

May 5, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 5th day of May, 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; Deputy County Attorney Bernard Ferrara; and Dan Pennick, Director of the Planning Department.

Mr. Darby gave the invocation. Mr. Summey 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.

Judge Rawl moved approval of Council Minutes of April 7th and 21st, 2009, seconded by Mr. Summey, and carried.

The Chairman announced that three Council Members, Mr. Thurmond, Mr. Summey and Mr. Darby had to leave shortly and stated that he was moving Items 12 and 15 to this point in the agenda in deference to these Members of Council

**Intermodal
Facility
Request
Resolution**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member Elliott Summey regarding a resolution opposing northern access rail service to port facilities located on the former Charleston Naval Base Complex. It was stated that Messrs. Robert Clement and Stewart Coleman gave a brief presentation to the Economic Development Committee on April 16, 2009, regarding the location of proposed intermodal rail facilities. It was shown that at the Economic Development Committee of April 16, the County Attorney had presented a draft resolution opposing northern access rail service to port facilities located on the former Charleston Naval Base Complex for consideration and that the Economic Development Committee had forwarded the resolution to the Finance Committee for further consideration.

Committee recommended that Council adopt the proposed resolution.

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

The Resolution is as follows:

A RESOLUTION

OPPOSING NORTHERN ACCESS RAIL SERVICE TO PORT FACILITIES
LOCATED ON THE FORMER CHARLESTON NAVAL BASE COMPLEX

Whereas, Charleston County Council is vitally interested in improving the quality of life of its citizens; and

Whereas, efficient transportation, the establishment of desirable family oriented neighborhoods, and economic opportunities are essential if a high quality of life is to be achieved; and

Whereas, County Council recognizes that improved State Ports Authority facilities within Charleston County could help attract business activity vital to both Charleston County and the State as a whole; and

Whereas, County Council believes that such improved facilities, and the infrastructure to support them, must be carefully sited in order to bring improvement to the community rather than undermining it; and

Whereas, County Council recognizes that the State of South Carolina previously directed the State Ports Authority to establish a new facility on the southern end of the former Charleston Naval Base Complex; and

Whereas, County Council further recognizes that the State directed the Ports Authority to negotiate with North Charleston the terms under which such a facility could operate; and

Whereas, the Ports Authority and North Charleston agreed upon a number of specific community safeguards that were a condition precedent to port operation on the former Charleston Naval Base Complex; and

Whereas, among the specific safeguards memorialized in writing was a restriction against any Port related rail traffic flowing in or out from the north; and

Whereas, the State of South Carolina ratified this agreement and authorized a transfer of land from the RDA to the City of North Charleston and the State Ports Authority based upon it; and

Whereas, the City of North Charleston in good faith performed pursuant to the agreement; and

Whereas, in initial apparent harmony with the agreement, the State of South Carolina deeded title to certain lands to the City of North Charleston and the City further deeded away portions of such property to third parties; and

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Whereas, recent evidence suggests that the State of South Carolina either has repudiated, or is actively contemplating repudiation, of its obligations under the agreement despite the fact that the City of North Charleston both performed under and relied upon the agreement; and

Whereas, the State Legislature received a Rail Study that it commissioned which recommends that the State consider establishing rail service to the Port from the north; and

Whereas, the State Legislature's rail study further recommends that the State consider establishing intermodal yards on property previously deeded to the City, known as the Clemson University Property and the Noisette Property. However, such options would result in a significant increase in truck traffic through the surrounding neighborhoods and/or other properties. Also, the Rail Study acknowledges that these options are unfavorable because of the lack of current rail access and site availability; and

Whereas, rather than rejecting such consideration as violative of the State's agreement with the City, the State Legislature has undertaken consideration of Section 351 which contains an amendment that would directly violate the State's prior promises; and

Whereas, the State's consideration of such measures not only creates grave risk of litigation with the City of North Charleston and others, it appears to threaten the entire federal permit pursuant to which Port construction has been approved; and

Whereas, County Council believes it imperative that local governments be able to rely upon the commitments of the State without fear that the State will repudiate promises; and

Whereas, County Council further believes it imperative that the State not imperil construction of its proposed port facility by violating its agreements with North Charleston and the representations made by the State to the federal government; and

Whereas, the economic impact of imprudent State decisions in this regard could be devastating when one considers the costs of a "taking", the costs of litigation, the costs of potential re-permitting, and the lost business that will drift away while this dispute is pending; and

