

October 6, 2009  
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 6<sup>th</sup> 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: Paul R. Thurmond, Vice Chairman, who presided; Henry E. Darby; Curtis B. Inabinett; Joe McKeown; Teddie E. Pryor, Sr., Chairman; A. Victor Rawl; J. Elliott Summey; and Dickie Schweers. Council Member Colleen Condon was in Court and unable to attend.

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

Mr. Pryor gave the invocation. Mr. Rawl 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. Pryor moved approval of the Minutes of September 15, 2009, seconded by Mr. Inabinett, and carried.

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

#### **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 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	- absent
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

ZREZ 6-09  
4372, 2398  
Highway 174  
A) Request to  
Change  
B) Ordinance  
2<sup>ns</sup> Reading

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

ZREZ 6-09-4357 3881 Savannah Highway Ordinance 2<sup>nd</sup> Reading

An Ordinance rezoning property in Case ZREZ-6-09-4357 was given second 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.**

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 - absent
- Mr. Darby - aye
- Mr. Inabinett - aye
- Mr. McKeown - aye
- Mr. Rawl - aye
- Mr. Schweers - aye
- Mr. Summey - aye
- Mr. Thurmond - aye
- Mr. Pryor - aye

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

ZREZ 7-09-4632 5366 Mauss Road Ordinance 2<sup>ns</sup> Reading

An Ordinance rezoning property in Case ZREZ-7-09-4632 was given second 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.**

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	- absent
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

**ZPD 6-09**  
**4266 Cherry**  
**Point Rd &**  
**Maybank Hwy**  
**Ordinance 2<sup>ns</sup>**  
**Reading**

An Ordinance rezoning property in Case ZPD-6-09-4266 was given second reading by title only

#### **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).**

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	- absent
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

**ZPD 7-09**  
**4669, 2932**  
**Canyon Lane**  
**Ordinance 2<sup>ns</sup>**  
**Reading**

An Ordinance rezoning property in Case ZPD-7-09-4699 was given second 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.**

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	- absent
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

**Fee Ordinance  
Building  
Inspection  
Ordinance 2<sup>ns</sup>  
Reading**

An Ordinance amending fees in the Building Inspections Department was given second 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.**

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	- absent
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

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

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**Trident  
Workforce  
Investment  
Board  
Appointments  
(7)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Allen O'Neal, County Administrator, and Christine DuRant, Grants Administrator, regarding the need to make seven appointments to the Trident Workforce Investment Board. It was stated that four of the seats are Private Sector/Mandated Partner appointments and that the remaining three seats are Private Sector appointments. It was also shown that the TWIB Executive Committee had reviewed all applications and made recommendations.

Committee recommended that Council make the following appointments to the Trident Workforce Investment Board:

<u>Name</u>	<u>Seat</u>	<u>Term Expiration</u>
James Coles	Partner (SC Employment Security Commission)	June 30, 2010
Frank Oakley	Partner (Charleston County DSS)	June 30, 2010
Bernadette Herbert	Partner (Telamon Corporation)	June 30, 2012
Andrew Maute	Legislatively Mandated (labor)	June 30, 2012
Janet Cappellini	Private sector	June 30, 2012
Butch Clift	Private sector	June 30, 2012
Jacquelyn Renegar	Private sector	June 30, 2012

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

**Firemen's  
Insurance &  
Inspection  
Fund  
Appointments  
(2)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Charleston County Firemen's Insurance and Inspection Fund. It was stated that an application for appointment was received from Jeremy Gilbert to fill a seat representing the St. Andrews Public Service District. Following this appointment, there will remain one vacancy representing the St. Andrews PSD and two vacancies representing the St. Pauls Fire District.

The Firemen's Insurance and Inspection Fund (1 percent Commission) is comprised of 21 members: the County Treasurer and 4 representatives from each of the five fire districts in the County (Awendaw, St. John's, St. Paul's, St. Andrews PSD, and James Island PSD). Members are appointed by the Treasurer upon recommendation of County Council for four year terms.

Committee recommended that Council recommend to the Treasurer the appointment of Jeremy Gilbert to the Firemen's Insurance and Inspection Fund representing St. Andrews Public Service District for a term to expire in March 2012.

