087 acres), **from R-2, Manufactured Residential District to RNC, Rural and Neighborhood Commercial District**. Council District No. 6.

9. **Bill No. 05-95**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Marc G. and Tamara B. Haight**, 328 Doc's Place, Moncks Corner, TMS #162-00-02-024 (5.92 acres), **from PDMU, Planned Development Mixed Use to GC, General Commercial District**. Council District No. 8.

10. **Bill No. 05-96**, an **ordinance** to amend the agreement for development of a **Joint County Industrial Park** executed on April 24, 1995, by and among Berkeley County, South Carolina and **Williamsburg County**, South Carolina, providing for the development of a jointly owned and operated Industrial/Business Park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters relating thereto.

[Recommended by Committee on Finance]

11. **Bill No. 05-97**, an **ordinance** authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a **Fee Agreement** between Berkeley County, South Carolina and **AAI Corporation and API Properties 812, LLC**; and matters relating thereto.

[Recommended by Committee on Finance]

RESOLUTIONS

1. **RESOLUTION** providing for the Transfer of Funds in the 2005-2006 Berkeley County Budget for County purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** to remember the **Honorable Judy C. Mims** of Berkeley County for her services as a member of Berkeley County Council.

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Council Member, Mr. Dennis L. Fish, Chairman.
Recommendations:
 - a. Re-designation of lease purchase funds.

2. **Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
Recommendations:

3. **Committee on Public Works and Purchasing.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
Bids and Recommendations:
 - a. Sole Source Purchase – Two (2) Taylor Made Ambulances – EMS.
 - b. Sole Source Purchase – Taylor Made Ambulance for retrofitting mass casualty bus- EMS.
 - c. Sole Source Purchase – One (1) Menzi-Muck Excavator – Roads and Bridges.
 - d. Decrease in Change Order No. 1: 2003 Sewer Extension Project Ancrum Sewer Trunk Main Contract No. 1.
 - e. Decrease in Change Order No. 1: 2003 Sewer Extension Project, PS 47 replacement and Crowfield Improvements.
 - f. Farm Tractor and Side Rotary Mower – BCW&SA.
 - g. Three (3) Ford Mustangs for Sheriff's Department.

4. **Committee on Justice and Public Safety.**
Council Member, Mr. William E. Crosby, Chairman.

5. **Committee on Water and Sanitation.**
Council Member, Mrs. Judith K. Spooner, Chairman.

6. **Committee on Planning and Development.**
Council Member, Mr. Steve C. Davis, Chairman.

7. **Committee on Community Services.**
Council Member, Mr. Charles E. Davis, Chairman.
 - a. Appointment/designation of the Berkeley County Historical Society as Berkeley County's representing member on the Francis Marion Trail Commission.

8. **Committee on Human Services.**
Vacant

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BERKELEY COUNTY AERONAUTICS COMMISSION
BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS
BERKELEY COUNTY LIBRARY BOARD
BERKELEY COUNTY PLANNING COMMISSION
BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT
BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
DEVON FOREST SPECIAL TAX DISTRICT
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
MENTAL HEALTH BOARD
SPIERS LANDING COMMISSION
TAX ASSESSMENT REVIEW BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

A. **Ronald L. Brewer, Chief Building Official**, Re: Additional personnel funds for Department.

NEW BUSINESS

ANNOUNCEMENTS

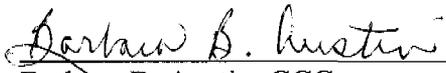
THE NOVEMBER 2005, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY NOVEMBER 28TH, 2005, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, IN THE ASSEMBLY ROOM, OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

October 19, 2005


Barbara B. Austin, CCC
Clerk of County Council

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
October 24, 2005

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday **October 24, 2005**, at 8:38 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. William E. Crosby, Council Member District No. 3, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Vacant, Council Member District No. 6.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

CALL TO ORDER

Chairman Rozier called the meeting to order.

APPROVAL OF MINUTES

Chairman Rozier asked for approval of minutes from Public Hearings and a Regular Meeting of Council held September 26, 2005.

It was moved by Council Member Farley and seconded by Council Member Fish to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – none

EXECUTIVE SESSION – none

THIRD READING

“BILL NO. 05-62, AN ORDINANCE GRANTING A FRANCHISE RENEWAL FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A CABLE TELEVISION SYSTEM WITHIN SPECIFIC UNINCORPORATED AREAS OF THE COUNTY OF BERKELEY TO TIME WARNER CABLE, INC.”

It was moved by Council Member Crosby and seconded by Council Member Fish to approve **Bill No. 05-62 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-10-76 is attached to these minutes.)

“BILL NO. 05-73, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #105-00-00-052.”
(Teresa F. Hood Clemmons)

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve **Bill No. 05-73 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-10-77 is attached to these minutes.)

“BILL NO. 05-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #268-00-00-124.”
(Tony Berenyi)

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve **Bill No. 05-74 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-10-78 is attached to these minutes.)

“BILL NO. 05-76, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND BOONEDOCK, LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES.”

It was moved by Council Member Spooner and seconded by Council Member Fish to approve **Bill No. 05-76 for Third Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-10-79 is attached to these minutes.)

“BILL NO. 05-78, AN ORDINANCE TO AMEND CHAPTER 65, ARTICLE 2, OF THE BERKELEY COUNTY CODE OF ORDINANCES, ESTABLISHING A

PROHIBITION AGAINST THE USE OF PUBLIC AND PRIVATE WASTEWATER COLLECTION AND TREATMENT SYSTEMS FOR CERTAIN AREAS WITHIN BERKELEY COUNTY; AND ESTABLISHING CERTAIN EXCEPTIONS THERETO.”

It was moved by Council Member Charles Davis and seconded by Council Member Fish to approve **Bill No. 05-78** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-10-80 is attached to these minutes.)

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

It was moved by Council Member Spooner and seconded by Council Member Crosby to allow **Bills Numbered 05-80, 05-81, 05-82, 05-83, 05-84, 05-85** and **05-86** to be given **Second Reading** by one motion as a collective group. The motion passed by unanimous voice vote of Council.

“**BILL NO. 05-80, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN BERKELEY COUNTY AND UNION UNDERWEAR COMPANY, INC., WHEREBY, BERKELEY COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH UNION UNDERWEAR COMPANY, INC.; PROVIDING FOR PAYMENT BY UNION UNDERWEAR COMPANY, INC., OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.**”

“**BILL NO. 05-81, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #142-00-01-073.**”
(Pointe North Community Church)

“**BILL NO. 05-82, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #211-00-02-096.**”
(Mt. Holly Commerce Park)

“**BILL NO. 05-83, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #240-00-00-013.**”

(Charles and Katie Koth)

“BILL NO. 05-84, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #271-00-02-060.”
(HGBD, Inc.)

“BILL NO. 05-85, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #271-00-01-094 AND 004.”
(Ruby J. Fields)

“BILL NO. 05-86, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS (SCPSA).”
(DRR Developers)

It was moved by Council Member Fish and seconded by Council Member Crosby to approve Bills Numbered 05-80, 05-81, 05-82, 05-83, 05-84, 05-85 and 05-86 for Second Reading. The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Rozier stated there were ten bills for First Reading. Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

“BILL NO. 05-87, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #221-00-00-133 AND TMS #195-00-00-046.”
(The Parks of Berkeley, LLC and Crescent Resources, LLC)

“BILL NO. 05-88, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #223-00-00-010.”
(Timothy Reed)

“BILL NO. 05-89, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #263-00-03-029.”
(Kelli Garrett and Sunshine Jones)

“BILL NO. 05-90, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #248-00-02-078.”

(Joe Lawrence)

“BILL NO. 05-91, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #209-12-00-044.”

(Maxine Woodham)

Chairman Rozier informed Council that **BILL NO. 05-92** would be held in **Committee.**

(J.B. Hood)

“BILL NO. 05-93, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #271-00-02-035.”

(Earthsources Engineering)

“BILL NO. 05-94, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #180-00-02-009.”

(Amadeo & Erlinda Biascan)

“BILL NO. 05-95, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #162-00-02-024.”

(Marc G. & Tamara B. Haight)

“BILL NO. 05-96, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 05-97, AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND AAI CORPORATION AND API PROPERTIES 812, LLC; AND MATTERS RELATING THERETO.”

RESOLUTIONS

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2005-2006 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the resolution providing for the Transfer of Funds in the 2005-2006 Berkeley County Budget. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-45 is attached to these minutes.)

Chairman Rozier informed Council that the **“RESOLUTION TO REMEMBER THE HONORABLE JUDY C. MIMS OF BERKELEY COUNTY FOR HER SERVICE AS A MEMBER OF BERKELEY COUNTY COUNCIL”** had been adopted this night prior to the call to order of the Committee on Land Use. *(A copy of Resolution No. 05-44 is attached hereto, and by this reference, made a part hereof.)*

REPORTS FROM STANDING COMMITTEES

COMMITTEE ON FINANCE Mr. Dennis L. Fish, Chairman

Chairman Fish reported that the Committee on Finance met earlier this night. Many of the matters before the Committee were addressed on this night's agenda.

Recommendation:

a. Re-Designation of Lease Purchase Funds

On recommendation of the Committee, Chairman Fish moved to approve the re-designation of 2004-2005 lease purchase funds to purchase a vehicle for the Roads & Bridges Department. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Fish's report.)

COMMITTEE ON LAND USE Mr. Phillip Farley, Chairman

Chairman Farley reported that the Committee on Land Use met on October 10, 2005 and earlier this night. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Farley's report.)*

COMMITTEE ON PUBLIC WORKS AND PURCHASING
Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney reported that the Committee on Public Works and Purchasing met on October 10, 2005 and earlier this night.

Bids and Recommendations:

a. Sole Source Purchase – Two (2) Taylor Made Ambulances - EMS

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase of two (2) Taylor Made Ambulances for the EMS Department. (No second required.)

The motion passed by unanimous voice vote of Council.

b. Sole Source Purchase – Taylor Made Ambulance for Retrofitting Mass Casualty Bus - EMS

On recommendation of the Committee, Chairman Pinckney moved to approve Taylor Made as the sole source to equip the mass casualty bus for the EMS Department. (No second required.)