Whereas, County Council believes that the State should actively demonstrate its willingness to honor commitments previously made regarding Port rail service; and

Whereas, the Rail Study identified the Cooper Yard-Macalloy site as the best solution for providing intermodal rail access to the Navy Base Terminal ; and

Whereas, County Council will support the shifting of the proposed port access road on to the Macalloy Property to accommodate an intermodal rail terminal on the Cooper Yard-Macalloy Site since such a shift would remove the only site obstacle identified in the Rail Study; and

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Whereas, the County Council also recognizes that the Promenade site, controlled by an affiliate of the Cooper Yard Macalloy Site owners, is a favorable location for a second intermodal development to accommodate future growth of the Port of Charleston; and

Whereas, the construction of intermodal developments on the Cooper Yard-Macalloy site and Promenade site would avoid the aforementioned increase of truck traffic through local neighborhoods and remain consistent with the restriction against any Port related rail traffic flowing in or out from the north; and

Whereas, the County Council understands that property owners of the Cooper Yard-Macalloy Site desire to construct or facilitate construction of such intermodal facilities.

Now, therefore, be it resolved, by Charleston County Council in Council assembled, that Charleston County hereby formally voices its opposition to any State action or consideration which would provide Port rail service from the north to the former Charleston Naval Base Complex, establish rail yards or tracks on lands formerly transferred to the City of North Charleston, or otherwise violate commitments and representations made to the City of North Charleston and the United States Government, and that Charleston County hereby supports the development of intermodal facilities at Cooper Yard-Macalloy and Promenade sites as the best option for supporting the Port by providing Class I near-dock access to the Navy Base Terminal and Veteran's Terminal (CSX) and Class I near-dock access to Columbus Street Terminal (Norfolk-Southern)

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Sr., Chairman
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**Magistrates
Oversight
Committee
recommendation
Request to
Approve**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member Colleen Condon, Chairperson of the Charleston County Magistrates Oversight Committee regarding a request from the Charleston County Senate Delegation regarding the Edisto Island Magistrate Court. It was stated that the Magistrates Oversight Committee met on April 27, 2009, to consider the request from the Senate Delegation to appoint Judge Alvin E. Bligen to the existing 30 hour Night Bond Hearing Court position and to close the Edisto Island Magistrate Court and reallocate the 8 hours per week for that court to the Ravenel Magistrate Court.

It was shown that by closing the facility the County would save \$45,000 in facility costs.

Committee recommended that Council:

1. Appoint Judge Alvin E. Bligen to the existing 30 hour Night Bond Hearing Court.

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2. Close the Edisto Island Magistrate Court and reallocate the 8 hours from the Edisto Island Magistrate Court to the Ravenel Magistrate Court.

Mr. Summey stated that due to the fact that the Public Hearing on the closing of the Edisto Island Magistrate Court had to be postponed, that he was making a substitute motion.

Mr. Summey's motion is as follows:

1. That Council appoint Judge Alvin E. Bligen to the existing 30 hour Night Bond Hearing Court.
2. That the question of closing the Edisto Island Magistrate Court be brought back to Committee following a Public Hearing.

Ms. Condon seconded Mr. Summey's motion and the motion carried.

**Lowcountry
Science Fair
Project Impact
Awards**

The Chairman announced that Council would return to its agenda and requested Carl Simmons, Building Services Director and Joni Renneck, Project Officer to come forward to describe the projects and have the winner/winners in each category to come forward with their families to accept the awards.

The Awards and Winners are:

Lowcountry Science Fair 2009 Project Impact Special Awards

Hazard Theme

1st Place: "The Affects of SAL on Major Hurricanes" by Christopher Haufe, 10th Grader at Academic Magnet High School, \$300 savings bond

This student analyzed the effects of aerosols from the Saharan Air Layer (SAL) on the formation of major hurricanes in the Atlantic Basin. He studied data from NOAA for 1986 to 2008 from July to September to determine if changes in aerosol levels affected the hurricane intensity. He determined that aerosol levels did not affect hurricane intensity as he had predicted. He wants to broaden the scope of his study to see if other factors may be influencing hurricane intensity.

2nd Place: "Quake and Break" by Ian Martin, 7th Grader at First Baptist Church School, \$200 savings bond

This student studied which type of building supports will better withstand an earthquake. He tested 3 types of structures and exposed them to an "earthquake" with a shaker board on 4 corner springs. He found that the tallest building stood the longest due to more flexibility of the construction type (the other buildings were smaller but more rigid).

