

October 20, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 20th day of October, 2009 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided; Colleen Condon; Henry E. Darby; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; J. Elliott Summey; Dickie Schweers and Paul R. Thurmond.

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

Mr. Schweers gave the invocation. Mr. Thurmond 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. McKeown moved approval of the Minutes of October 6, 2009, seconded by Mr. Schweers, and carried.

The Chairman announced that Mr. Rawl had to leave Council meeting early and was requesting that Council move agenda items 11, 13 and 17 up to this point in the agenda.

This was approved by common consent.

Agenda Item 11

**Johns Island
Junction
Wastewater
Request to
Approve**

A report was read from the Planning/Public Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Dan Pennick, Director of Zoning and Planning, regarding a request for County Council to amend the Berkeley/Charleston/Dorchester Council of Governments 208 Water Quality Management (WQM) Plan for Bennett Hofford's Johns Island Junction project. It was stated that the request is for construction of a new 55,000 gallon per day decentralized wastewater treatment system to serve the first phase (13.3 acres of a total of 47.6 acres) of their project. It was shown that Staff approves the request provided the Developer satisfies all requirements of the South Carolina Department of Health and Environmental Control (DHEC) and BCDCOG.

Committee recommended that Council advocate that the Berkeley, Charleston, Dorchester Council of Governments approve the request to amend the 208 Water Quality Management Plan for the Bennett Hofford's John Island Junction project, provided the Developer satisfies all requirements of the South Carolina Department of Health and Environmental Control (DHEC) and BCDCOG.

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

Ms. Condon moved to amend Committee's recommendation to include the following:

1. That Council also accepted Bennett Hofford Construction Co.'s statement that as the developer they agree to work cooperatively with the County on a more regional approach to wastewater services for the southern part of Johns Island, and that the Company is willing to transfer ownership and/or management of the wastewater system it builds to a public provider, if requested by the County, and that the Company is also willing to connect its wastewater system to a larger system, if one is built.
2. The Statement also included that once COG passes the minor amendment to the 208 Plan, that Bennett Hofford will seek the necessary approvals from DHEC for the construction of the wastewater system for which DHEC has given technical approval, with the understanding that the DHEC permitting process requires the developer to provide financial protections for the continued economic viability of the system, and that the DHEC regulations require that the System be managed by a Class A licensed operator.

Mr. Rawl and Mr. Summey agreed to the addition of Ms. Condon's amendment and the motion as amended carried.

Mr. Thurmond abstained citing a business relationship with the applicant, and furnished the Clerk with a Conflict of Interest Statement for the file.

Agenda Item 13

**Comprehensive
Plan Public
Hearing
Request to
Schedule**

A report was read from the Planning/Public Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, regarding Council Member A. Victor Rawl's request for Council to hold a Public Hearing on possible amendments to the Charleston County Comprehensive Land Use Plan.

Committee recommended that Council approve a Public Hearing to be held on November 17th, 2009 regarding possible amendments to the Charleston County Comprehensive Land Use Plan and bring information received at the Public Hearing back to the Planning Public Works Committee Meeting of December 3rd, 2009 for possible Council Action.

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

Agenda Item 17

**FY 2010
Accommodation
Allocation
Request to
Approve**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Budget Director, regarding Accommodations Allocation Funding. It was stated that at a regular meeting of County Council held on August 19, 2008, County Council directed Staff and the Convention and Visitors Bureau (CVB) to revise and streamline the application and focus more on the effectiveness of the Local Accommodations Tax,

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and the FY 2010 applications were revised as directed. Council also request the CVB in conjunction with the College of Charleston's office of Tourism Analysis, to assist the County with the FY 2010 applications review and to provide economic impact data for Council's consideration. It was shown that County Staff has reviewed the applications for consistency with applicable state accommodations tax law.