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

**Board of  
Assessment  
Appeals  
Appointments  
(2)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding three vacancies on the Charleston County

Board of Assessment Appeals. It was stated that applications for appointment were received from Alex DeSeta, David Engelman, Michael Futeral, Joe Good, Pat Hogan, Robert Lee Lloyd, Josh Nodine, and Chaun Pflug.

The Board of Assessment Appeals hears appeals from the Assessor's valuation of property values. Hearings are workload driven and are usually held on Wednesday afternoons. The Board's fifteen members shall be appointed by County Council to four year terms.

Committee recommended that Council appoint Chaun Pflug and Joe Good to the Board of Assessment Appeals for terms to expire in June 2013.

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

**Forestry  
Board  
Appointment  
(1)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding a vacancy on the Charleston County Forestry Board. It was stated that applications for appointment were received from David Engelman, Josh Nodine, and Joseph Whitlock.

The five members of the Charleston County Forestry Board shall assist in the general conduct of the forestry program in the County. The Board shall review, revise, and adopt the annual forest fire protection plan. Members of the Board shall reside in Charleston County. Appointments are made by the State Forester upon recommendation of County Council. Terms are for five years.

Committee recommended that Council recommend that the State Forester appoint Joseph Whitlock to the Charleston County Forestry Board for a term to expire in July 2014.

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

**Disabilities &  
Special Needs  
Board  
Appointments  
(4)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding four vacancies on the Disabilities and Special Needs Board. It was stated that applications for re-appointment were received from Bartley Antine, Elizabeth Pilcher, and Wilbur Johnson. It was also stated that applications for appointment were received from Rosemary Brana-Shute, Jane Charles, Christine File, Joe Good, Lucille Hefka, Marian Klinger, Bradford Love, William Tate Mikell, Donna Brown Newton, George William Olney, Arnold O'Neal, Kathleen Perry, Patricia Perry, Sean Pike, Lorraine Powers, Allison Ringel, Albert Robison, Edward Smalls, Gary Sullivan, Raymond Wiltshire, and Alexis Wright-Singleton.

Members of the Disabilities and Special Needs Board are appointed by the Governor for four year terms. County Council recommends to the Governor persons to be appointed. The mission of the Board is to assist people with disabilities in meeting

their needs, pursuing their dreams and achieving their possibilities; and to minimize the occurrence and reduce severity of disabilities through prevention. The Board meets on the second Thursday of each month at 5:30 p.m.

Committee recommended that Council recommend that the Governor:

1. Appoint William Tate Mikell, Donna Brown Newton, and Arnold O'Neal to the Disabilities and Special Needs Board for terms to expire in September 2013.
2. Appoint Raymond Wiltshire to fill the unexpired term of Eva Ravenel for a term to expire in September 2011.

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

**Charleston  
Public  
Facilities  
Corporation  
Appointment  
(1)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Charleston Public Facilities Corporation. It was stated that an application for reappointment was received from John Melot and additional applications for appointment were received from Alex DeSeta, Pat Hogan, and Bedie Kinney.

The purpose of the Public Facilities Corporation is to oversee expenditure of monies from Certificates of Participation; this Corporation is mandated under the terms of the said Certifications. The Corporation is composed of three persons: the Controller and the Director of General Services, who serve permanently; and one citizen, who represents the financial or building communities. This Board Member serves a three year term. The Public Facilities Corporation meets annually since all of the building projects financed by the Certificates of Participation have been completed.

Committee recommended that Council appoint Pat Hogan to the Charleston Public Facilities Corporation for a term to expire in September 2012.

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

**St. Andrews  
Parks and  
Playground  
Appointments  
(2)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Saint Andrews Parks and Playground Commission. It was stated that applications for reappointment were received from Ronald Bailey and Michael Eykyn and an additional application for appointment was received from James Norris Law, Jr.

The St. Andrews Parks and Playground Commission is a Public Service District formed by the state legislature and is composed of five volunteer citizens that live within the Public Service District. The Commission is appointed by the Governor, upon recommendation of Charleston County Council for a term of three years. The duties of the Commission include preparing an annual budget to be approved by

Charleston County Council and making and maintaining policy for the Agency. The staff of St. Andrews Parks and Playground report to the Executive Director who in turn reports directly to the Commission.

Committee recommended that Council recommend that the governor reappoint Michael Eykyn and Ronald Bailey to the Saint Andrews Parks and Playground Commission for terms to expire in July 2012.