3rd Place: "London Bridge is Falling Down" by Cole Shubert, 6th Grader at Charleston Day School, \$100 savings bond.

This student tested three types of bridge designs (king post, queen post and trapezoidal truss) to see which was the strongest. He placed the same amount of weight on the middle of the span of his three bridge designs to determine which design could best hold the weight. The trapezoidal truss bridge design withstood the test but the other two bridges collapsed. His results were consistent with his expectations.

Environmental Quality Theme Awards:

1st Place: "Papers, Bottles and Cans, Oh My " by Suzanne Long and Jasmine Benton, 12th Graders at West Ashley High School, \$300 in savings bonds (*\$150 per team member*)

This team of two students studied whether the placement of recycling bins for paper, bottles and cans together influenced recycling rates for these materials. They determined that placing the bins together in the classroom approximately doubled recycling rates compared to when the bins were placed separately. The students were also instrumental in forming a recycling club at their school as a result of their work on this project.

2nd Place: "The Affect of Nitrates and Nitrites on the Growth" by Elizabeth Hendry, 10th Grader at Academic Magnet High School, \$200 savings bond

This student tested whether nitrates and nitrites affected the growth of E. coli bacteria in five different marine sites. She compared the averages of the results to see if there was a significant difference in the level of nitrates and nitrites on the number of E. Coli cultures in petri dishes. She found that the levels of nitrates and nitrites did affect the growth of E. coli bacteria in water bodies.

3rd Place: "The Dirt on Worms" by (Jamie) "McKala" Rhodes, 6th Grader at First Baptist Church School, \$100 savings bond

This student tested whether earthworms enhance plant growth by measuring the growth of plants with earthworms in the soil compared to plants without earthworms for a period of several weeks. The plants with the earthworms exhibited more growth than the plants without the earthworms, so the student concluded that earthworms enhance plant growth.

ZPD-12-08-2132
Bryan Dairy Rd.
Ordinance
3rd Reading

An Ordinance, with approved conditions, rezoning properties on Bryans Dairy Road, was given third reading by title only.

AN ORDINANCE

ORD. # 1584

REZONING PROPERTIES LOCATED AT 2630 BRYANS DAIRY ROAD FROM AN AGRICULTURAL PRESERVATION (AG-8) DISTRICT TO A PLANNED DEVELOPMENT (PD-138) DISTRICT.

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WHEREAS, the properties located at **2630 BRYANS DAIRY RD**, identified as Tax Map Parcel Number **259-00-00-074** and is currently zoned **AGRICULTURAL PRESERVATION (AG-8)**; and

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD-138) and has submitted a complete application for PD Development Plan approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

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

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

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

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

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

- A. Charleston County Council rezones the properties located at **2630 BRYANS DAIRY RD**, identified as Tax Map Parcel Numbers **259-00-00-074**, from

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AGRICULTURAL PRESERVATION (AG-8) DISTRICT TO PLANNED DEVELOPMENT DISTRICT PD-138); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for **PD-138**, Charleston County, South Carolina Dated **December 9, 2008**", including the changes thereto and conditions, if any, approved by County Council as Planned Development **138**, 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-138** 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 **259-00-00-074** is amended to **PD-138** in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

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

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

The vote being five (5) ayes, one (1) nay and three (3) absent, the Chairman declared the Ordinance to have received third reading approval.

At the request of the Legal Department, the next two agenda items which were scheduled to receive third reading approval were given second reading.

An Ordinance authorizing transfer of the piping system on County Property was given second reading by title only.

AN ORDINANCE

APPROVING AND AUTHORIZING THE TRANSFER OF OWNERSHIP OF THE PIPING SYSTEM AND GRANTING A RIGHT OF WAY EASEMENT TO CHARLESTON WATER SYSTEM OF A PORTION OF COUNTY PROPERTY KNOWN AS THE AZALEA AUTO GARAGE SHOP.

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

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

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

The vote being six (6) ayes, and three (3) absent, the Chairman declared the Ordinance to have received second reading approval.

**Reassessment
Delay
Ordinance
2nd Reading**

An Ordinance postponing implementation of reassessment for one year was given second reading by title only.

AN ORDINANCE

AN ORDINANCE POSTPONING FOR ONE PROPERTY TAX YEAR THE IMPLEMENTATION OF REVISED VALUES IN CHARLESTON COUNTY RESULTING FROM THE COUNTY-WIDE EQUALIZATION PROGRAM PROVIDED PURSUANT TO SECTION 12-43-217(B) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

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

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

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

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Mr. Summey	- absent at time of voting
Mr. Thurmond	- absent at time of voting
Mr. Pryor	- aye

The vote being six (6) ayes, and three (3) absent, the Chairman declared the Ordinance to have received second reading approval.