Committee recommended that Council make the following allocations from the Fiscal Year 2010 Accommodations Fund:

SC Aquarium	\$16,112.00
Patriots Point Development Authority	15,951.00
City of Charleston Cultural Affairs P. Spoletto	12,567.00
Spoletto Festival USA	9,667.00
Southeastern Wildlife Exposition	8,539.00
SC Maritime Foundation (Harbor Fest)	8,378.00
Drayton Hall	8,217.00
Charleston Food & Wine	8,056.00
Gibbs Museum of Arts	7,411.00
Charleston Golf Inc.	7,089.00
Charleston Metro Sports Council	6,928.00
Children Museum of the Lowcountry	6,606.00
League of Charleston Theatres	5,961.00
Charleston Symphony Orchestra	5,317.00
Avian Conservation Center/Birds of Prey	5,317.00
City of Charleston Cultural Affairs MOJA	4,995.00
City of Charleston Cultural Affairs New Years	4,995.00
Charleston Stage, Inc.	4,198.00
Adande African Drum & Dance, Inc.	<u>4,028.00</u>
Total	\$150,322.00

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

Mr. Summey moved that the \$25,000 set aside for projects in the unincorporated areas of Charleston County be awarded to the only unincorporated project submitted which was submitted by the Federation of Southern Cooperative LAF for the SC Sea Island Farmers.

This motion was seconded by Mr. Rawl.

Mr. Inabinett did not participate in the discussions regarding this item, and furnished the Clerk with a statement of Conflict of Interest since he works with the cooperative members.

Mr. Rawl's schedule required him to leave at this point.

After much discussion regarding the fiscal year 2010 unincorporated area accommodations allocations, several motions were made and failed for lack of a second.

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Mr. Summey moved to award \$15,000 for the Sea Island Farmers. Ms. Condon said she would support \$12,500, and Mr. Summey agreed to amend his motion to \$12,500.

The Chairman called for a roll call vote. The roll was called and votes were as follows:

Ms. Condon	Aye
Mr. Darby	Aye
Mr. Inabinett	Abstain
Mr. McKeown	Nay
Mr. Rawl	Absent at time of voting
Mr. Schweers	Nay
Mr. Summey	Aye
Mr. Thurmond	Nay
Mr. Pryor	Aye

The vote being Four (4) Ayes, three (3) Nays; One (1) Abstention and One (1) absent, the Chairman declared the motion to have passed.

An Ordinance rezoning property located at 2398 Highway 174, Edisto Island was given third reading by title only.

**ZREZ 6-09
4372, 2398
Highway 174**

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 2398 HIGHWAY 174, EDISTO ISLAND, PARCEL IDENTIFICATION NUMBER 028-00-00-059, FROM AN AGRICULTURAL RESIDENTIAL (AGR) DISTRICT TO A RURAL COMMERCIAL (CR) DISTRICT.

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

Ms. Condon	- nay
Mr. Darby	- nay
Mr. Inabinett	- nay
Mr. McKeown	- nay
Mr. Rawl	- absent at time of voting
Mr. Schweers	- nay
Mr. Summey	- nay
Mr. Thurmond	- nay
Mr. Pryor	- nay

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

**ZREZ 6-09-
4357 3881
Savannah
Highway
Ordinance
3rd Reading**

An Ordinance rezoning property in Case ZREZ-6-09-4357 was given third reading by title only.

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 3881 SAVANNAH HIGHWAY, WEST ASHLEY, PARCEL IDENTIFICATION NUMBER 285-00-00-084, FROM A SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.

WHEREAS, the property identified as parcel identification number 285-00-00-084 is currently zoned Single Family Residential (R-4) District; and

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

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

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

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

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

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

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

The property identified as parcel identification number 285-00-00-084 is hereby rezoned from the Single Family Residential (R-4) District to Community Commercial (CC) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

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

Ms. Condon	- aye
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- absent at time of voting
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

**ZREZ 7-09
4632 5366
Mauss Road
Ordinance 3rd
Reading**

An Ordinance rezoning property in Case ZREZ-7-09-4632 was given third reading by title only.