The motion passed by unanimous voice vote of Council.

c. Sole Source Purchase – One (1) Menzi-Muck Excavator – Roads & Bridges

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase of one (1) Menzi-Muck Excavator for the Roads & Bridges Department. (No second required.)

The motion passed by unanimous voice vote of Council.

d. Decrease in Change Order No. 1: 2003 Sewer Extension Project Ancrum Sewer Trunk Main Contract No. 1

On recommendation of the Committee, Chairman Pinckney moved to approve the \$92,820.65 decrease in Change Order No. 1: 2003 Sewer Extension Project, Ancrum Sewer Trunk Main Contract No. 1. (No second required.)

The motion passed by unanimous voice vote of Council.

e. Decrease in Change Order No. 1: 2003 Sewer Extension Project, PS-47 Replacement and Crowfield Improvements

On recommendation of the Committee, Chairman Pinckney moved to approve the \$155,353.70 decrease in Change Order No. 1: 2003 Sewer Extension Project, PS-47 Replacement and Crowfield Improvements. (No second required.)

The motion passed by unanimous voice vote of Council.

f. Farm Tractor and Side Rotary Mower - BCWSA

On recommendation of the Committee, Chairman Pinckney moved to approve the contract for the farm tractor and side rotary mower to Altman Tractor & Equipment, in the amount of \$88,656.52 for Berkeley County Water and Sanitation Authority. (No second required.)

The motion passed by unanimous voice vote of Council.

g. Three (3) Ford Mustangs for Sheriff's Department

On recommendation of the Committee, Chairman Pinckney moved to approve the contract for three (3) Ford Mustangs for the Sheriff's Department to Vic Bailey Ford, in the amount of \$69,099.00. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY

Mr. William E. Crosby, Chairman

No report.

COMMITTEE ON WATER AND SANITATION

Mrs. Judith K. Spooner, Chairman

No report.

COMMITTEE ON PLANNING AND DEVELOPMENT

Mr. Steve C. Davis, Chairman

No report.

COMMITTEE ON COMMUNITY SERVICES

Mr. Charles E. Davis, Chairman

Chairman Charles Davis reported that the Committee on Community Services met on October 10, 2005.

a. Appointment/designation of the Berkeley County Historical Society as Berkeley County's representing member on the Francis Marion Trail Commission.

On recommendation of the Committee, Chairman Charles Davis moved to appoint the Berkeley County Historical Society as Berkeley County's representing member of the Francis Marion Trail Commission. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Charles Davis' report.)

**COMMITTEE ON HUMAN SERVICES
Vacant, Chairman**

No report.

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS,
ETC.**

Council Member Steve Davis nominated Mr. Marion Turner for appointment to serve on the Berkeley County Planning Commission.

The nomination of Mr. Marion Turner to the Berkeley County Planning Commission passed by unanimous voice vote of Council.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

A. Ronald L. Brewer, Chief Building Official, Re: Additional Personnel Funds for Department

Mr. Ronnie Brewer requested Council's approval of a position upgrade within the Building & Code Enforcement Department.

It was moved by Council Member Crosby and seconded by Council Member Farley to approve a three-tiered position classification of: Plans Examiner 1 (Grade 22), Plans Examiner 2 (Grade 26), and Plans Examiner 3 (Grade 33) in Building & Code Enforcement. The motion passed by unanimous voice vote of Council.

NEW BUSINESS

Without objection from Council, Chairman Rozier read a bill into the record for First Reading.

“BILL NO. 05-98, A THIRD SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA WATER AND SEWER SYSTEM REFUNDING REVENUE BOND, SERIES 2005-B, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$50,000.00; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; DELEGATING CERTAIN MATTERS TO THE COUNTY SUPERVISOR; AND OTHER MATTERS RELATING THERETO.”

ANNOUNCEMENTS

The **November 2005 Regular Meeting of Berkeley County Council** will be held on **Monday November 28, 2005**, immediately following Public Hearings and the meeting of the Committee on Finance at **6:00 p.m.** in the **Assembly Room** of the **Berkeley County Administration Building**, 1003 Highway 52, Moncks Corner, South Carolina.

ADJOURNMENT

It was moved by Council Member Crosby and seconded by Council Member Spooner to adjourn the Regular Meeting of County Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:51 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION

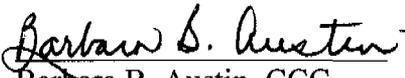
Public Discussion began at 8:57 p.m.

Mr. Timothy Reed, residing at 101 Colony Drive, Goose Creek, addressed Council and stated he is the property owner of 1001 St. James Avenue, Goose Creek (**Bill No. 05-88**). This is one of three parcels not owned by Ms. Betty Lee Johnson or anyone in her family. Two of the adjacent properties are zoned General Commercial. Mr. Reed stated that he would like an opportunity to erect some type of business on his property at 1001 St. James Avenue, which is right off of Highway 176. The rezoning request is in conformance with the County's Comprehensive Plan to be zoned General Commercial. In conclusion, Mr. Reed stated that a block building is located at the front of his property,

and it was used at one time to operate a business/store by the previous landowner and family member of Ms. Betty Lee Johnson. In addition, there is an active beauty shop on the first of the three parcels mentioned earlier. There is a church across the street and down a short distance from Mr. Reed's property, so there would be limitations on the type business he planned to erect. Mr. Reed requested Council's understanding and consideration of his rezoning request.

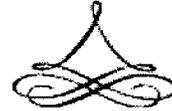
Ms. Betty Lee Johnson, residing at 1021 St. James Avenue, Summerville, addressed Council and stated that there are seven lots in the area of Mr. Timothy Reed's property. The owners of the parcels were all family, but some of the property was lost at an auction, due to back taxes owed. In conclusion, Ms. Johnson stated that she and her family do not want a business in the area. The block building on Mr. Reed's property was a store at one time, but it was shut down 50 years ago. The beauty shop is a business, but there is little activity with cars in and out of that establishment. In conclusion, Ms. Johnson expressed her concern that it is unknown as to what type of business Mr. Reed wants, and a business would create additional, unwanted traffic in and out of this small neighborhood. Ms. Johnson indicated her opposition to **Bill No. 05-88**.

Public Discussion ended at 9:12 p.m.


Barbara B. Austin, CCC
Clerk of Council

November 28, 2005
Date Approved

t h e p a r k s o f



B e r k e l e y

**BERKELEY COUNTY
COMMITTEE ON LAND USE**

October 24, 2005

the parks of

Berkeley

OWNER & CONSULTING TEAM

LAND DEVELOPER

CONSULTANTS

THE BERKELEY PARKS DEVELOPMENT
IS A JOINT VENTURE OF
THE BERKELEY PARKS DEVELOPMENT
CORPORATION AND THE BERKELEY
PARKS DEVELOPMENT PARTNERSHIP
CORPORATION

BERKELEY PARKS DEVELOPMENT
CORPORATION
450 JESSIE STREET
BERKELEY, CALIFORNIA 94702
TEL: 415.863.1000
WWW.BERKELEYPARKS.COM

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TEL: 415.863.1000
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PRESENTATION OUTLINE

I. GOLDEN GATE PARK

II. DOWNSIDE CONDITIONS

III. LANDSCAPE PLAN

IV. CONCLUSIONS

V. REFERENCES



Project Overview

THE PARKS OF BERKELEY

Equally known as Spegg Island, it is one of the 30 acres of green space in the city.

The Parks of Berkeley complies with Berkeley County's Comprehensive Plan.

The parks provide a place for people to live, work, worship, and play.

It is a place where people can live, work, worship, and play.

The parks provide a place for people to live, work, worship, and play.

The parks provide a place for people to live, work, worship, and play.

The parks provide a place for people to live, work, worship, and play.