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

**Saint Paul's  
Fire District  
Appointment  
(1)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Saint Pauls Fire District Commission. It was stated that an application for reappointment was received from Irvin Gadsden.

The St. Paul's Fire District Commission Board consists of seven members, appointed by the Governor upon recommendation by Charleston County Council, responsible for the oversight of all administrative and operational aspects of the St. Paul's Fire Protection special purpose district. The board has the authority to purchase, establish, enlarge, maintain, conduct, and operate the special purpose district as deemed necessary. The board meets to review operational, financial, and administrative activity reports. The board meets on the first Thursday of each month at 6:00 pm with special meetings called as necessary.

Committee recommended that Council recommend that the governor reappoint Irvin Gadsden for a term to expire in June 2012.

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

**Charleston  
Center  
Advisory  
Board  
Appointments  
(3)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Charleston Center Advisory Board. It was stated that an application for reappointment was received from Brad Crowther and that additional applications for appointment were received from Phillip Botham, Terry Brown, Sarah Cooper, Pat Hogan, James Norris Law, Jr., Julian Malasi, and Barbara Zia.

The nine Members of the Alcohol and Other Drug Abuse Services Board serve in an advisory capacity only. At least two members shall be representatives of the community of recovering persons and at least two members shall be representatives from the treatment community with a medicine, psychology, social work or addictions counseling background. Members' terms are for three years. The Board meets on the second Monday of each month at 5:30 p.m.

Committee recommended that Council:

1. Appoint Terry Brown and Barbara Zia to the Charleston Center Advisory.
2. Appoint either Julian Malasi or Sarah Cooper to the Charleston Center Advisory Board.

The Chairman called for a motion on item 1 of the Committee recommendation. Mr. Pryor moved approval of Committee recommendation of Terry Brown and Barbara Zia, seconded by Mr. Summey, and carried.

The Chairman stated that at the Administration Policy/Rules Committee meeting, there was a tie vote between Julian Malasi and Sarah Cooper for a seat on the Charleston Center Board, and called for a roll call vote.

The roll was called and votes recorded as follows:

Ms. Condon	- absent
Mr. Darby	- Malasi
Mr. Inabinett	- Cooper
Mr. McKeown	- Malasi
Mr. Rawl	- Cooper
Mr. Schweers	- Malasi
Mr. Summey	- Malasi
Mr. Thurmond	- Malasi
Mr. Pryor	- Cooper

The vote being five (5) votes for Malasi and three (3) votes for Cooper, the Chairman declared Julian Malasi to be appointed to the Charleston Center Advisory Board.

**Procurement Appeals Board Appointments (2)**

A report was read from the Administration Policy/Rules Committee under date of October 1, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Procurement Appeals Board. It was stated that an application for reappointment was received from Marilyn Walter Johnson and that additional applications for appointment were received from Emma Bennett-Williams and Henrietta White.

The Charleston County Procurement Appeals Board meets only in the case of a formal protest by a vendor, regarding the solicitation of an award or an appeal from a determination made by the Director of Procurement. The Chairman of this five

Committee recommended that Council reappoint Marilyn Walter Johnson and appoint Henrietta White to the Procurement Appeals Board for terms to expire in June 2011.

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

**SCE&G Financial Incentives Request Resolution**

A report was read from the Finance Committee under date of October 1, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and J. Steven Dykes, Director of Charleston County Economic Development, regarding the

South Carolina Electric and Gas (SCE&G) Company 's request for Council to approve an inducement resolution. It was stated that SCE&G is contemplating consolidation of its call center, dispatch center, crew quarters and administrative offices on a 50 acre campus in North Charleston, in an effort to enhance technology and communications, thereby greatly facilitating emergency response by its call center in the dispatch of its line crews. It was shown that the campus will host five new buildings involving a capital investment of \$40 million, and that all of the 448 employees will be retained and domiciled at the new location.

Committee recommended that Council approve an inducement resolution authorizing the execution and delivery of a fee-in-lieu-of-taxes (FILOT) to SCE&G to facilitate their \$40 million consolidation project at Aviation Avenue, with the understanding that the FILOT incentives features include: 6% assessment ratio; millage fixed at 2008 level for Tax District 4-3 (City of North Charleston) of 269.8 for the next twenty years, and a Special Source Revenue Credit (SSRC) of 12-15% of 20-year FILOT revenues will be extended to the Company during the first ten years that the Company makes FILOT payments.

