

April 21, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 21st day of April, 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; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; Dickie Schweers; J. Elliott Summey and Paul R. Thurmond. Council Member Darby was absent.

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

Rev. Robert Reid gave the invocation. Keith Bustraan, Assistant Administrator for Finance, 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 mailed to all news media and persons requesting notification.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator and James Neal, Director of Public Works regarding Council approving a Resolution proclaiming May 17-23, 2009 as National Public Works Week.

Committee recommended that Council approve a Resolution recognizing the value of Charleston County Public Works Employees by Proclaiming May 17-23, 2009 as National Public Works Week.

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

The Chairman asked the Clerk to read the Resolution, and requested Jim Neal, County Public Works Director and Robin Middleton, Equipment Operator III, winner of last year's Backhoe Rodeo to come forward to accept the Resolution.

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; **and**,

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets and

Highways, public buildings, and stormwater management; **and,**

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; **and,**

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, that **Charleston County Council,** does hereby proclaim the week of **May 17-23, 2009** as

NATIONAL PUBLIC WORKS WEEK

in Charleston County, and calls upon citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials makes every day to our health, safety, comfort, and quality of life.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

April 21, 2009

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the request for Council to adopt a Resolution honoring National Library Week, which runs from April 12 – 18, 2009.

Committee recommended that That Council approve a Resolution declaring April 12th through 18th as National Library Week in Charleston County.

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

The Chairman requested Ms. Cynthia Bledsoe, Director of the Charleston County Library, and Members of the Library Board of Trustees present to join him and Vice Chairman Paul Thurmond and accept Council's Resolution.

The Clerk read the Resolution, which is as follows:

A RESOLUTION NATIONAL LIBRARY WEEK 2009

WHEREAS, libraries are vital to a community's well-being, touching the lives of millions of Americans daily and providing opportunities for education, culture, self-help and lifelong learning; **and**

WHEREAS, libraries serve as educational hubs, technology centers and learning outlets for residents regardless of age, income, neighborhood or employment; **and**

WHEREAS, Charleston County Public Library's community commitment and public service excellence has been recognized repeatedly through the years on the state, national and international levels; **and**

WHEREAS, most recently, Charleston County Public Library was named one of the best library systems in the nation by *Library Journal* in it's first-ever comparison of 7,115 public libraries across the country; **and**

WHEREAS, this recognition places Charleston County Public Library in the top 3 percent of libraries nationwide and makes it one of only 11 libraries in the entire Southeast Region to be acknowledged; **and**

WHEREAS, Charleston County Public Library was ranked as the busiest public library system statewide in the most recent comparison by the S.C. State; **and**

WHEREAS, in Fiscal Year 2008, Charleston County Public Library circulated more than 3.42 million items, attracted more than 2 million visitors, answered nearly 1.93 million reference questions and drew more than 147,500 attendees to 4,764 public programs, workshops, training classes and events.

NOW, THEREFORE BE IT RESOLVED that **Charleston County Council**, praises the excellent service **Charleston County Public Library** provides to its citizens and declares the week of April 12th through 18th, 2009, as National Library Week, encouraging residents to visit their local library, learn about the library's exceptional resources and services, and thank the library's staff for their continuing commitment to improving our community.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Chairman

April 21, 2009

An Ordinance rezoning property located at 10542 Highway 78 was given third reading by title only.

AN ORDINANCE

No. 1580

REZONING THE PROPERTY LOCATED AT 10542 HIGHWAY 78, PARCEL IDENTIFICATION 379-00-00-002, FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMUNITY COMMERCIAL (CC) DISTRICT

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

WHEREAS, the property known as Parcel Identification **379-00-00-002** Case **ZREZ-1-09-2504** is currently zoned **SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT**; and

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

WHEREAS, the application has been reviewed by 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 379-00-00-002, BE AND HEREBY IS REZONED FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMUNITY COMMERCIAL (CC) DISTRICT. THE ZONING MAP OF CHARLESTON COUNTY IS HEREBY AMENDED TO CONFORM TO THIS CHANGE. ANY DEVELOPMENT ON THE SITE MUST CONFORM TO ALL REQUIREMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.