the parks of
Berkeley



Site Location

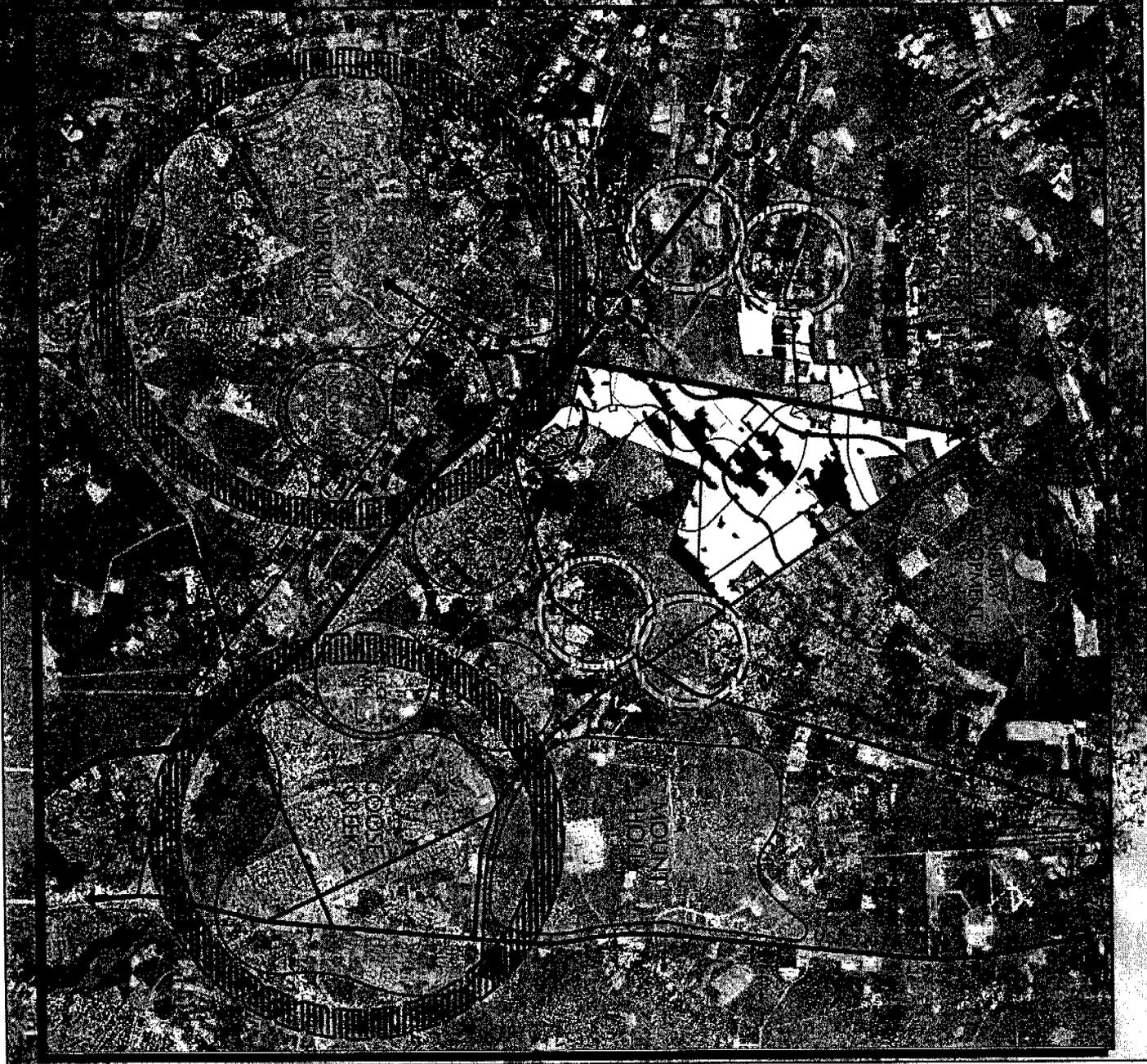
Project No. 014220

1000 Shattuck Avenue
Berkeley, CA 94704
Tel: 415.841.1000
Fax: 415.841.1001
www.berkeleyca.gov

Site located in
the City of Berkeley, CA

Map of Berkeley, CA
City of Berkeley, CA

the parks of
Berkeley



Local Site Conditions

15-9-05-9

1097/04

1097/04

1097/04

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1097/04



the parks of
Berkeley



THE CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS
1097/04

Land Use Plan

Residential

PBSFR - 447 Units
 PBSF-1 - 296 Units
 PBSF-2 - 269 Units
 PBVD - 269 Units
 PBTH - 148 Units
 PBMF - 308 Units
 Total - 2,137 Units

Commercial

PBGC - 110,000 sq ft
 PBGO - 250,000 sq ft
 PBCV - 100,000 sq ft
 PBCV-S - 100,000 sq ft
 Total - 205,000 sq ft

Green Space

Total - 113,600 sq ft

LEGEND:

-  SINGLE FAMILY RURAL (PBSFR)
-  SINGLE FAMILY (PBSF-1)
-  SINGLE FAMILY (PBSF-2)
-  TOWNHOUSE (PBTH)
-  MULTI-FAMILY (PBMF)
-  VILLAGE DISTRICT (PBVD)
-  GENERAL COMMERCIAL (PBGC)
-  GENERAL OFFICE (PBG0)
-  CIVIC (PBCV)
-  CIVIC - SCHOOL (PBCV-S)
-  LIGHT INDUSTRIAL (PBLI)
-  PARK / GREENWAY
-  WETLAND WITH WETLAND BUFFER
-  PROPOSED ROAD
- SUMMERVILLE**
-  SUMMERVILLE - TOWNHOUSE
-  SUMMERVILLE - GENERAL COMMERCIAL



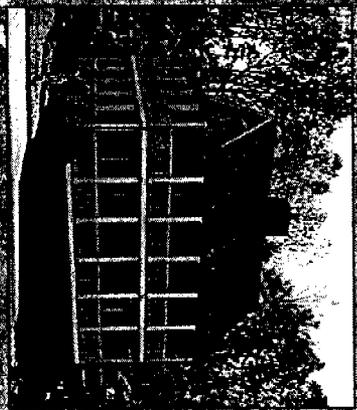
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 Berkeley

SINGLE-FAMILY RURAL (PBSFR)



PBSFR



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SINGLE FAMILY (PBSE-1)



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Berkeley



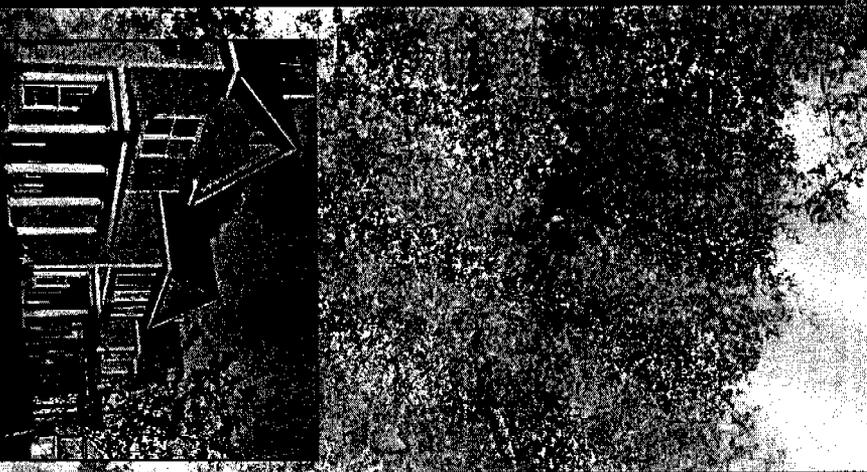
PBSE-1



SINGLE FAMILY (PBSF-2)



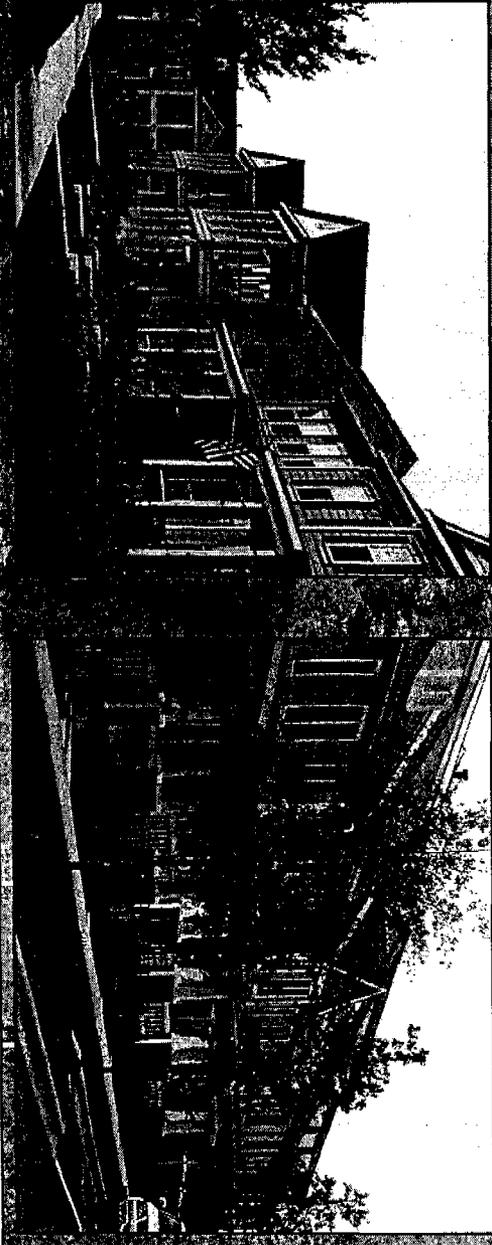
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Berkeley



TOWNHOUSE (PRTH)



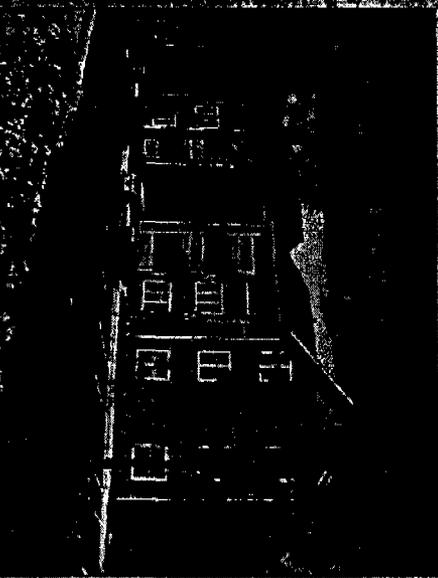
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Berkeley



MULTI-FAMILY (PBMH)



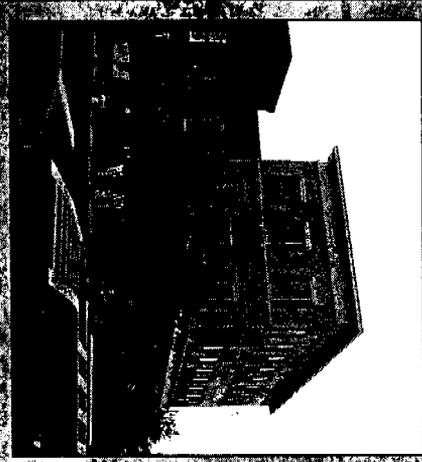
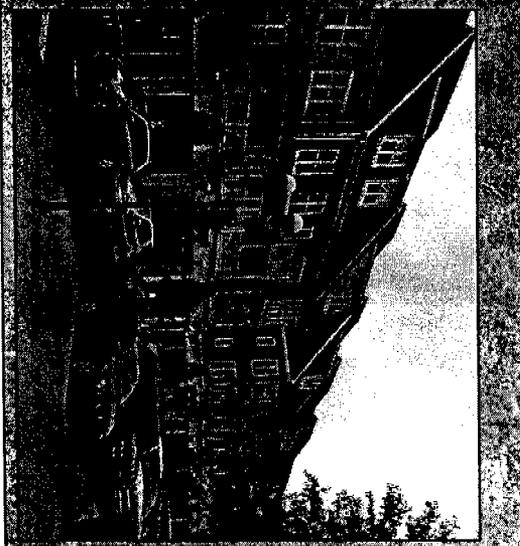
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Berkeley



VILLAGE DISTRICT (PBVD)



the parks of
Berkeley



GENERAL COMMERCIAL (PBGC)