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 5366 MAUSS HILL ROAD, PARCEL IDENTIFICATION NUMBER 098-00-00-124, FROM AN AGRICULTURAL PRESERVATION (AG-10) ZONING DISTRICT (AG-10) TO AN AGRICULTURAL PRESERVATION (Ag-8) ZONING DISTRICT.

WHEREAS, the property identified as parcel identification number 098-00-00-124 is currently Agricultural Preservation (AG-10) District; and

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

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

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

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

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

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

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

The property identified as parcel identification number 098-00-00-124 is hereby rezoned from the Agricultural Preservation (AG-10) District to Agricultural Preservation (AG-8) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

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

Ms. Condon	- aye
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- absent at time of voting
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 2568, 2570 CHERRY POINT ROAD; 6765, 6811, 6815, 6817 MAYBANK HIGHWAY FROM AN AGRICULTURAL/RESIDENTIAL (AGR) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD-141).

WHEREAS, the property identified as parcel identification number 098-00-00-124 is currently Agricultural Preservation (AG-10) District; and

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

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

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

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

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

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

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTY

The property identified as parcel identification number 098-00-00-124 is hereby rezoned from the Agricultural Preservation (AG-10) District to Agricultural Preservation (AG-8) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval of County Council following third reading.

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

Ms. Condon	- aye
Mr. Darby	- absent at time of voting
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- absent at time of voting
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance rezoning property in Case ZPD-7-09-4699 was given third reading by title only.

AN ORDINANCE

REZONING PROPERTY LOCATED AT 2932 CANYON LANE FROM A SPECIAL MANAGEMENT 3 (S-3) DISTRICT TO A PLANNED DEVELOPMENT (PD141) DISTRICT.

WHEREAS, the properties located at 2932 CANYON LANE identified as Tax Map Parcel Numbers 583-00-00-042; and (is/are) currently zoned SPECIAL MANAGEMENT 3 (S-3); and

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD-142) and has submitted a complete application for PD Development Plan approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

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

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

ZPD 7-09
4669, 2932
Canyon Lane
Ordinance 3rd
Reading

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

- A. The PD Development Plan complies with the standards contained in Article 4.27 of the ZLDR;
- B. The development is consistent with the intent of the Charleston County Comprehensive Plan;
- C. The County and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

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

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. REZONING OF PROPERTIES

A. Charleston County Council rezones the properties located at 2932 CANYON LANE , identified as Tax Map Parcel Numbers 583-00-00-042, from SPECIAL MANAGEMENT 3 (S-3); to Planned Development (PD-142); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for PD-142, Charleston County, South Carolina Dated **7-10-2009**", including the changes thereto and conditions, if any, approved by County Council as Planned Development **142** or PD-**142**, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-**142** must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Numbers 583-00-00-042 is amended to PD-**142** in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

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This Ordinance shall become effective immediately upon approval of County Council following third reading.

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

Ms. Condon	- aye
Mr. Darby	- absent at time of voting
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- absent at time of voting
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

**Fee Ordinance
Building
Inspection
Ordinance
3rd Reading**

An Ordinance amending fees in the Building Inspections Department was given third reading by title only.

AN ORDINANCE

AMENDING THOSE PORTIONS OF THE CHARLESTON COUNTY CODE, SECTION 2-137 DEALING WITH FEES IN THE BUILDING INSPECTIONS DEPARTMENT.

Section 1.0. Purpose of Amendment, Finding

WHEREAS, several activities of the County has caused conflicts in requirements and terminologies which has caused a need to update and clarify several appropriate fee applications and

WHEREAS, the update proposed provides an opportunity to consolidate and simplify the use and understanding of the fee ordinance by modifying ordinance formatting.