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

The Resolution is as follows:

<b>STATE OF SOUTH CAROLINA</b>	)	<b><u>INDUCEMENT RESOLUTION FOR</u></b>
	)	<b><u>FEE-IN-LIEU-OF-PROPERTY-TAXES</u></b>
	)	<b><u>FOR SOUTH CAROLINA ELECTRIC</u></b>
<b>COUNTY OF CHARLESTON</b>	)	<b><u>&amp; GAS COMPANY</u></b>

**WHEREAS**, Charleston County (the "County") is presently recruiting an investment in the County by South Carolina Electric & Gas Company (the "Company"), a subsidiary of SCANA Corporation, in the form of an expanded facility to be located in the County ( the "Project"); and

**WHEREAS**, Charleston County Council (the "Council"), in order to induce the Company to expand in the County, has committed to the Company that the Council will take certain actions and provide certain incentives, including but not limited to entering into a fee-in-lieu of property taxes ("FILOT") agreement and granting a special source revenue tax credit providing certain benefits to the Company, if the Company were willing to locate the Project in the County.

**WHEREAS**, the Company has made a previous investment in the County and, during the FILOT investment period, the Company is anticipated to make an additional investment of at least \$40 million;

**NOW, THEREFORE, BE IT RESOLVED** by the Council that:

1. If the Company decides to locate the Project in the County, the Council, upon request by the Company, hereby agrees to enter into a FILOT agreement

under Title 12, Chapter 44 Code of Laws of South Carolina, as amended (the "FILOT Act"), as to the Company's real and personal property at the Project that will provide the Company with a calculation of such FILOT payments on the basis of an assessment ratio of 6% for a period of 20 years.

2. The Council agrees to enter into and execute a FILOT agreement with the Company at such time as the Company may request, consistent with this Inducement Resolution and with the FILOT Act. The millage rate shall be fixed for the full term of the FILOT agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) June 30 preceding the year in which the FILOT agreement is executed, or (2) June 30 of the year in which the FILOT agreement is executed.
3. The Council agrees to provide the Company with a special source revenue tax credit ("Credit"). The total Credit shall be equal to the sum of the net present value of a twenty (20%) percent annual special source revenue credit over twenty (20) years of FILOT payments. The Credit shall be granted as phases of the Project become subject to the FILOT payments. The net present value of the twenty (20) years of payments shall be over a period of no more than ten (10) years following the end of the investment period. The amount of the Credit shall be subject to claw back provisions if the Company's investment does not reach \$40 million, as will be more fully set forth in the FILOT Agreement. The Credit will be used to defray a portion of the expenditures on infrastructure at the Project.
4. The County agrees to use its best efforts to place the Project in an existing Multi-County Industrial and Business Park.
5. The County agrees to provide the Company with the most favorable provisions allowable under the FILOT Act with respect to the disposal and replacement of property.
6. The County agrees to consent, to the maximum extent allowed under the FILOT Act, for any purpose including, but not limited to obtaining financing to:
  - (a) any sale, transfer, disposition or assignment of the FILOT agreement, whether in whole or in part, by the Company to another SCANA subsidiary;
  - (b) the transfer or assignment of security or other interests in any of or all of the Company's interest in the property subject to the FILOT agreement to another SCANA subsidiary; and
  - (c) the sublease of any property subject to the FILOT agreement to such subsidiary.
7. This Resolution shall constitute action reflecting and identifying the Project for purposes of the FILOT Act.
  - (a) The Project constitutes a 'project' as said term is referred to and defined in Section 12-44-30 (16) of the FILOT Act.

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- (b) The Project is anticipated to benefit the general public welfare of the County by providing services, employment and other public benefits not otherwise provided locally.
  - (c) The Project will not give rise to any pecuniary liability of the County or give rise to any charge against its general credit or taxing power.
  - (d) The purposes to be accomplished by the Project are proper governmental and public purposes and the benefits of the Project are greater than the costs.
8. The County agrees to provide the incentives set forth in this Resolution as long as the Company agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project.