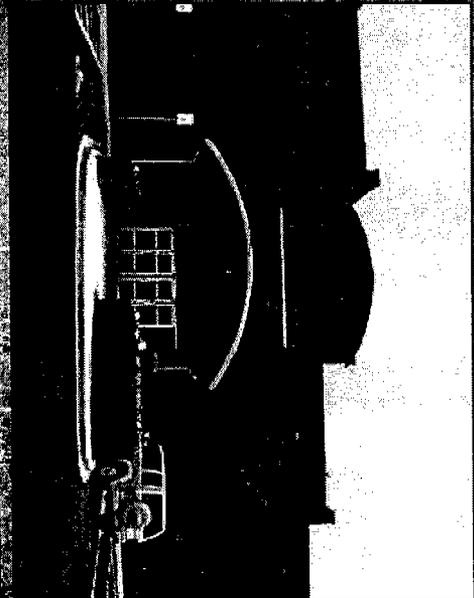
the parks of
Berkeley



**GENERAL
OFFICE
(PBG0)**

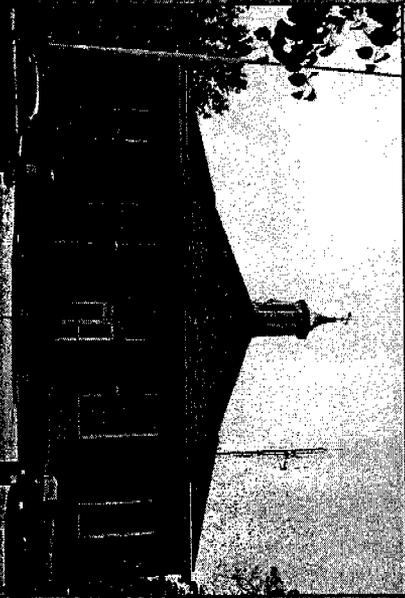
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Berkeley



CIVIC (PBCV)

the parks of
Berkeley



THE PARKS OF BERKELEY
CIVIC (PBCV)

CIVIC - SCHOOL (PBCV-S)

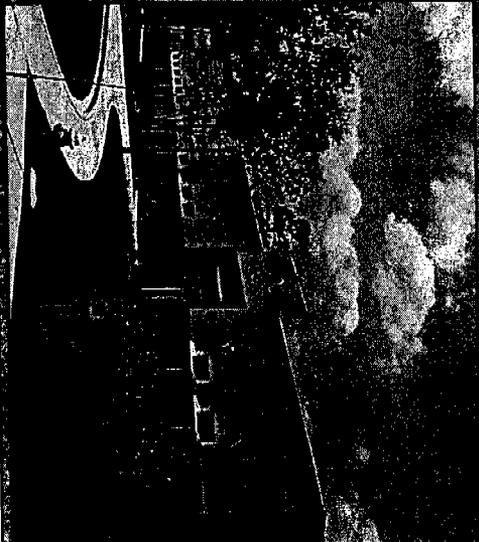


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LIGHT INDUSTRIAL (PBLI)

the parks of
Berkeley



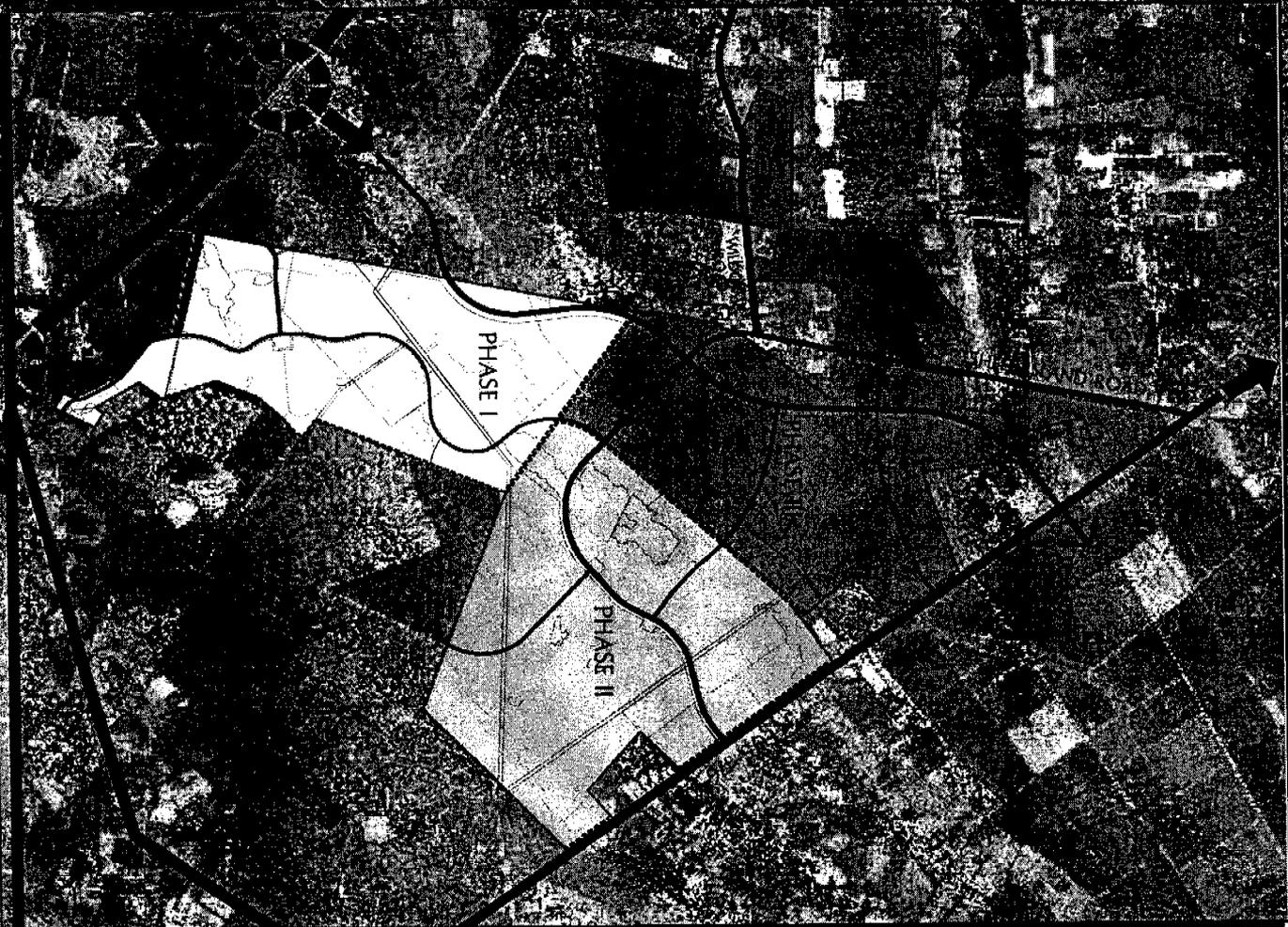
GREEN SPACE PLAN

the parks of
Berkeley



PHASING PLAN

the parks of
Berkeley



PHASE I

the parks of

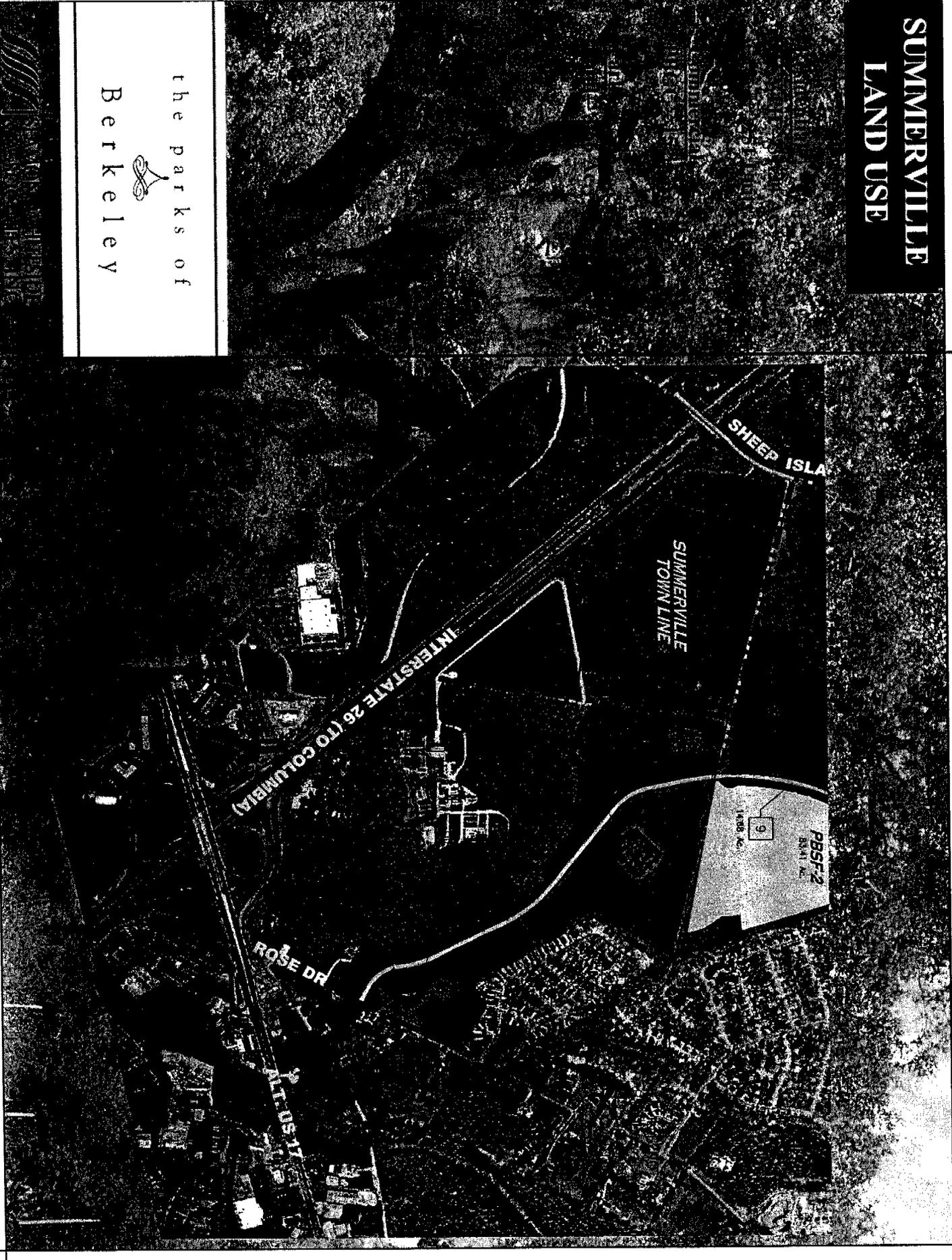
Berkeley



BERKELEY PARKS & RECREATION DEPARTMENT
1000 UNIVERSITY AVENUE, BERKELEY, CA 94702
PHASE I

SUMMERYVILLE LAND USE

the parks of
Berkeley



ORDINANCE NO. 05 - 10 - 76

AN ORDINANCE RENEWING AND AMENDING A FRANCHISE FOR THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A CABLE TELEVISION SYSTEM WITHIN SPECIFIC UNINCORPORATED AREAS OF THE COUNTY OF BERKELEY TO "TIME WARNER CABLE, INC."