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

Ms. Condon	- aye
Mr. Darby	- absent
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 third reading approval.

ZREZ-1-09-2527
2896 Maybank
Highway
Ordinance 3rd
Reading

An Ordinance rezoning property located at 2896 Maybank Highway was given third reading by title only.

AN ORDINANCE

No.: 1581

REZONING THE PROPERTY LOCATED AT JOHNS ISLAND; 2896 MAYBANK HIGHWAY PARCEL IDENTIFICATION 312-00-00-095, FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMERCIAL TRANSITION (CT) DISTRICT

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

WHEREAS, the property known as Parcel Identification **312-00-00-095**, Case **ZREZ-1-09-2527** is currently zoned **SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT**; and

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

WHEREAS, the application has been reviewed by 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 312-00-00-095, BE AND HEREBY IS REZONED FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMERCIAL TRANSITION (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.

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

Ms. Condon	- aye
Mr. Darby	- absent
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 third reading approval.

**Establish
Increase Fees
Ordinance 3rd
Reading**

An Ordinance amending the County's fee Ordinance was given third reading by title only.

AN ORDINANCE

No.: 1582

AMENDING THOSE PORTIONS OF CHARLESTON COUNTY CODE SECTION 2-137 TO ESTABLISH FEES FOR PERFORMING MARRIAGE CEREMONIES, FOR THE COST OF A DUPLICATE TAX RECEIPT AND FOR THE COST OF A COPY OF A DOCUMENT.

WHEREAS, Charleston County Council passed Charleston County Code Section 2-137. Schedule Established, of Article V. Finance, Division 2. Fees, of the Charleston County Code of Ordinances, establishing fees for certain services and authorizing the fee amounts by the appropriate departments of the County government prior to the service being performed; and

WHEREAS, Charleston County Council seeks to amend Section 2-137 to establish fees for the performance of marriage ceremonies by the Charleston County Probate Court; and

WHEREAS, Charleston County Council seeks to amend Section 2-137 to establish a fee for a duplicate tax receipt to requesting parties; and

WHEREAS, Charleston County Council seeks to amend Section 2-137 to establish a fee for a copy of a document to requesting parties; and

WHEREAS, Charleston County Council finds that it is in the best interests of the citizens of Charleston County to establish a fee for marriage ceremonies to be

performed by the Charleston County Probate Court, to establish a fee for a duplicate tax receipt to requesting parties, and to establish a fee for a copy of a document to requesting parties;

NOW, THEREFORE, be it ordained and enacted by Charleston County Council, in meetings duly assembled, 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. FEES FOR PERFORMING MARRIAGE CEREMONIES, DUPLICATE TAX RECEIPTS, AND THE COST OF A COPY OF DOCUMENT

A. Charleston County Council amends Section 2-137 of the Charleston County Code, to include the following fees:

- (1) Performance of Marriage Ceremony by Probate Judge \$60.00 per marriage
- (2) Duplicate Tax Receipt \$\$.50 per receipt
- (3) A Copy of a Document \$.50 per page

County Council establishes the fees for the above-listed services and authorizes the specified fee amount to be charged prior to the service being performed. This Ordinance supersedes all prior ordinances and parts of ordinances in conflict with it.

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 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
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 third reading approval.

An Ordinance to amend the Charleston County Procurement Ordinance was given third reading by title only.

AN ORDINANCE

No.: 1583

AMENDING THE CHARLESTON COUNTY PROCUREMENT ORDINANCE, DIVISION 11, SECTION 2-285, LOCAL PREFERENCE OPTION

WHEREAS, Charleston County Council passed Ordinance Number 1519, incorporating a Local Preference component into the Charleston County Procurement Ordinance; and

WHEREAS, the Local Preference Option was established to provide Charleston County businesses with the opportunity to match the bid price submitted by a non-local bidder, provided the local bidder's price is within 5% or \$10,000, whichever is less, of the lowest bid received; and

WHEREAS, Charleston County Council desires to eliminate the phrase "whichever is less" from the Local Preference Option component; and