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

Section 2.0. Text Change:

1. The pertinent portion of Section 2-137 of the Charleston County Code of Ordinance Entitled "Building Inspections" are hereby amended as follows:

Building inspections shall read Building Inspection Services

1. Contractor License / Registration Fees

License / Registration Application Fee	\$50.00
License / Registration Fee	\$50.00
Annual License / Registration Renewal Fee	\$50.00
Existing Journeyman Annual License Renewal Fee	\$25.00
Change License or Registration classification (other than at renewal time)	\$25.00

2. Permit Fees Based on Construction Valuations For All Permits Except For Those Listed In 4 Through 8 Below

Total Valuation	Fee
\$1,000.00 and less	No fee, unless an inspection is required, in which case a permit is required and a \$50.00 fee shall be charged.
\$1,000 to \$2,000	\$50.00
\$2,001 to \$15,000	\$50.00 for the first \$2,000 + \$3.00 per \$1,000
\$15,001 to \$50,000	\$100.00 for the first \$15,000 + \$4.00 per \$1,000
\$50,001 to \$100,000	\$240.00 for the first \$50,000 + \$3.50 per \$1,000
\$100,001 to \$500,000	\$415 for the first \$100,000 + 3.35 per \$1,000
\$500,001 and up	\$1,755 for the first \$500,000 + \$2.50 per \$1,000

3. Mechanical Permit Fees

a. Fees for inspecting heating, ventilating, ductwork, air conditioning and refrigeration, and repairs, alterations and additions to an existing system shall be per the fee schedule for permits based on construction valuations.

4. Electrical Permit Fees

New or Upgrade Service and alterations or additions on the load side of existing meter and connection to existing service or safety inspection and electrical load at each meter location (expressed in amperes), up to 200 amps, the fee shall be \$70.00 plus \$0.10 per each additional amp.

5. Gas Permit Fees

a. The permit fee for consumer's gas piping at one location (including both rough and final piping inspection) shall be \$50.00, plus \$2.00 for each outlet.

6. Plumbing Permit Fees

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- a. The permit fee for plumbing systems shall be \$50.00
- b. Additional fixture permit fees are as follows:
 - 1. For each plumbing fixture, or tap (including water and drainage piping), backflow protective devices and for each water heater \$3.00 each
 - 2. For each building / unit sewer or water service, or replacement / repair, for installation, alteration or repair of water piping and/or water treating equipment and for repair or alteration of drainage or vent piping \$5.00 each

7. Manufactured Housing Permit Fees

For setup on a new or existing site \$100.00

Note: Fees for modular construction as defined by the South Carolina Modular Construction Act shall be based upon the fee schedule for permits based on construction valuations.

8. Inspection Fees

- (1) Re-inspection When a re-inspection fee is required, an additional fee of \$50.00 will be charged for each inspection.
- (2) Minimum Permit or Inspection Fee \$ 50.00
- (3) Floodplain Management Compliance Inspection \$75.00

9. Other Permit Fees

- (1) Trade Permit Fee when the contractor is working as a subcontractor \$25.00

Notes:

- 1. When trade permits are issued for work being done as the prime contractor, the fees shall be as above for the appropriate type of work being performed.
- 2. Prime contractors permitted and performing sub-contractor work utilizing their full-time regular hourly employees will be issued trade permits with no fee.
- (2) Hazardous Occupant Permits \$100.00
- (3) Fireworks Stand Permits \$50.00

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|----------------------------------|----------|
| (4) Structural Moving Permit Fee | \$100.00 |
| (5) Demolition Permit Fee | \$50.00 |

10. Fees

- | | |
|----------------------|---|
| (1) Plan Review Fees | ½ permit fee based
on construction
valuations |
|----------------------|---|

- | | |
|--|---------|
| (2) Construction in Flood Zones / Filing Fee | \$20.00 |
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Note: If a prime contractor has paid a Flood Zone filing fee, the sub-contractor working for the prime contractor will not be charged an additional filing fee.

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| (3) Fees for replacement of placards shall be | \$25.00 |
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- | | |
|---------------------------------------|----------|
| (4) Variance / Appeal Application Fee | \$100.00 |
|---------------------------------------|----------|

Note: Application fees for appeals successfully granted by the Construction Board of Adjustment & Appeals shall be reimbursed to the applicant.