**APPROVED AND ADOPTED IN A MEETING THIS 6<sup>th</sup> DAY OF OCTOBER, 2009.**

**CHARLESTON COUNTY, SOUTH CAROLINA**

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

**ATTEST:**

Beverly T. Craven, Clerk to  
Charleston County Council

**208 Water Quality  
Plan  
Recommendation**

A report was read from the Planning/Public Works Committee under date of October 1, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, Kurt Taylor, Assistant Administrator for Transportation & Emergency Management and Jim Neal, Director of Public Works, regarding 208 Water Quality Management Plan Strategies.

It was stated that Council also considered the 208 Quality Management Plan Strategies prepared by Woolpert, Inc., and the information furnished by Ron Mitchum, Director of the Berkeley/Charleston/Dorchester Council of Governments.

Committee recommended that Council approve:

1. Alternate Plan 4(b) and pursue the past County Council Directive and continue to seek designation as a 208 Management Agency, but contract the wastewater services to existing public or licensed private operators.
2. Authorize Staff to:
  - A) Determine levels of service and associated service areas.
  - B) Negotiate contracts with one or more wastewater operators
  - C) Hire a wastewater engineering consultant for technical assistance
  - D) Determine a funding source for recommendation to Council.

The Chairman stated that Council would hold a public hearing on Tuesday, October 20, 2009 at 6:00 in order to receive public input on this issue.

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

**Town of  
Hollywood  
Greenbelt  
Project  
Request to  
Approve**

A report was read from the Finance Committee under date of October 1, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding Rural Greenbelt Funding as requested by the Town of Hollywood. It was stated that the Town of Hollywood submitted a rural greenbelt application requesting \$5.8 million for the purchase of the Wideawake Plantation property located on the Stono River, and that the property contained a dock, garage apartment, walking paths, benches, landscaped areas and open space and would be a turnkey park for the Hollywood Area. It was shown that Greenbelt Bank Board approved, with conditions, the project at their September 3, 2009 meeting for the purchase price of \$3 million and \$7,500 for closing and improvements.

Committee recommended that Council

1. Approve the Town of Hollywood's Wideawake Plantation project in the amount of \$4,800,000, with no provisions for closing costs, provided that upon approval, a grant Agreement will be executed between the County and appropriate parties, and the following restrictive covenants are placed on the property:
  - Limit to existing dock with the ability to expand and to include a boat ramp
  - Current dock permits cannot be amended or transferred
  - No structures within a 100 foot buffer from the OCRM critical line
  - Consolidate the current parcels into one parcel
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 \$4,800,000 from the General Obligation Bonds for Greenbelt projects.

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

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

Ms. Condon	- absent
Mr. Darby	- aye
Mr. Inabinett	- aye
Mr. McKeown	- nay
Mr. Rawl	- aye

Mr. Schweers - nay  
 Mr. Summey - aye  
 Mr. Thurmond - nay  
 Mr. Pryor - aye

The vote being five (5) ayes, three (3) nays and one (1) absent, the Chairman declared the motion to have carried.

A report was read from the Finance Committee under date of October 1, 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 projects reviewed by the Greenbelt Bank Board and recommended to County Council for funding. It was stated that if approved these projects will protect 3,470 acres at \$1,205 per acre with \$11.7 million provided in match.

Committee recommended that Council:

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

<b>Applicant</b>	<b>Project Name</b>	<b>Acres</b>	<b>Funding</b>
Charleston Area Therapeutic Riding Ducks Unlimited	Green Acres for CATR	37	\$ 700,000
Edisto Island Open Land Trust	Hermitage Plantation	1,086	375,000
Edisto Island Open Land Trust	Britton Family Property	48	215,000
Edisto Island Open Land Trust	Hastings Governors Bluff	140	395,000
Edisto Island Open Land Trust	F. Mikell Peters Point	184	300,000
Lowcountry Open Land Trust	Frogmore Plantation	46	93,000
Lowcountry Open Land Trust	Rashford Properties	264	507,000
Lowcountry Open Land Trust	Wingswood (Birds of Prey)	153	267,500
The Nature Conservancy	Hampton, Inc.	1.124	702,800
The Nature Conservancy	Oak Hill Farm	388	626,150
	<b>Total</b>	<b>3,470</b>	<b>\$4,181,450</b>

1. That the Rashford Properties project be approved with the condition that the boundary line dispute be settled to the satisfaction of all parties involved, prior to closing.
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 Ordinance and policies.
3. Approve the use of \$4,181,450 from the 2007 General Obligation Bonds for Greenbelt projects.