WHEREAS, Berkeley County Council enacted Ordinance No. 80-9-21 on October 27, 1979, which granted a cable television franchise to Dorchester Cablevision to provide cable television service within a certain geographical area of Berkeley County for a term of fifteen (15) years; and

WHEREAS, this franchise was subsequently transferred to Alert Cable TV of South Carolina, Inc., d/b/a Cablevision Industries; and

WHEREAS, Berkeley County Council approved the transfer of control of Alert Cable TV of South Carolina, Inc., d/b/a Cablevision Industries to Time Warner Cable, Inc., via resolution R95-28, adopted June 26, 1995; and

WHEREAS, on August 28, 1995, the Berkeley County Council enacted Ordinance 95-8-30 renewing the cable television franchise for ten (10) years for Alert Cable TV of South Carolina, Inc., d/b/a as Cablevision Industries and said ordinance was amended by Ordinance 99-1-6, on January 25, 1999, to amend the franchise area; and

WHEREAS, Time Warner Cable, Inc. has requested that Berkeley County Council renew said franchise under such terms as are now mutually agreeable; and

WHEREAS, Berkeley County Council, after full public proceedings affording due process, has determined that Comcast of Carolina, Inc. is possessed of the requisite legal, character, financial, technical, and other qualifications to construct, own and operate a cable

television system to serve the County of Berkeley and that its construction and financing plans are adequate and feasible;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Berkeley County, South Carolina:

SECTION I

There is hereby granted to Time Warner Cable, Inc. (Grantee), its heirs, successors and assigns, for a term of fifteen (15) years, the right, authority and power to establish construct, acquire, maintain and operate a cable television system within specific unincorporated areas of the County of Berkeley and to render, furnish and sell cable service there from within the territorial limits of the Franchise Area, and to use and occupy the public streets, rights-of-way and easements (including all easements dedicated for utility purposes) for such purposes, subject to the terms and conditions of Berkeley County Cable Television Ordinance No. 94-11-27 (the "Cable Ordinance") adopted November 28, 1994, unless the Franchise, as amended herein, contains different terms and conditions, and in such case the Franchise shall control, and the rules and regulations of the Federal Communications Commission, which are incorporated herein by reference and made a part of this franchise contract.

SECTION II

This franchise is non-exclusive and covers an unincorporated area of Berkeley County shown and designated on a map entitled "Time Warner Franchise Area", which is attached hereto and incorporated herein.

SECTION III

Except as provided below, this franchise is in lieu of any and all other rights, privileges, immunities, and authorities which may be held by the Grantee or the successor to any interest of the Grantee, pertaining to the construction, acquisition, operation, or maintenance of any cable television system in the County of Berkeley and the acceptance of this franchise by the Grantee shall operate as an abandonment of any and all such rights, privileges, immunities and authorities within the County of Berkeley. Any and all construction, operation and maintenance by any Grantee of any cable television system in the County of Berkeley shall be in all instances and respects under and pursuant to any other rights, privileges, immunities, or authorities whatsoever.

SECTION IV

Time is of the essence in this franchise and the Grantee shall not be relieved of its obligation to comply promptly with any of the provisions of this Ordinance by any failure of the County of Berkeley to enforce prompt compliance.

SECTION V

This franchise merely authorizes the construction, acquisition, operation, and maintenance of a cable television system as provided by the County of Berkeley Cable Television Ordinance No. 94-11-27 and does not take the place of any other license or permit which may be legally required of the Grantee in order to conduct such a business.

Notwithstanding Section 15 of the Cable Ordinance, Grantee is not obligated to extend its system into areas serviced by another cable operator or cable television system. Grantee shall offer cable service to all new homes or previously unserved homes located within one hundred twenty five feet of the Grantee's existing distribution cable.

Notwithstanding Section 2 of the Cable Ordinance, a "Channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system, and which is capable of delivering a standard television channel, as defined by the FCC.

Notwithstanding Sections 5, 13, and 15 of the Cable Ordinance, copies of petitions, applications and communications, Proof of Performance tests, FCC reports, lists of officers, directors and majority stockholders, maps, progress reports and locations and identification of major components parts of the system or other documentation referenced by the Cable Ordinance, shall be submitted to Franchise Authority upon request and to the extent the documentation is not proprietary or confidential in nature.

SECTION VI

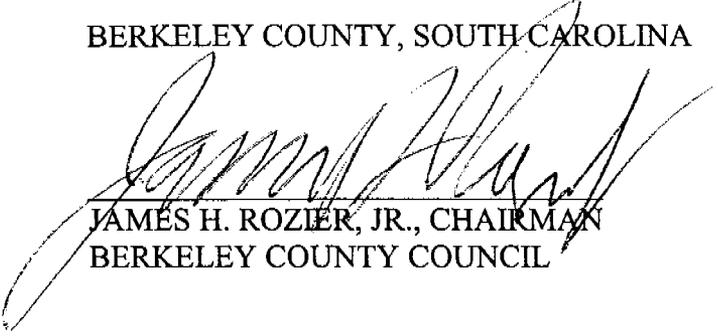
A. This franchise shall take effect immediately and remain in force for a term of fifteen (15) years upon the filing of an unconditional acceptance by the Grantee. Such acceptance must:

1. Be in the form of writing duly executed and sworn to; and
2. Contain a promise that Grantee shall comply with and abide by all terms, provisions, and conditions of this franchise; and
3. Be filed with the County Council within thirty (30) days from the date of passage of this Ordinance.

B. Should the Grantee fail to comply with Paragraph A above, it shall acquire no rights, privileges or authority under this franchise whatsoever.

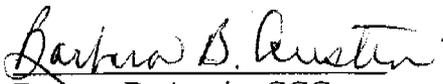
ADOPTED this 24th day of October, 2005.

BERKELEY COUNTY, SOUTH CAROLINA


JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

(SEAL)

ATTEST:


Barbara B. Austin, CCC
Clerk of County Council

First Reading:	June 20, 2005
Second Reading:	September 26, 2005
Public Hearing:	October 24, 2005
Third Reading:	October 24, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting *yes*