ZREZ-2-09-2835 An Ordinance approving rezoning in Case #ZREZ-2-09-2835 was given second reading by title only.

**2903 Highway
17 North
Ordinance
2nd Reading**

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 2903 HIGHWAY 17 NORTH, PARCEL IDENTIFICATION 578-00-00-193, FROM SPECIAL MANAGEMENT 3 (S-3) DISTRICT TO COMMERCIAL TRANISTION (CT) DISTRICT.

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

WHEREAS, the property known as Parcel Identification **578-00-00-193**, Case **ZREZ-2-09-2835** is currently zoned **SPECIAL MANAGEMENT 3 (S-3)** and

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

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

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

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

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

NOW, THEREFORE BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL THAT THE PROPERTY KNOWN AS PARCEL IDENTIFICATION 578-00-00-193, BE AND HEREBY IS REZONED FROM SPECIAL MANAGEMENT 3 (S-3) DISTRICT TO COMMERCIAL TRANISTION (CT) DISTRICT. THE ZONING MAP OF CHARLESTON COUNTY IS HEREBY AMENDED TO CONFORM TO THIS CHANGE. ANY DEVELOPMENT ON THE SITE MUST CONFORM TO ALL REQUIREMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.

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

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

The Chairman called for second 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	- aye
Mr. Schweers	- aye
Mr. Summey	- absent at time of voting
Mr. Thurmond	- absent at time of voting
Mr. Pryor	- aye

The vote being six (6) ayes, and three (3) absent, the Chairman declared the Ordinance to have received second reading approval.

**EMS
Service
Fees
Ordinance
2nd Reading**

An Ordinance to amend the County Fee Ordinance was given second reading by title only.

AN ORDINANCE

AMENDING THOSE PORTIONS OF CHARLESTON COUNTY CODE SECTION 2-137 DEALING WITH FEES IN THE EMERGENCY MEDICAL SERVICE 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 vote recorded as follows:

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

The vote being six (6) ayes, and three (3) absent, the Chairman declared the Ordinance to have received second reading approval.

Consent Agenda
A) State Victim Assistance
B) Victims of Crime Grant
C) Senior Citizens Tax Work off Program

The Chairman stated that Council next item was the Consent Agenda.

Ms. Condon moved approval of items A B and C of the Consent Agenda, seconded by Mr. McKeown, and carried.

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Scarlett Wilson, Solicitor for the Ninth Judicial Circuit, regarding a special account known as the State Victims Assistance Program (SVAP). It was stated that twenty percent of inmate's wages are garnished and half of this is remitted back to the Department of Corrections for support of the work release program and the remaining half of these funds are administrated by the Public Safety Office of Justice Programs.

It was further stated that these funds are designed to complement and coordinate with the federal Victims of Crime Act (VOCA), and that the Solicitors Office is requesting \$46,067 to fund a victim advocate to assist crime victims of domestic violence.

Committee recommended that Council approve acceptance of the State Victim Assistance Grant in the amount of \$46,067 for a specialized Victim Advocate, training and mileage, with the understanding that:

1. There is one grant funded FTE, associated with this grant,, and the County is under no obligation for the continuation of the services provided by this grant.
- 2, The required match of \$11,517 (20%) associated with this grant will come from the Solicitor's Victim Witness State Appropriation fund.
3. The grant period is July 1, 2009 through June 30, 2010.

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Scarlett Wilson, Ninth Judicial Circuit Solicitor, regarding the Solicitor's Office's application for a grant to request two victim advocates, one would be dedicated to crimes of sexual assault, child abuse and neglect, elder abuse, etc. with the other victim advocated being dedicated to providing services for underserved such as DUI victims and survivors of homicide victims. It was shown that the grant request was for \$115,166.

Committee recommended that Council approve the Solicitor's Office's request to apply for the State Victim Assistance Grant in the amount of \$115,166 to be used for specialized Victim Advocates, training and mileage, with the understanding that:

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1. There are two grant funded FTE, associated with this grant, and the County is under no obligation for the continuation of the services provided by this grant.
2. The required match of \$23,033 (20%) associated with this grant will come from the Solicitor's Victim Witness State Appropriation fund.
3. The grant period is July 1, 2009 through June 30, 2010.