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| (5) Vehicle Decal Fee | \$6.00/vehicle/set |
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|--------------------|--------|
| (6) Annual Vehicle | \$3.00 |
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11. Penalties

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specific shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of work nor from any other penalties prescribed herein.

12. Effective dates; severability

This ordinance shall be effective immediately following approval at third reading. The changes in the Building Inspection Services fees shall be effective as of approval of third reading.

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 does 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 severable.

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

Ms. Condon	- aye
Mr. Darby	- absent at time of voting
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- absent at time of voting
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

**Town of
Ravenel
Ordinance
2nd Reading**

An Ordinance regarding the Town of Ravenel Elections was given second reading by title only.

AN ORDINANCE

ACCEPTING THE TRANSFER OF CERTAIN AUTHORITY TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF RAVENEL.

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

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

Ms. Condon	- aye
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- absent at time of voting
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

**ZPDA-8-09-
5162, 3791
Betsy Kerrison
Pkwy.
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Dan Pennick, Director of Zoning and Planning, regarding a request to amend the text of a Planned Development located at 3791 Betsy Kerrison Parkway on Johns Island.

Committee recommended that Council approve the requested text change in Case ZPDA 8-09-5162.

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

Mr. Thurmond abstained, citing a business connection with the applicant, and furnished the Clerk with a Statement of Conflict of Interest.

An Ordinance amending (PD-22B) District was given first reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 3791 BETSY KERRISON PARKWAY AND 4920, 4979 AND 4982 RIVER ROAD, PARCEL IDENTIFICATION NUMBERS 215-00-00-086- 008 AND 202-00-00-073, 174 FROM THE PLANNED DEVELOPMENT (PD-22B) DISTRICT TO THE PLANNED DEVELOPMENT (PD-22C) DISTRICT.

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

Municipal Planning Coordination Request Resolution

A report was read from the Planning/Public Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and Dan Pennick, Director of Zoning and Planning, regarding Council Council's instructions to Staff to identify options to strengthen coordination with area jurisdictions regarding land use, zoning and development regulations. It was stated that Staff has come up with 4 options and that option 2 is the most desirable.

Committee recommended that Council approve a Resolution directing Staff to work with the City of Charleston to develop a Memorandum of Understanding regarding coordination of planning efforts and bring the Memorandum of Understanding back to Council for approval.

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

2144 Garfield Street/Vacant Property A) Request to Approve B) Ordinance 1st Reading

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Daniel Chandler, Director of Facilities, regarding County owned property within the City of North Charleston. It was stated that the property measures 25' by 155'; was acquired for \$900 through a delinquent tax sale in 2002 and the County has no use for the property. It was shown that on July 21, 2009, Council authorized Staff to negotiate with the City of North Charleston for the purchase/transfer of this property located at 2144 Garfield Street. It was further stated that the City of North Charleston has agreed to accept the property and put it into their inventory for public use, contingent upon approval of the City of North Charleston Council.

Committee recommended that Council approve and give first reading to an Ordinance authorizing County Council to transfer property located at 2144 Garfield Street, North Charleston, South Carolina, also known as TMS 469-14-00-337, to the City of North Charleston.

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

A proposed Ordinance transferring property located at 2144 Garfield Street in North Charleston to the City of North Charleston was given first reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE TRANSFER OF OWNERSHIP TO THE CITY OF NORTH CHARLESTON OF COUNTY OWNED PROPERTY LOCATED AT 2144 GARFIELD STREET IN THE CITY OF NORTH CHARLESTON.

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

**1475 Folly
Road Vacant
Property
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Chandler, Director of Facilities, regarding County owned property located at 1475 Folly Road in Charleston. It was stated that on May 21, 2009, Council authorized Staff to publicly bid this property through the sealed bid process and return to Council with a recommendation. It was further stated that only one bid was received which was less than the County's recent appraisal.