Judith K. Spooner

JUDITH K. SPOONER Voting *yes*

William E. Crosby

WILLIAM E. CROSBY Voting *yes*

Charles E. Davis

CHARLES E. DAVIS Voting *yes*

Dennis L. Fish

DENNIS L. FISH Voting *yes*

DISTRICT 6 - VACANT

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting *yes*

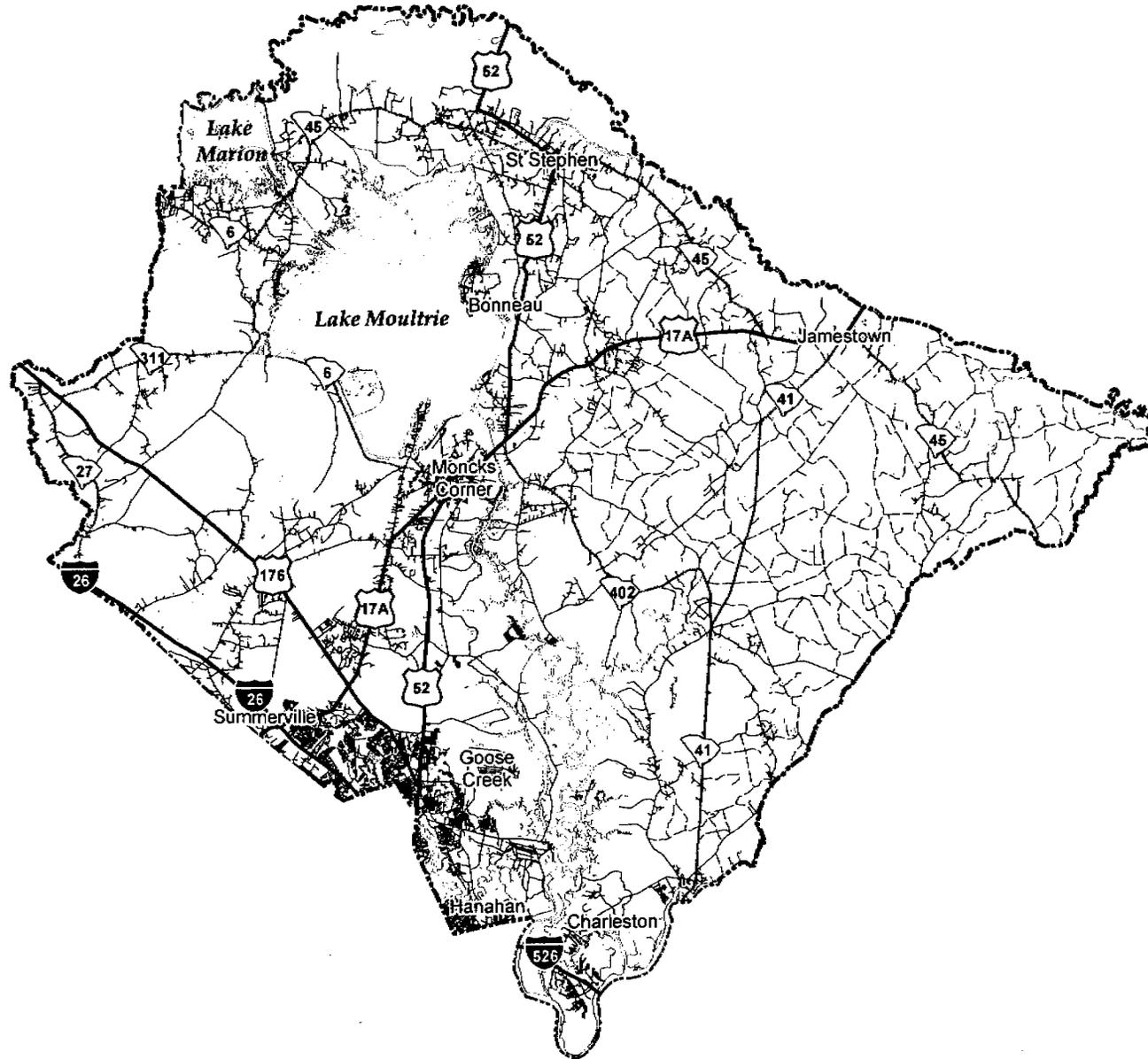
Steve C. Davis

STEVE C. DAVIS Voting *yes*

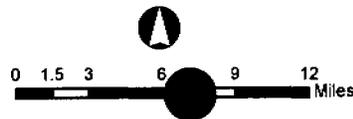
Existing Time Warner Coverage



05-10-76



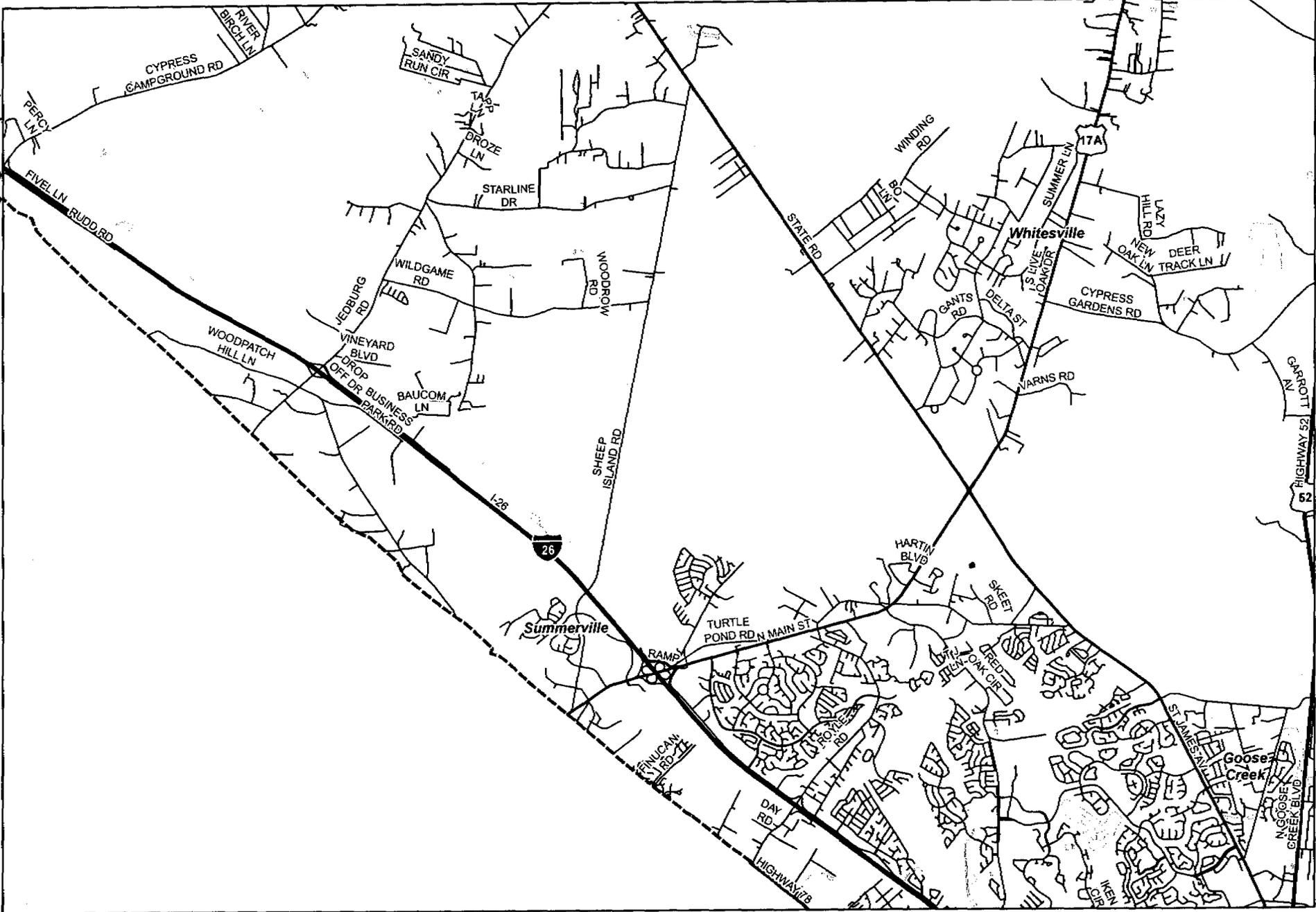
Berkeley County GIS Department
223 N. Live Oak Drive
Moncks Corner, SC 29461
(843) 719-4698 | fax (843) 719-4190
gis@co.berkeley.sc.us
719-4698-005



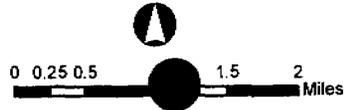
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Existing Time Warner Coverage

05-10-76



Berkeley County GIS Department
 223 N. Live Oak Drive
 Moncks Corner, SC 29461
 Phone: (843) 719-4698 | fax (843) 719-4190
 Email: cnessel@co.berkeley.sc.us
 9/7/2005



THE COUNTY OF BERKELEY AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.

ORDINANCE NO. 05 - 10 - 77

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #105-00-00-052 (9.74 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

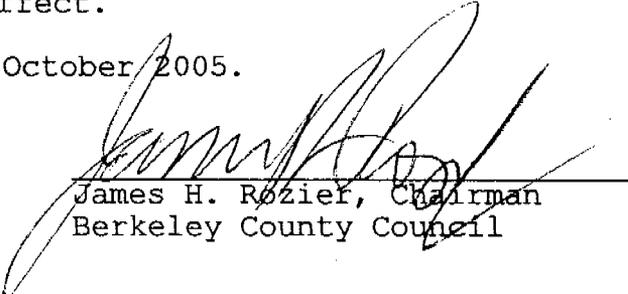
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning Map which contains that property identified as TMS#105-00-00-052 (9.74 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as GC, General Commercial District, and will hereafter upon approval of this ordinance be reclassified as F-1, Agricultural District.

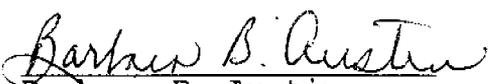
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 24th of October 2005.


James H. Rozier, Chairman
Berkeley County Council

(SEAL)

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: August 29, 2005
Second Reading: September 26, 2005
Public Hearing: October 24, 2005
Third Reading: October 24, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes.

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

DISTRICT 6 - VACANT

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

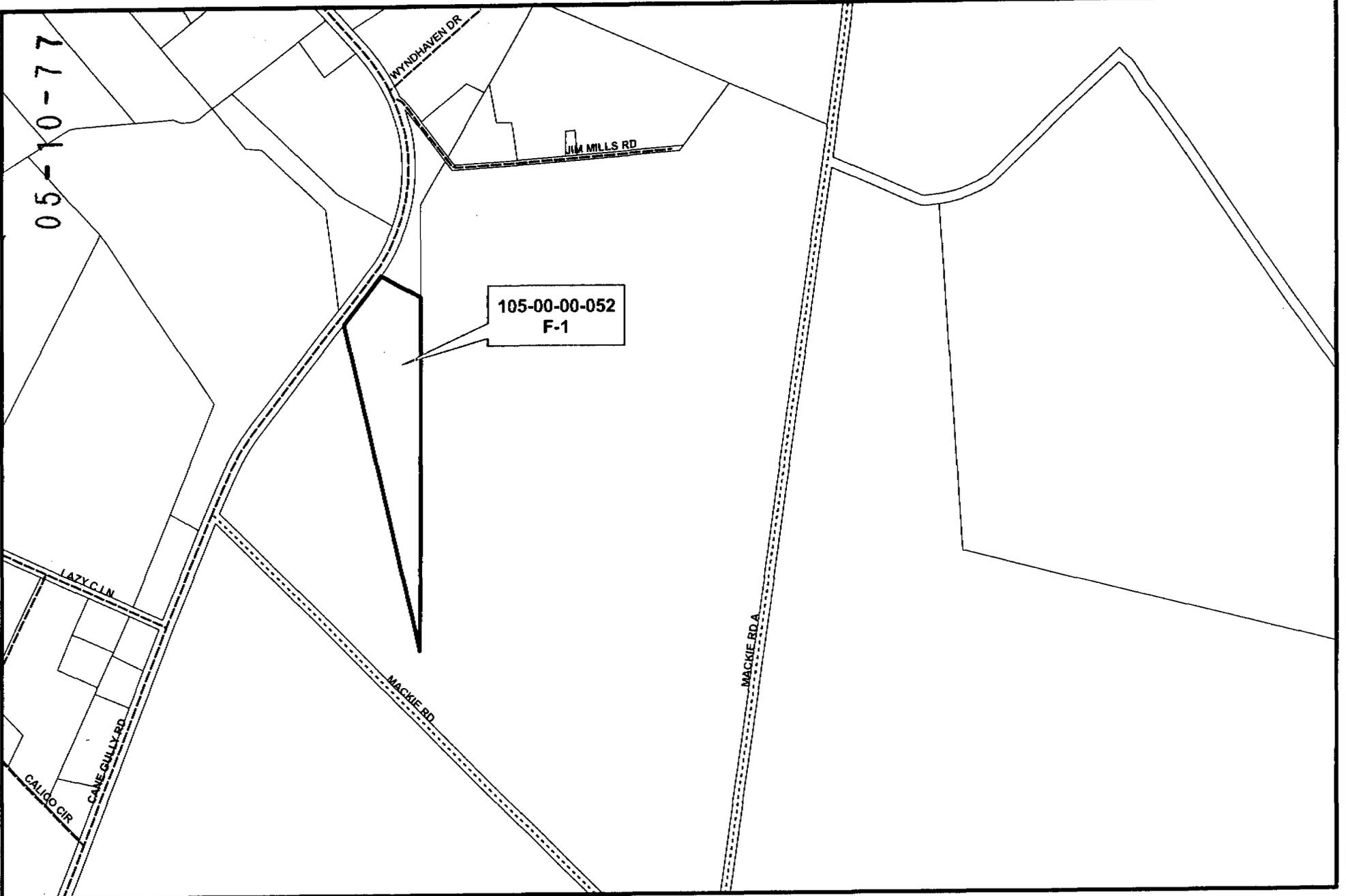
Charles E. Davis

CHARLES E. DAVIS Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes

TMS#: 105-00-00-052



Berkeley County GIS Department
223 N. Live Oak Drive
Moncks Corner, SC 29461
(843) 719-4038 | fax (843) 719-4190
e-mail: rhauck@co.berkeley.sc.us
BCGIS online: <http://gis.co.berkeley.sc.us>
5/2