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Grants Administrator, regarding the Pilot Program approved by County Council on February 14, 12008.

Committee also considered the statistics furnished and the comments of Members of Council regarding this Program.

Committee recommended that Council suspend and not fund this Program at this time.

**ARRA Federal
A) Sheriff Victim
Advocates
B) Solicitor
Victim Advocates
C) Forensic
Nurse & Cold
Case Investigator
D) Attorney &
Social Worker for
Diversionary
Court**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Charleston County Sheriff Al Cannon, regarding funding available from the U. S. Department of Justice Office of Justice Programs (OJP) under the American Recovery and Reinvestment Act Edward Byrne Memorial Competitive Grant Program. It was stated that this competitive grant program is designed to address initiatives to improve the functioning of the criminal justice system and provide assistance to victims of crimes, and specifically, the Sheriff's Office will be requesting funding for improving resources and services to victims of crime.

Committee recommended that Council approve the Sheriff's Office request to apply to the American Recovery and Reinvestment Act Byrne Memorial Competitive Grant program for a grant in the amount of \$240,000, with the understanding that:

1. Two FTE's are requested with this grant, and the County is under no obligation for the continuation of the services provided by this grant at its conclusion.
2. There is no required match.
3. The grant period is August 1, 2009 through July 31, 2011.

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

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and

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Scarlett Wilson, Solicitor of the Ninth Judicial Circuit, regarding funding available from the U. S. Department of Justice Office of Justice Programs (OJP) under the American Recovery and Reinvestment Act Edward Byrne Memorial Competitive Grant Program. It was stated that this competitive grant program is designed to provide local Governments, with high violent crime statistics funding to assist victims of crimes. It was further stated that the Solicitor's Office is requesting two grant funded Victim Advocates to assist Charleston County victims.

Committee recommended that Council approve the Solicitor's Office request to apply to the American Recovery and Reinvestment Act Byrne Memorial Competitive Grant program for a grant in the amount of \$115,166, with the understanding that:

1. Two FTE's are requested with this grant, and the County is under no obligation for the continuation of the services provided by this grant at its conclusion.
2. There is no required match.
3. The grant period is July 1, 2009 through June 30, 2010.

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

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and, and Charleston County Coroner Rae Wooten, regarding funding available from the U. S. Department of Justice Office of Justice Programs (OJP) under the American Recovery and Reinvestment Act Edward Byrne Memorial Competitive Grant Program. It was stated that the Coroner is requesting \$220,000 to create two new positions, a Forensic Nurse Investigator and a Cold Case Investigator and retain the position of Case Management Assistant. It was shown that the Coroner's Office case load increases every year, with 1,179 death cases in 2007, 1,386 in 2008 and as of April 2009 the Office has already handled 451 cases.

Committee recommended that Council approve the Coroner's Office request to apply to the American Recovery and Reinvestment Act Byrne Memorial Competitive Grant program for a grant in the amount of \$220,000, with the understanding that:

1. Two new FTE's are requested with this grant, a Forensic Nurse Investigator and a Cold Case Investigator and the retention of a Case Management Assistant, and with the further understanding that the County is under no obligation for the continuation of the services provided by this grant at its conclusion.
2. There is no required match.
3. The grant period is October 1, 2009 through September 30, 2011.

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

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Charleston County Public Defender, Ashley Pennington, regarding funding available from the U. S. Department of Justice Office of Justice Programs (OJP) under the American Recovery and Reinvestment Act Edward Byrne Memorial Competitive Grant Program. It was stated that the Public Defender's Office is requesting \$327,980 to create two new positions to support the Mental Health, Adult Drug and Juvenile Drug Courts, one attorney in the amount of \$168,000 (\$120,000, plus benefits of \$48,000 for the two year grant period), and a social worker for \$109,200 (\$78,000 salary plus benefits of \$31,200 for the two year grant period).

Committee recommended that Council approve the Public Defender's Office request to apply to the American Recovery and Reinvestment Act Byrne Memorial Competitive Grant program under Category VII supporting Problem-Solving Courts for a grant in the amount of \$327,980, with the understanding that:

1. Two FTE's are requested with this grant, one social worker and a grant funded public defender for two years, dedicated to serving clients in the Mental Health, Adult Drug and Juvenile Drug Court programs, and with the further understanding that the County is under no obligation for the continuation of the services provided by this grant at its conclusion.
2. There is no required match.
3. The grant period is July 1, 2009 through June 30, 2011.