NOW, THEREFORE, be it ordained by Charleston County Council, in meetings duly assembled, 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. SECTION 2-285 LOCAL PREFERENCE OPTION IN PROCUREMENT ORDINANCE AMENDMENT

This option allows the lowest local Bidder (defined as a Bidder whose Business is physically located and operating within the limits of Charleston County) who is within 5% or \$10,000 of the lowest non-local Bidder, to match the bid submitted by the non-local Bidder and thereby be awarded the contract. This preference shall apply only when (a) the total dollar purchase is \$10,000 or more; (b) the vendor has a valid Charleston County business license or valid business license issued by one of the municipalities within Charleston County, which was issued at least twelve (12) months prior to bid opening date; (c) the vendor has a physical business address located and operating within the limits of Charleston County and has been doing business in the County for a period of twelve (12) months or more; and (d) the vendor provides proof of payment of all applicable Charleston County taxes and fees.

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 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
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 third reading approval.

An Ordinance rezoning property was given second reading by title only.

AN ORDINANCE REZONING PROPERTIES LOCATED AT 2630 BRYAN DAIRY ROAD

The Ordinance in its entirety will appear in the minutes of 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
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Thurmond	- nay
Mr. Pryor	- aye

The vote being six (6) ayes, two (2) nays and one (1) absent, the Chairman declared the Ordinance to have received second reading approval.

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
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.

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
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.

A report was read from the Economic Development Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member Paul Thurmond regarding a letter of support for the CARTA Passenger Intermodal Center Funding. It was stated that in 1998, 1999, and 2000 federal funding in the total amount of \$6,197,000 had been allocated for the FUTREX System-21 Monobeam light rail system and that to date only \$349,645 have been expending leaving a remaining balance of \$5,850,355. It was further stated that in 2009 \$450,000 was appropriated for the North Charleston Regional Intermodal Transportation Center and that the 2009 funding coupled with the remaining \$5,850,355 would provide enough funding to build the North Charleston Intermodal Center. It was shown that the CARTA board had submitted a request to have the \$5,850,355 from 1998, 1999, and 2000 reprogrammed to fund the North Charleston Intermodal Center under the new Surface Transportation Bill which is anticipated to be on the floor of the US House of Representatives in June of this year. It was also shown that the members of County Council who serve on the CARTA Board are requesting that County Council write a letter of support for the reprogramming.

Committee recommended that Council authorize the Chairman of County Council to sign the requested letter of support for the reprogramming of funding originally allocated for the FUTREX System-21 Monobeam project to the North Charleston Intermodal Center.

Ms. Condon moved approval of committee recommendation, seconded by Mr. Inabinett, and carried. Mr. Summey abstained stating that he is a bidder on this project.

A report was read from the Planning/Public Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of Zoning/Planning Department, regarding a requested change from Special Management 3 (-3) District to a Commercial Transition (CT) District. It was shown that this request is consistent with the recommendations of the Comprehensive Plan, the Mount Pleasant Overlay District, Sweetgrass Basket Stand Special Consideration Area, and the requirements of the Zoning Land Development Regulations.

Committee recommended that Council approve the requested change.

Ms. Condon moved approval of Committee recommendation, seconded by Judge Rawl, and carried.

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

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.

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 stated that the next item on Council's Agenda was the Consent Agenda.

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

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and J. Alton Cannon, Sheriff of Charleston County, regarding a direct grant funding program which must be used only for criminal justice initiatives. It was stated that the yearly award amount based on a formula of crime statistics and population for 2008 will be \$30,487. It was shown that the Sheriff's Office is requesting to use this award amount for repair of agency Tasers, and that every year between 75 and 100 Tasers require some sort of repair.

Committee recommended that Council approve a Resolution recognizing the value of Charleston County Public Works Employees by Proclaiming May 17-23, 2009 as National Public Works Week.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Don Lundy, Director of Charleston County Emergency Medical Service, regarding a grant that has been applied for and approved. It was stated these grant funds are received through fines from DUI convictions, and that allocation is divided by the four EMS training regions with each region receiving \$12,000. It was shown that this grant is competitive and requires a 5.5% match.