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ORDINANCE NO. 05 - 10 - 78

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #268-00-00-124 (12.94 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

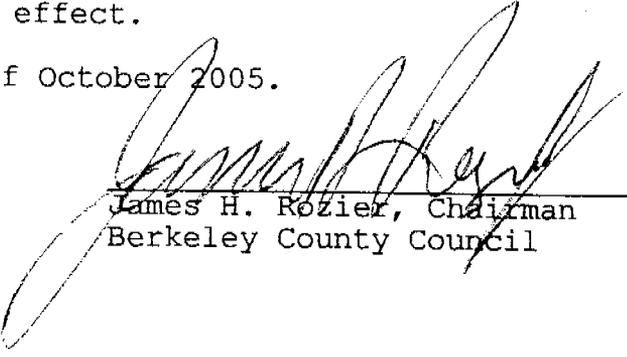
NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

05-10-78

That portion of the official Zoning Map which contains that property identified as TMS#268-00-00-124 (12.94 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as GC, General Commercial District, and will hereafter upon approval of this ordinance be reclassified as R-4, Multi-Family District, Small Scale District.

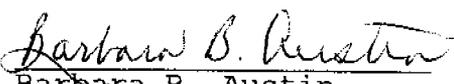
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 24th of October 2005.


James H. Rozier, Chairman
Berkeley County Council

(SEAL)

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: August 29, 2005
Second Reading: September 26, 2005
Public Hearing: October 24, 2005
Third Reading: October 24, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

DISTRICT 6 - VACANT
Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

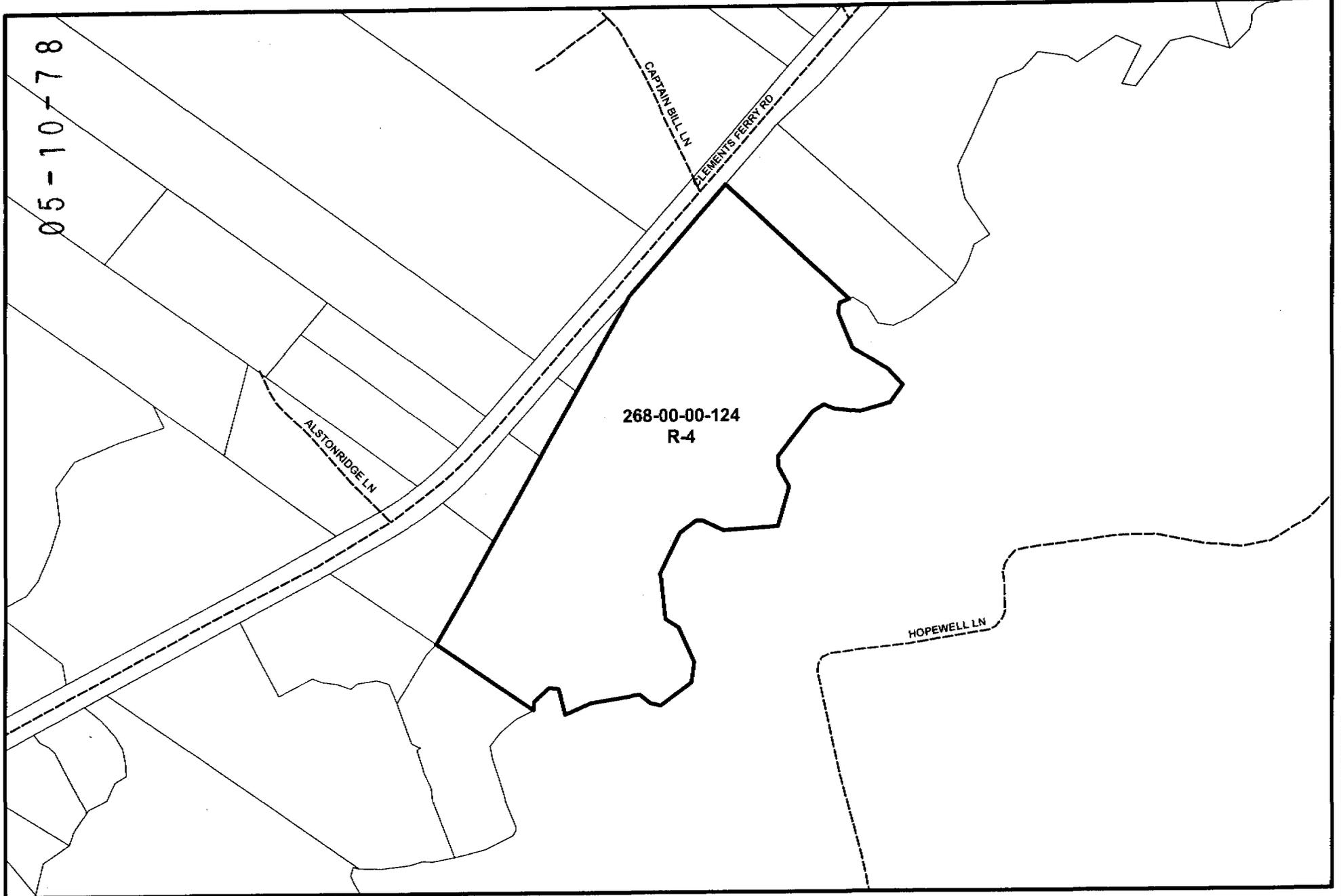
Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

TMS#: 268-00-00-124



05-10-78



268-00-00-124
R-4



Berkeley County GIS Department
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ORDINANCE NO. 05 - 10 - 79

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND BOONEDOCK, LLC; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES

WHEREAS, Berkeley County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 Code of Laws of South Carolina, 1976, as amended (the "Act"), to acquire, or cause to be acquired, properties (which such properties constitute "projects" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and, to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") and will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee in lieu of tax agreement, as defined in the Act, with respect to such project; and

WHEREAS, BooneDock, LLC, a limited liability company organized and existing under the laws of the State (the "Company"), has requested the County to participate in executing a Fee in Lieu of Tax Agreement (NanoScreen, LLC Project) pursuant to the Act, and to that end, the County Council by its Resolution adopted on August 29, 2005, authorized the execution of an Inducement Agreement and Millage Rate Agreement containing a fee-in-lieu of tax agreement, for the purpose of authorizing and of acquiring, by construction and purchase, certain land, a building or buildings, and machinery, apparatus, and equipment, for the purpose of constructing a manufacturing facility supporting the biotech and pharmaceutical research and development industries (the "Project") which will be operated and leased by NanoScreen, LLC, a limited liability company organized and existing under the laws of the State ("NanoScreen"), all as more fully set forth in the Fee in Lieu of Tax Agreement attached hereto; and

WHEREAS, the County has determined that the Project would benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and, that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and, that the inducement of the location or expansion of the Project within the County and State is of paramount importance; and, that the benefits of the Project will be greater than the costs; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company and NanoScreen that the Project would be a "project" as that term is defined in the Act and that the Project would subserve the purposes of the Act; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Fee in Lieu of Tax Agreement by and between the County and the Company which includes the agreement for payment of a fee-in-lieu of tax; and

WHEREAS, it appears that the instrument above referred to, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Berkeley County, South Carolina, as follows:

Section 1. In order to promote industry, develop trade and utilize and employ the manpower, agricultural products and natural resources of the State by assisting the Company and NanoScreen to locate an industrial facility in the State and the acquisition by the Company of land, a building or buildings, and various machinery, apparatus, and equipment, all as a part of the Project, is hereby authorized, ratified and approved.

Section 2. It is hereby found, determined and declared by the County Council, as follows:

- (a) Based solely upon representation of Company and NanoScreen, the Project will constitute a "project" as said term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act;
- (b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County;
- (c) The Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally;
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either;
- (e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes;
- (f) The inducement of the location or expansion of the Project within the County and State is of paramount importance; and,
- (g) The benefits of the Project will be greater than the costs.

Section 3. The Fee in Lieu of Tax Agreement shall contain a provision requiring the Company to make payments in lieu of taxes. Pursuant to the Act, such payments shall continue for a period of up to twenty (20) years from the date of the Fee in Lieu of Tax Agreement, the annual capital investments made under the Fee in Lieu of Tax Agreement for the first five years, and any amendments or supplements to the Fee in Lieu of Tax Agreement to the extent permitted by law. The amounts of such payments shall be determined by using an assessment ratio of 6%, the millage rate in effect as of June 30, 2004, which millage rate shall be a fixed rate for the duration of the Fee Agreement, and the fair market value (which value is not subject to reassessment as provided in the Act) as determined by using original cost for any real property and original cost less allowable depreciation for any personal property in accordance with Title 12, Chapter 37, Code of Laws of South Carolina 1976, as amended.

The form, terms and provisions of the Fee in Lieu of Tax Agreement presented to this meeting and filed with the Clerk of the County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Fee in Lieu of Tax Agreement was set out in this Ordinance in its entirety. The Supervisor is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee in Lieu of Tax Agreement in the name of and on behalf of the County, and thereupon to cause the Fee in Lieu of Tax Agreement to be delivered to the Company. The Fee in Lieu of Tax Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Fee in Lieu of Tax Agreement now before this meeting.