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

**ARRA State
A) Criminal
Domestic
Violence
Prosecutor
B) Violent &
Drug Crime
Prosecutors**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Solicitor Scarlett Wilson regarding an application for the American Recovery and Reinvestment Act Justice Assistance Grant to fund one prosecutor with specialized training in domestic violence and the corresponding laws. It was stated that if awarded, one half of the grant will fund the CDV prosecutor in Charleston County and one half of the grant will fund a prosecutor that would be an employee of Charleston County, but work in the Berkeley County office as a circuit employee. It was also stated that if the grant is not awarded for the Berkeley County position, the Solicitor has requested a traveling circuit employee that would handle both Berkeley and Charleston County cases and that the grant for the Berkeley County prosecutor is being applied for through Charleston County because the grant specifies that the Solicitor's Office must apply through their lead County.

It was shown that there is one grant funded FTE for Charleston County and one grant-funded position for Berkeley County associated with this grant unless the alternate request is granted and that it is understood that at the conclusion of the grant period, the grant funded FTE will be dissolved if no other funding is available.

Committee recommended that Council approve the request to apply for the American Recovery and Reinvestment Justice Assistance Grant in the amount of \$175,882 with the understanding that there are two grant-funded FTEs, no cash match, the grant period will run from July 1, 2009, through June 30, 2010, and the County is under no obligation for the continuation of the services provided by this grant.

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

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Ninth Judicial Circuit Solicitor Scarlett Wilson regarding an application for the American Recovery and Reinvestment Act Justice Assistance Grant to fund two specialized prosecutors for violent crimes, two specialized prosecutors for drug crimes, and one legal assistant to service all four attorneys. It was shown that the grant is in the amount of \$403,644 and has no cash match. It was also shown that there are five FTEs associated with this request, that those five FTEs will service only Charleston County cases, that the grant period is July 1, 2009 through June 30, 2010, and that it is understood that at the conclusion of the grant period the FTEs will be dissolved if no further grant or other funding is available.

Committee recommended that Council approve the request to apply for the American Recovery and Reinvestment Justice Assistance Grant from the SC Department of Public Safety in the amount of \$403,644 with the understanding that there are five grant-funded FTEs associated with this request; there is no cash match; the grant period will run from July 1, 2009, through June 30, 2010; the County is under no obligation for the continuation of services provided by this grant; and the County will accept any amount of funding awarded from this application.

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

**Noisette TIF
District
Request to
Extend**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistant Administrator for Finance, regarding a request from the City of North Charleston to extend the duration of the TIF district for an additional six years. It was stated that tax increment financing is a tool to use future gains in taxes to finance the current improvements that will create those gains and that when a public project such as a road is constructed, there is an increase in the value of surrounding real estate and often new investment. It was also stated that this increased real estate value and investment creates more taxable property, which increases tax revenues and that the increased tax revenues are the "tax increment" and that any additional revenues generated in the district due to growth in the assessed value goes to the issuer of the TIF debt, regardless of the taxing jurisdiction. It was shown that at the request of the City of North Charleston, Charleston, County Council approved the Noisette TIF District in August 2001 and

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the City of North Charleston issued TIF backed bonds in March 2003, thus beginning the Council-approved 15 year duration of the TIF, and that since that time the district has been generating an average of \$46,862 in revenue, limiting the City's ability to issue additional debt for infrastructure improvements. It was also shown that the City of North Charleston has requested a time extension to add an additional six years to the duration of the TIF and that although Council typically approves TIFs for 15 year periods, it has permitted extensions from time-to-time.

Committee recommended that Council approve the extension of the Noisette Tax Increment Financing District for an additional six years.

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

**Palmetto
Commercial
Properties
Request Rental
Reduction**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Gil Pohl, Facilities Management Director, regarding a request received from Palmetto Commercial Properties for the County to reduce their rent. It was stated that in March 2001, County Council approved a Master Lease Agreement with Palmetto Commercial Properties for three retail store spaces totaling 2,920 square feet, located in the Cumberland Street Parking Garage and that the initial term was for 10 years with two 5 year options. It was also stated that the rent began at \$27.50 per square foot and is currently \$32.20 per square foot. It was shown that current economic conditions are affecting retail space rentals throughout the County and that Palmetto Commercial Properties has requested that the County reduce their rent to \$25.00 per square foot, to be increased by 3% annually beginning May 2010 with the caveat that Palmetto Commercial Properties must pass this savings along to their tenants making it possible to keep the current occupants and attract a third tenant for the vacant store. It was also shown that for the first year this would be a reduction of \$21,024 in rental income to the County.