Council also considered the information furnished in executive session.

Council approve and give first reading to an Ordinance authorizing the sale of the property known as 1475 Folly Road, Charleston, SC, TMS 334-00-00-048 for the sum of \$425,000, plus cost of closing to Dr. John Ohlandt.

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

A proposed Ordinance regarding the sale of County owned property on Folly Road was given first reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE SALE AND PURCHASE OF COUNTY OWNED PROPERTY LOCATED AT 1475 FOLLY ROAD IN THE CITY OF CHALESTON, SOUTH CAROLINA.

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

**Bowman Road
Right of Way
Dedication
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding the widening of Bowman Road in Mount Pleasant. It was stated that the Town of Mount Pleasant in order to construct this project with the construction of the Johnnie Dodds Blvd. project will needed to acquire the necessary right-of-way including .031 acre of a tract owned by Charleston County, and has requested County Council to dedicate the right-of-way currently leased to the Town for a Fire Department Training Facility. It was further stated that the South Carolina Department of Transportation (SCDOT) requires a right-of-way certification before the Town of Mount Pleasant can advertise the Bowman Road Widening project for construction. It was shown that once the project is complete, the Town of Mount Pleasant will transfer the right-of-way to the SCDOT.

Committee recommended that Council approve and give first reading to an Ordinance authorizing County Council to transfer by deed the .031 acre of Tax Map No. 559-00-00-089 as requested by the Town of Mount Pleasant for the Bowman Road widening project.

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

A proposed Ordinance authorizing the transfer of ownership of a portion of County owned property to the Town of Mount Pleasant was given first reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE TRANSFER OF OWNERSHIP OF A PORTION OF COUNTY OWNED PROPERTY LOCATED ON BOWMAN ROAD IN THE TOWN OF MOUNT PLEASANT TO THE TOWN OF MOUNT PLEASANT.

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

**Urban
Greenbelt
Applications
Request to
Approve**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Cathy Russ, Director of the Greenbelt programs, regarding properties recommended by the Urban Grants Review Committee. It was shown that this Committee was approving two projects one being Lighthouse Blvd Park and the other being the Jennie Moore Nature Trail.

Committee recommended that Council:

1. Approve the following urban greenbelt projects with the conditions recommended by the Charleston County Park and Recreation Commission, and with the appropriate ingress/egress easement.

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Applicant	Project	Acres	Funding
Town of James Island	Lighthouse Blvd Park	1.72	\$238,000
Community Action Group	Jennie Moore Nature Trail	2.00	<u>\$236,500</u>
			\$474,500

2. Approve the use of \$474,500 from the 2007 General Obligation Bonds for these projects.

3. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program Ordinances and policies.

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

Mr. McKeown abstained citing a business relationship regarding the Jennie Moore Nature Trail acquisition, and furnished the Clerk with a Conflict of Interest Statement.

**Greenbelt Bank
Rural Greenbelt
Applications
Request to
Approve**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Cathy Ruff, Director of Greenbelt Programs regarding applications received for Greenbelt Bank Rural Funds. It was stated that if these projects are approved, they will protect 372 acres at an average of \$2,725 per acre with \$3.8 million provided in match.

Committee recommended that Council:

1. Approve, with conditions, funding for the following rural greenbelt projects provided that upon approval, grant agreements will be executed between the County and appropriate parties.

Applicant	Project Name	Acres	Funding
Edisto Island Open Land Trust	Newton Family - Frogmore	128	\$315,000
Edisto Island Open Land Trust	Rice – Sunnyside	55	\$90,000
Edisto Island Open Land Trust	Sasser - Sunnyside	83	\$268,000
Edisto Island Open Land Trust	Thompson – Sunnyside	85	\$220,000
Lowcountry Open Land Trust	Portion of Millbrook	<u>21</u>	<u>\$120,750</u>
	Total:	372	\$1,013,750

Conditions:

1. Newton Family – Frogmore: Conservation easement includes preserving the half-acre hammock with no dock traversing hard marsh to hammock and increasing the water front buffer to 100 feet.
2. Rice – Sunnyside: Conservation easement includes limiting structures to 20,000 square feet in the aggregate.
3. Sasser – Sunnyside: For undeveloped water front parcel the conservation easement includes no subdivision, maximum of one main residence, one secondary residence and one dock. Structures on this parcel are limited to 7,500 square feet in the aggregate.