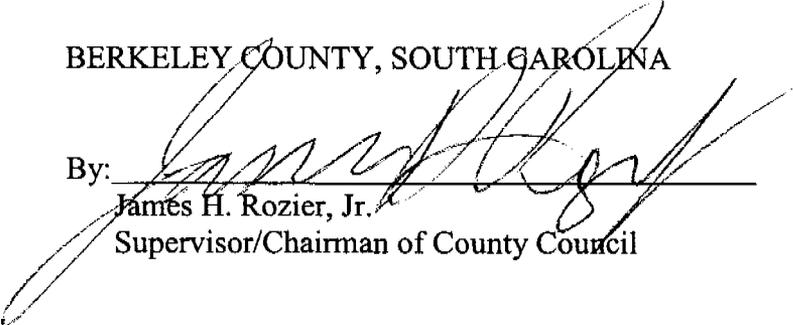
Section 4. The Supervisor and the Clerk of County Council, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee in Lieu of Tax Agreement and the performance of all obligations of the County under and pursuant to the Fee in Lieu of Tax Agreement.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and in full force from and after its passage and approval.

Passed and approved this 24th day of August 2005.

BERKELEY COUNTY, SOUTH CAROLINA

By: 

James H. Rozier, Jr.
Supervisor/Chairman of County Council

(SEAL)

ATTEST:

By: 
Barbara B. Austin, CCC
Clerk of County Council

First Reading:	August 29, 2005
Second Reading:	September 26, 2005
Public Hearing:	October 24, 2005
Third Reading:	October 24, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

DISTRICT 6 - VACANT

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes

Ordinance No. 05 - 10 - 80

AN ORDINANCE TO AMEND CHAPTER 65, ARTICLE 2, OF THE BERKELEY COUNTY CODE OF ORDINANCES, ESTABLISHING A PROHIBITION AGAINST THE USE OF PUBLIC AND PRIVATE WASTEWATER COLLECTION AND TREATMENT SYSTEMS FOR CERTAIN AREAS WITHIN BERKELEY COUNTY; AND ESTABLISHING CERTAIN EXCEPTIONS THERETO.

WHEREAS, on August 29, 2005, Berkeley County Council adopted Resolution 05-39, establishing its intent that the use of public and private wastewater shall be prohibited in certain circumstances; and

WHEREAS, Berkeley County Council finds it is in the best interest of the health, safety and welfare of the citizens of Berkeley County that certain service area restrictions for wastewater removal and treatment be established;

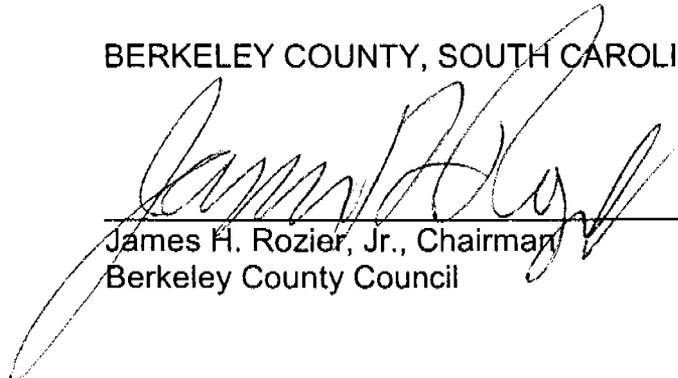
NOW, THEREFORE, BE IT ENACTED, by Berkeley County Council, in a meeting duly assembled, that:

- A) The use of public and private wastewater collection and treatment systems for any area within Berkeley County, unincorporated or otherwise, with a zoning classification that allows for a use that is not in conformity with the Berkeley County Comprehensive Plan is prohibited.
- B) The use of public and private wastewater collection and treatment systems for any residential use within areas zoned Light Industrial (LI) and Heavy Industrial (HI) as of the effective date of this ordinance within the unincorporated areas of Berkeley County, the annexation thereof by a municipality notwithstanding, is prohibited.
- C) Notwithstanding Paragraphs A and B above, wastewater and removal treatment systems may be used: 1) where the wastewater and removal treatment is currently being provided to properties on which a residential use exists as of the effective date of this ordinance; 2) where the wastewater removal and treatment is approved as a component of a Planned Development District; 3) where an express provision within a Development Agreement approved by Council and executed by its Chairman authorizes the use; or 4) where written approval is given by the County Supervisor.

This ordinance becomes effective upon ratification by Council.

ADOPTED this 24th day of October 2005.

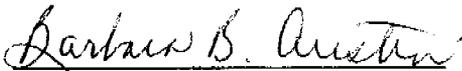
BERKELEY COUNTY, SOUTH CAROLINA



James H. Rozier, Jr., Chairman
Berkeley County Council

(SEAL)

Attest:


Barbara B. Austin, CCC
Clerk of Council

First Reading: August 29, 2005
Second Reading: September 26, 2005
Public Hearing: October 24, 2005
Third Reading: October 24, 2005

RESOLUTION

TO REMEMBER THE HONORABLE JUDY C. MIMS OF BERKELEY COUNTY FOR HER SERVICE AS A MEMBER OF BERKELEY COUNTY COUNCIL.

WHEREAS, the members of Council are saddened by the recent death of Councilmember Judy C. Mims; and

WHEREAS, as a member of Council Judy Mims strove for constituent service since she first became a member of Council in January 1995; and

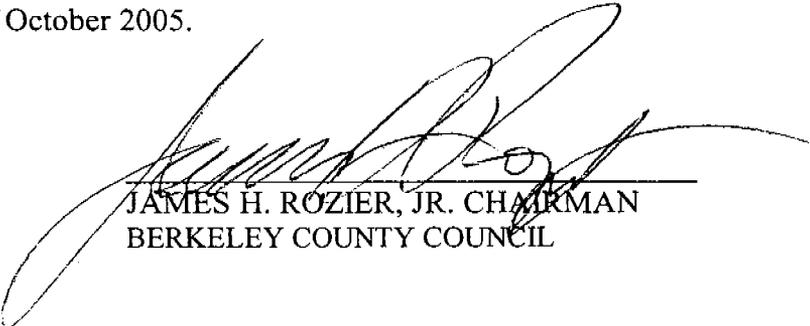
WHEREAS, she faithfully served as Chairman of the Committee on Human Services, the Committee on Justice and Public Safety, the Committee on Community Services, and the Committee on Water and Sanitation during her tenure on County Council; and

WHEREAS, her advice and counsel will always be appreciated by Berkeley County and especially by her many friends on County Council; and

NOW THEREFORE, BE IT RESOLVED by the Berkeley County Council that the members of Berkeley County Council hereby commend the Honorable Judy Mims for her service as a member of Berkeley County Council and extend to her family our heartfelt sympathy.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Councilmember Mims' family.

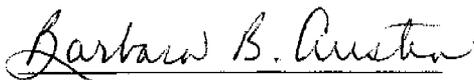
ADOPTED this 24th day of October 2005.



JAMES H. ROZIER, JR. CHAIRMAN
BERKELEY COUNTY COUNCIL

(SEAL)

ATTEST:



Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

DISTRICT 6 - VACANT

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes

**PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN
THE 2005-2006 BUDGET FOR BERKELEY COUNTY FOR COUNTY
PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET**

WHEREAS, Section 4-9-140 of the 1976 South Carolina Code of Laws, as amended, provides in part that upon approval of Council, funds appropriated in the annual budget may be transferred for purposes other than as specified in such budget, and to provide for expenditure of additional funds which have become available; and

WHEREAS, the need has arisen which necessitates a transfer of funds appropriated in the annual budget for Berkeley County for other purposes;

NOW, THEREFORE, BE IT RESOLVED:

SECTION ONE

There is hereby transferred from budget line items designated in the 2005-2006 Berkeley County Budget the sum of **FORTY THOUSAND ONE HUNDRED TWENTY NINE AND NO/100 (\$40,129.00)** as set forth in Exhibit "A" attached hereto and made a part hereof by this reference.

SECTION TWO

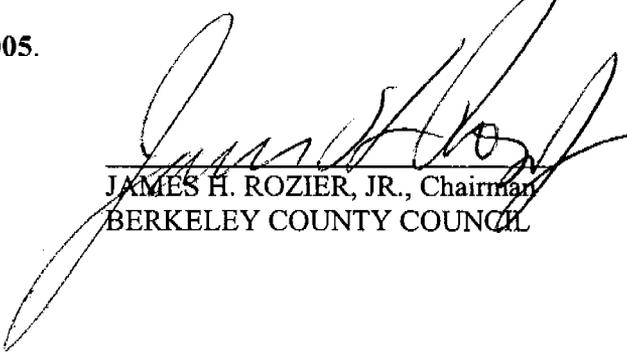
Allocations to budget line items as designated in the 2005-2006 Berkeley County Budget and as set forth in Exhibit "A", attached hereto and made a part hereof by this reference, are approved herein.

ADOPTED this 24th day of October A. D. 2005.

(SEAL)

ATTEST:


Barbara B. Austin, CCC
Clerk of County Council


JAMES H. ROZIER, JR., Chairman
BERKELEY COUNTY COUNCIL

TRANSFER FROM:

47010	Contingency Fund		
	Contingency Fund (5101 - Salaries)	\$13,554	
	Contingency Fund (5108 - Health Insurance)	\$1,308	
	Contingency Fund (5109 - Worker's Comp Insurance)	\$352	
	Contingency Fund (5110 - Retirement Contrib - Regular)	\$1,045	
	Contingency Fund (5112 - FICA)	\$1,037	
	Total transfer from Contingency		\$17,296
47010	Contingency Fund (5381 - Office Supplies)	\$1,458	
47010	Contingency Fund (6106 Capital Outlay - Vehicle)	\$21,375	
	Total transfer from Contingency		\$22,833
	TOTAL TRANSFERRED FROM:		\$40,129

TRANSFER TO:

41515	Information Technology		
	5101 Salaries	\$6,378	
	5108 Health Insurance	\$1,308	
	5109 Workers' Comp Insurance	\$30	
	5110 Retirement Contribution - Regular	\$492	
	5112 FICA	\$488	
	Total transfer to Information Technology		\$8,696
41517	Building and Code Enforcement		
	5101 Salaries	\$7,176	
	5109 Workers' Comp Insurance	\$322	
	5110 Retirement Contribution - Regular	\$553	
	5112 FICA	\$549	
	Total transfer to Building and Code Enforcement		\$8,600
41301	County Supervisor		
	5381 Office Supplies	\$1,458	
	6106 Capital Outlay - Vehicles	\$21,375	
	Total transfer to County Supervisor		\$22,833
	TOTAL TRANSFERRED TO:		\$40,129

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

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