Committee recommended that Council:

1. Authorize the Chairman of County Council to execute an amendment to the existing lease between Charleston County Government and Palmetto Commercial Properties, Inc., to reduce the rental amount to \$25 per square foot for one year and to revise it annually to reflect the current economic situation, but not less than 3% with the understanding that any savings to Palmetto Commercial Properties, Inc., must be passed on to the sub-leases.
2. Authorize the County Administrator to approve the increases as outlined in the amendment.

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

**Permanent
Power/Home
Builders Assn.
Recommendation**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, Carl

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Simmons, Building Services Director and Phillip Ford, Executive Vice President of Charleston Trident Home Builders Association, regarding the Home Builders Association's request for Charleston County to allow installation of permanent power on residential construction after the electrical inspection is completed and prior to the issuance of the certificate of occupancy.

Committee recommended that Council allow permanent power to be installed on residential construction projects after the final electrical inspection has been completed and passed, with the understanding that if someone is found to be living in the home prior to the certificate of occupancy being issued, a ticket will be issued to the building permit holder.

Mr. McKeown stated that after the Finance Committee meeting of April 30, 2009, County Staff and representatives of the Charleston Trident Home Builders Association had met and agreed to slight variations of the Finance Committee recommendation, and that he was offering the following as a substitute motion.

"Permanent power (electric meter) will be allowed to be installed on residential construction projects, as defined in the scope of the International Residential Code, after the final electrical inspection has been completed and passed. If someone is found to be living in the home prior to the certificate of occupancy being issued, a fine may be issued to the occupant and building permit holder and the electric meter may be removed.

Ms. Condon seconded Mr. McKeown's motion and the motion carried.

**Folly Road/
Maybank Hwy
Intersection
Improvements
Request to
Award**

A report was read from the Finance Committee under date of April 30, 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 need to award a contract for construction engineering and inspection services for the Folly Road and Maybank Highway intersection improvements project. It was stated that a Request for Proposals was solicited by the County to engineering firms that were pre-qualified by RFQ 4242-09L and that Technical and Sealed Price Proposals were received. It was shown that after evaluating the technical proposals of the pre-qualified firms, the selection committee selected Wilbur Smith Associates as the most qualified firm based on technical proposal. It was also shown that in accordance with the RFP process, County Transportation and Emergency Management staff entered negotiations with Wilbur Smith Associates and has reached a mutually acceptable terms for Construction Engineering and Inspection services for the Folly Road and Maybank Highway intersection improvements.

Committee recommended that Council authorize award of a contract for Construction Engineering and Inspection services for Folly Road and Maybank Highway intersection improvements to Wilbur Smith Associates.

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

**Camp/Folly Rds
Intersection
Approve
Eminent
Domain**

A report was read from the Finance Committee under date of April 30, 2009 that it

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considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation and Emergency Management, regarding the right-of-way acquisition process for the Camp Road at Folly Road Intersection Improvements project. It was stated that in keeping with the right-of-way acquisition process approved by Council, staff was requesting condemnation authority for all properties currently anticipated to be impacted by this project. It was also stated that State law mandates negotiation with property owners, and that Staff is extremely sensitive to the property rights of persons affected on all of our project, and has directed the right of way consultants to continue to exercise all the care when negotiating with each owner. It was pointed out that Staff's position is that condemnation actions will be filed only in cases where it appears that a settlement is not imminent and the project schedule will be impacted.

Committee recommended that Council approve a resolution which authorizes the use of eminent domain for the properties identified for the Camp Road at Folly Road Intersection Improvements Project.

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

The Resolution is as follows:

A RESOLUTION

AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING ROAD IMPROVEMENTS FOR THE FOLLY / CAMP ROAD INTERSECTION IMPROVEMENT PROJECT

SECTION I. FINDINGS

THE COUNTY COUNCIL OF CHARLESTON COUNTY, IN MEETING DULY ASSEMBLED, HEREBY FINDS AS FOLLOWS:

WHEREAS, as a project being undertaken as part of its Transportation Sales Tax Program, Charleston County intends to construct certain improvements to the intersection of SC Route 28, a/k/a Camp Road and S C Route 171 a/k/a Folly Road on James Island (the "Project"); and

WHEREAS, the plans for the improvements are shown on the technical drawings of STV / Ralph Whitehead Associates, Inc. entitled "Folly / Camp Road Intesection Improvements Final Right of Way Plans" and dated April 24, 2009, (the "Plans"); and