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4. Thompson – Sunnyside: For undeveloped water front parcel the conservation easement includes no subdivision, maximum of one main residence, one secondary residence and one dock. Structures on this parcel are limited to 7,500 square feet in the aggregate.
2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Approve the use of \$1,013,750 from the 2007 General Obligation Bonds for Greenbelt projects.

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

**Rural
Greenbelt
Applications
Request to
Approve**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the Legal Information received in executive session on October 15, and the discussion of Council Members in open session at the Finance Committee meetings of October 1 and 15.

Committee recommended that Council:

1. Approve funding for the following rural greenbelt projects provided that upon approval, grant agreements will be executed between the County and appropriate parties.

Applicant	Project Name	Acres	Funding Amount
Charleston Area Therapeutic Riding	Green Acres for CATR	37	\$700,000
Lowcountry Open Land Trust	Wingswood (Birds of Prey)	153	267,500
Total:		190	\$967,500

Conditions on Green Acres for CATR

Committee recommended that Council authorize Staff to negotiate one of the following options with Charleston Area Therapeutic Riding regarding their Rural Greenbelt application

A) Charleston County will buy and own the property and lease it to Charleston Area Therapeutic Riding for a small fee with the understanding that Charleston Area Therapeutic Riding will place the adjacent land which they currently own under a conservation easement.

B) Charleston County grants Greenbelt funding to Charleston Area Therapeutic Riding to buy the property with a specific reversionary clause if Charleston Area Therapeutic Riding ceases doing business or if the organization attempts to encumber the property with a mortgage, the property will immediately revert to Charleston County ownership.

2. Authorized the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Approved the use of \$967,500 from the 2007 General Obligation Bonds for Greenbelt projects.

Prior to Council action on this item, Assistant Administrator for Transportation and Emergency Management, Kurt Taylor, requested Council to consider some changes to the Committee recommendation. He stated that he felt the changes would be beneficial to Staff in the implementation of Council's desires in the Rural Greenbelt Bank Applications.

The suggested Committee recommendation is as follows:

1. Approved funding for the following rural greenbelt projects provided that upon approval, grant agreements will be executed between the County and appropriate parties.

<u>Applicant</u>	<u>Project Name</u>	<u>Acres</u>	<u>Funding Amount</u>
<i>Charleston Area Therapeutic Riding</i>	<i>Green Acres for CATR</i>	<i>37</i>	<i>\$700,000</i>
<i>Lowcountry Open Land Trust</i>	<i>Wingswood (Birds of Prey)</i>	<i>153</i>	<i>\$267,500</i>
	TOTAL	190	\$967,500

Conditions on Green Acres for CATR

Committee recommended that Council authorize Staff to negotiate one of the following options with Charleston Area Therapeutic Riding regarding its Rural Greenbelt application

A) Charleston County will buy and own the property and lease it to Charleston Area Therapeutic Riding for a small fee with the understanding that Charleston Area Therapeutic Riding will place the adjacent land which they currently own under a conservation easement.

B) Charleston County grants Greenbelt funding to Charleston Area Therapeutic Riding to buy the property with a specific reversionary clause if Charleston Area Therapeutic Riding ceases doing business or if the organization attempts to encumber the property with a mortgage, the property will immediately revert to Charleston County ownership. Council also authorized staff to explore the County holding a different executory interest in the land as an alternative to a reverter. Such an interest which would keep the county out of the chain of title for the property at the time it is purchased for the Greenbelt Project, but would include the same conditions and limitations expressed above which would trigger a transfer of title to the County upon their occurrence.