Mr. Rawl requested that Council be allowed to vote separately on each item.

Mr. Schweers asked the County Attorney about legal issues involving the Charleston Area Therapeutic Riding and the Wingswood (Bird of Prey) projects.

**Rural Greenbelt  
 Recommendation  
 Request to  
 Approve**

After much discussion, Mr. McKeown moved to defer the two projects in question, and Mr. Rawl withdrew his request to vote on each project separately. Mr. Schweers seconded Mr. McKeown’s motion, and the motion carried.

The Committee recommendation as amended is:

1. Defer action on the Projects Green Acres for Charleston Area Therapeutic Riding in he amount of \$700,000 and Wingwood (Birds of Prey) in the amount of \$267,500.
2. Approve funding for the following rural greenbelt projects, with conditions, provided that upon approval, grant agreements will be executed between the County and appropriate parties.

<b>Applicant</b>	<b>Project Name</b>	<b>Acres</b>	<b>Funding</b>
Ducks Unlimited	Hermitage Plantation	1,086	375,000
Edisto Island Open Land Trust	Britton Family Property	48	215,000
Edisto Island Open Land Trust	Hastings Governors Bluff	140	395,000
Edisto Island Open Land Trust	F. Mikell Peters Point	184	300,000
Lowcountry Open Land Trust	Frogmore Plantation	46	93,000
Lowcountry Open Land Trust	Rashford Properties	264	507,000
The Nature Conservancy	Hampton, Inc.	1.124	702,800
The Nature Conservancy	Oak Hill Farm	388	626,150
	Total	3,280	\$3,213,950

1. That the Rashford Properties project be approved with the condition that the boundary line dispute be settled to the satisfaction of all parties involved, prior to closing.
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 Ordinance and policies.
3. Approve the use of \$3,213,950 from the 2007 General Obligation Bonds for Greenbelt projects.

**Town of Ravenel Elections Ordinance A) Request to Approve B) Ordinance 1<sup>st</sup> Reading**

A report was read from the Finance Committee under date of October 1, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and The Charleston County Legal Department, regarding an Ordinance received from the Town of Mount Pleasant providing for the transfer of authority for conducting Municipal elections to the Board of Elections and Voter Registration of Charleston County. It was stated that an Ordinance accepting the transfer of authority to the Board of Elections and Voter Registration of Charleston County has been drafted by the Legal Department.

Committee recommended that Council approve and give first reading to an Ordinance accepting the transfer of Certain Authority to the Board of Election and Voter Registration of Charleston County of conduct Municipal Elections for the Town of Ravenel.

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

An Ordinance regarding the Town of Ravenel Elections was given first 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.

**Rapid  
Response  
Workkeys  
Funding  
Request to  
Accept**

A report was read from the Finance Committee under date of October 1, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Director of the Grants Department, regarding a Rapid Response Grant available through the South Carolina Department of Commerce in the amount of \$7,500. It was stated that the Trident One Stop Career System will use these funds to provide WorkKeys testing to dislocated workers in Berkeley, Charleston and Dorchester Counties. It was further stated that WorkKeys testing is used through the Rapid Response program as an assessment tool to facilitate reemployment for dislocated workers.

Committee recommended that Council approve the acceptance of Rapid Response Funding in the amount of \$7,500 through the South Carolina Department of Commerce for WorkKeys testing, with the understanding that these funds will be used to administer the WorkKeys assessment for dislocated workers in Charleston, Berkeley and Dorchester Counties, and that no match or additional FTE's are required and that the funding period is August 1, 2009 through June 30, 2010.

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

**Charleston  
Animal Society  
Recommendation**

A report was read from the Finance Committee under date of October that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistance Administrator for Finance, regarding interpretation of the County's contract with the Charleston Animal Society. It was stated that the parties to this contract are in agreement that citizens bring in strays to the Society must show proof of Charleston County residency or sign an affidavit stating that the animal is a stray coming from Charleston County. It was shown that the parties are mutually in agreement that the County shall not be responsible for payment of costs for animals identified as not coming from Charleston County.