WHEREAS, the Plans depict, *inter alia*, the existing Intersection, the proposed Intersection and the privately-owned properties and portions of properties that the County seeks to acquire to complete the Project; and

WHEREAS, said plans are subject to refinement and revision as additional design efforts and investigations are undertaken regarding the roadway intersection,

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alignment and the project's components, including but not limited to sidewalks, utilities, drainage facilities and the traveling surface; and

WHEREAS, the acquisition of the privately-owned properties will be accomplished in accordance with the eminent domain laws of the State of South Carolina; and

WHEREAS, it is in the best interest of the citizens of Charleston County to acquire title to or an interest in the privately-owned properties in order to complete the Project; and

WHEREAS, public purposes, including but not limited to improved safety, the facilitation of commerce and the convenience of the traveling public will be served by acquiring the properties and completing the Project; and

WHEREAS, The properties acquired will be for a public use, including but not limited to, the improvement of a publicly-owned thoroughfare in Charleston County.

SECTION II. ACTIONS AUTHORIZED

As a result of the findings set forth above, and by virtue of the powers granted to the County under the constitution and statutes of the State of South Carolina, the Charleston County Council hereby authorizes and directs the following:

Charleston County Council hereby authorizes the exercise of eminent domain to acquire full title or a property interest in the privately-owned properties shown on the above-described Plans, as the same may be refined or revised from time to time, for the Project. The Parcel Identification Numbers of the properties involved are listed in attachment A, which is incorporated herein by reference. Council expressly authorizes the acquisition of the parcels identified, in whole or in part, as the needs of the project so require.

ATTACHMENT A CAMP ROAD AT FOLLY ROAD INTERSECTION - PID NUMBERS

337-04-00-106	425-02-00-153
425-06-00-002	337-04-00-129
337-04-00-105	337-04-00-099
425-06-00-003	425-02-00-152
425-06-00-120	425-02-00-151
337-04-00-104	425-02-00-150
337-04-00-127	425-02-00-197
425-06-00-004	425-02-00-198
337-04-00-103	425-06-00-099
425-06-00-007	425-06-00-010
337-04-00-100	425-06-00-098
337-04-00-110	425-06-00-097
425-06-00-113	425-06-00-011
337-04-00-131	425-06-00-012
425-06-00-100	425-06-00-096

425-02-00-196	425-06-00-028
425-06-00-101	425-06-00-095
425-02-00-195	425-06-00-029
425-06-00-103	425-06-00-030
425-02-00-192	425-06-00-094
425-02-00-191	425-06-00-031
425-07-00-140	425-06-00-093
425-02-00-190	425-06-00-092
425-06-00-104	425-06-00-049
425-06-00-105	425-06-00-091
425-02-00-188	425-06-00-050
425-08-00-001	425-06-00-051
425-02-00-172	425-06-00-108
425-08-00-004	425-06-00-052
425-02-00-206	425-06-00-009
425-02-00-176	425-02-00-199
425-07-00-176	425-02-00-200
425-07-00-249	

**FY 2009
General Fund
Budget
Request to
Approve**

A report was read from the Finance Committee under date of April 30, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Budget Director, regarding actions required to balance the FY 2009 General Fund budget. It was stated that Council at its meeting of March 17, 2009 tasked staff to look for ways to solve the approximately \$1.5 million shortfall in the FY 2009 budget. It was stated that since that time staff has reviewed programs under the Administrator's control to identify cost saving measures that could be taken and that while most of the changes can be implemented directly by the Administrator, there are three changes that need Council approval in order to move funds into the General Fund from other funds.

Committee recommended that Council approve the following transfers into the FY 2009 General Fund budget:

1. Transfer \$155,629 from the Emergency Housing Fund to the General Fund, which would zero out the remaining funding in this inactive program.
2. Transfer \$778,000 from the Public Works Capital Projects Fund, which would impact funding for projects previously approved by Council that had not yet been undertaken. These projects could now be considered for funding under the Transportation Sales Tax Program or deleted.
3. Transfer \$199,360 from the Fleet Operations Fund. These funds are available due to vehicles and large pieces of equipment having been purchased for less than their budgeted amounts.

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

The Chairman asked if any Member of the Audience wished to address Council.

There was no affirmative response.

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

All Council Members present at the conclusion of Council's Meeting expressed their appreciation to Staff for their work on the Fiscal Year 2010 Budget.

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

Beverly T. Craven
Clerk of Council