2. Authorized the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Approved the use of \$967,500 from the 2007 General Obligation Bonds for Greenbelt projects.

Ms. Condon moved approval of the revised recommendation as submitted by Mr. Taylor, seconded by Mr. Inabinett.

Mr. Schweers voted nay on the Green Acres for Charleston Area Therapeutic Riding Project and Messrs. Darby, Pryor and Summey, voted nay on the Wingswood Birds of Prey Project. Both projects received Council approval.

**Energy
Conservation &
Environmental
Policy
Request to
Approve**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DeStefano, Project Officer for General Services the County Administrator's Energy Conservation Goal. It was stated that on March 16, 2009 the County Administrator established an Energy Conservation Goal. It was stated that in fiscal year 2009 the County effectively reduced the overall electrical consumption for a cost savings of approximately \$350,000. It was further stated that although the County has already established goals and strategies in an Energy Conservation Plan and undertaken many energy conservation measures and green initiatives, there currently is no formal policy in place to support these efforts, nor a unified vision for the future. It was further stated that a policy would not only define the County's vision and mission for the future, but would also firmly establish the County's position on energy conservation and protect our environment.

Committee recommended that Council approve Charleston County's Energy Conservation & Environmental Policy.

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

**208 Water
Quality Plan
Designation
Request to
Approve**

A report was read from the Finance Committee under date of October 15, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Neal, Director of Public Works, regarding funding to contract with a wastewater engineering consultant. It was stated that at the County Council meeting held on October 6, 2009, Council approved pursuing designation as a 208 Management Agency, and in addition approved contracting out the wastewater services to existing public or licensed private operators.

Committee recommended that Council approve funding from Council Contingency in an amount not to exceed \$80,000 to contract with a wastewater engineering consultant for technical assistance in the development of the County's 208 Management Program.

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

**Free Roaming
Cat Program
Deferred**

A report was read from the Finance Committee under date of October, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Charles Karesh, President of the Charleston Animal Society, regarding the problems of "Free Roaming Cats." It was stated that other jurisdictions are able to elevate some of their problems by way of an Ordinance.

Committee recommended that Council approve and give first reading to an Ordinance designed to elevate some of the problems caused by Free Roaming Cats.

Ms. Condon stated that she felt more time was needed before action was taken on this matter in order to receive input from citizens and agencies, regarding their feelings, and she moved to defer this matter.

Ms. Condon's motion was seconded by Mr. Pryor, and carried.

The County Attorney announced that Council needed to go into executive session to discuss matters related to expansion of industry in Charleston County.

Mr. McKeown moved for Council to go into executive sessions, seconded by Mr. Summey, and carried.

**Public
Forum**

The Chairman stated that prior to going into executive session, he would allow members of the audience to address Council.

Mr. Bill Goad, of Peters Point Road, Edisto Island thanked Council for listening to the Community's concerns.

Mr. Bruce Best of 8090 Marcy Road, Edisto Island said that Marcy Road is a private road and questioned if a private road was required to provide access to the property requested for re-zoning.

Ms. Becky Danus, Manager of Kiawah/Johns Island Utility Company reminded Council that there are some private Utilities Companies that should be considered when it comes to Council's 208 Wastewater Project.

Ms. Nancy Beck who resides in Tennessee spoke to Council regarding a Code Enforcement issue. She said she was left her father's home at 7419 Tedder Street by will and that the house directly across the Street is in dreadful condition.

Mr. Summey said he had gone by this property at Ms. Beck's request and advised the County Administrator to place this item on the next Planning/Public Works Committee meeting on October 29, 2009 for a discussion on Code Enforcement.

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

There was no affirmative response.

The Chairman announced that Council would go into executive session to receive information from the County Attorney regarding matters related to expansion of industry in Charleston County.

At the conclusion of the executive session, the Chairman announced that no action or votes had been taken by Council while in executive session.

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

Beverly T. Craven
Clerk of Council