Committee recommended that Council:

1. Direct Staff to return to the October 15<sup>th</sup> Finance Committee meeting with the appropriate legal instruments to implement a Free Roaming Cat Program.
2. Approve the following understanding in the interpretation of the contract between the Charleston Animal Society and the County that citizens bringing strays to the Society to show proof of Charleston County residency or sign an affidavit stating that the animal is a stray coming from Charleston County, and the County shall not be responsible for payment of costs of animals identified as not coming from Charleston County.

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

**Hartford  
Insurance  
Policy  
Recommendation**

A report was read from the Finance Committee under date of October 1, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistance Administrator for Finance, regarding concerns received from County retirees about the upcoming loss of a \$5,000 Life Insurance Policy which has been furnished to them. It was stated that action taken in the fiscal year 2010 budget had eliminated this item effective at the end of December, 2009. It was further stated that since the County had not maintained this program with the Hartford Insurance Agency for five years that covered individuals could not convert this life insurance to individual insurance, but could only maintain their coverage in a group policy.

Committee recommended that Council direct Staff to continue the Hartford Life and Accidental Death and Dismemberment policy, with funding to come from the Employee Benefits Fund.

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

The Chairman said that Council needed to go into executive session in order to secure advice from the County Attorney.

Mr. Summey moved to go into executive session, seconded by Mr. Pryor, and carried.

**Public  
Forum**

The Chairman announced that prior to going into executive session that Council would here from Members of the audience who wished to address Council.

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

Mr. David Coe of James Island again spoke regarding boats at the various marinas in Charleston County whose owners do not pay, and have not paid, taxes on these boats for many years.

Mr. Thurmond said that Council is working on this issue to insure that all taxes due are paid, and requested the County Attorney to advise Mr. Coe as to some of the actions that he is involved in.

Mr. Dawson said that he is working with the Auditor's Office on this matter. He said that it is difficult identifying when the boats are moored and when they are gone. He stated that he is working with the Marinas in an effort to get additional cooperation from them. He added that he advised the Auditor's Office to send a letter requesting information on when the boat is located in Charleston and if no response is received, then the Auditor's office will send a tax bill.

Mr. Carl Williams, President of the Edisto Island Community Association asked Council to vote "no" on the request rezoning of 2398 Highway 174. He said that 400 plus residents of Edisto Island are opposed to this rezoning. Mr. Williams added that this property is located on a curve and would make a dangerous situation if approved.

Mr. Bill Good of 8652 Peters Point Road, Edisto Island, reminded Council that the Edisto Island Preservation Society; the Edisto Island Community Association; and Middleton Property Owners Association have all spoken against the requested rezoning.

The Chairman asked if any Member of Council wished to address Council. The only Council Member to response positive was Council Member Paul R. Thurmond.

Mr. Thurmond made the following statement::

After much thought, deliberation and prayer along with many discussions with my wife, Katie, I have decided to not seek re-election next year. As a result of this decision, I also will not seek a leadership position on this Council in order to give others a change to serve in this capacity. I am very grateful for the opportunity the people of District 9 have given me to serve and I assure you my desire for future public service is strong. I have taken this opportunity very seriously. I have attended nearly every meeting of this Council, have engaged in many discussions, have tried to be responsive and reachable to the constituency and have learned a tremendous amount about the issue we face, about public service and myself. I believe I have made the most of my time to date and will continue to work to improve all of Charleston County over the remainder of my service. Finally, I greatly appreciate the friendship and camaraderie that I have with each one of you and the wonderful staff. Thank you for letting me get to know you and for making this job that much more rewarding.

The Chairman stated that Council would go into executive session to receive advice from the County Attorney.

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

October 6, 2009

RECOMMENDATION OF: FINANCE COMMITTEE  
COMMITTEE MET: October 1, 2009  
SUBJECT: Hartford Insurance Policy - Recommendation

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COMMITTEE REPORTS:

That it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistance Administrator for Finance, regarding concerns received from County retirees about the upcoming loss of a \$5,000 Life Insurance Policy which has been furnished to them. It was stated that action taken in the fiscal year 2010 budget had eliminated this item effective at the end of December, 2009. It was further stated that since the County had not maintained this program with the Hartford Insurance Agency for five years that covered individuals could not convert this life insurance to individual insurance, but could only maintain their coverage in a group policy.

COMMITTEE RECOMMENDS:

That Council direct Staff to continue the Hartford Life and Accidental Death and Dismemberment policy, with funding