Committee recommended that Council approve of the Emergency Medical Services Contract between the South Carolina Department of Health and Environmental Control and Charleston County for the expenditure of DUI Grant funds for the period of July 1, 2008 through June 30, 2009, and approve the expenditure of budgeted grant funds in the EMS 2009 budget necessary for PIER material, with the understanding that Charleston County's contract for reimbursement is for \$4,766, and that the required match of 5.5 per cent will come from the EMS fiscal year 2009 budget.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Council Member Colleen Condon, regarding a request for County Council to pass a resolution proclaiming April 19-25, 2009 as National Volunteer Week in Charleston County.

Committee recommended that Council approve a Resolution proclaiming April 19-25, 2009 as National Volunteer Week in Charleston County.

The Resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, the entire community can inspire, equip, and mobilize people to take

action that changes the world; **and**

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; **and**

WHEREAS, during this week all over the nation, service projects will be performed and volunteers recognized for their commitment to service; **and**

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; **and**

WHEREAS, experience teaches us that government by itself cannot solve all of our nation's social problems; **and**

WHEREAS, our country's volunteer force of over 61 million is a great treasure; **and**

WHEREAS, volunteers are vital to our future as a caring and productive county, state, and nation.

NOW, THEREFORE BE IT RESOLVED that **Charleston County Council**, does hereby proclaim

**April 19-25, 2009
National Volunteer Week**

in Charleston County, South Carolina, and urges its citizens to volunteer in their respective communities. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
April 21, 2009

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jason R. Patno, Director of Emergency Management, regarding the Awendaw District Fire Department's application for grant funding in the amount of \$64,834 in order to support a district wide fire inspection program. It was stated that the required match of \$3,242 is available in the Awendaw Fire Department's budget.

Committee recommended that Council approve the receipt of funding in the amount of \$64,498.33 by the Awendaw District Fire Department, with the understanding that if awarded the funding will be used to implement a district wide fire inspection program and that a 5% required match in the amount of \$3,242 would come from the Department's annual operation budget, and that no FTE or vehicles are associated with this grant.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E.

Steven Taylor, Director of Procurement, regarding bids received for the Lincolnville Drainage Project Phase 1.

Committee recommended that Council authorize award of a contract for Charleston County Transportation Sales Tax Drainage Allocation Construction Project to the lowest responsive and responsible bidder Landmark Construction Co, Inc. in the amount of \$78,989.19, with the understanding that funding is available through the Transportation Sales Tax.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding bids received for the Foxwood and Popperdam sidewalk project.

Committee recommended that Council, as agent for the Charleston County Transportation Committee (CTC), authorize award of a contract for Foxwood and Popperdam sidewalk project, to the lowest responsive and responsible bidder meeting specifications, Landscape Pavers, LLC in the amount of \$302,658, with the understanding that funding is available through the State "C" funds for road improvements.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Charleston County Sheriff, Al Cannon, regarding the Sheriff's Office being a submitting partner with the North Charleston Police Department for funding under the 2009 CBP Operation Stonegarden Grant. It was stated that Charleston is the fourth busiest container port in the United States and the third busiest on the east coast, and military vessels coming into the harbor to load weapons and equipment creates security concerns for area citizens and local law enforcement. It was shown that if approved, grant funding could provide equipment vital to ensuring the safety of Sheriff's Office and EMS personnel tasked with ensuring public safety in the Port of Charleston.

Committee recommended that Council authorize approval of the Sheriff's Office's grant submission for the 2009 CBP Operation Stonegarden grant, with the understanding that no match or FTE's are required, and that the second and third year maintenance costs are available through this grant, which runs from September 1, 2009, until September 30, 2012.

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

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Charleston County Sheriff, Al Cannon, regarding grant opportunities being offered under the 2009 American Recovery and Reinvestment Act. It was stated that under this application the Sheriff's Office is requesting to purchase equipment, such as computers, printers and associated hardware, software, licenses and data cards which will allow for continuation of the current software replacement project. It was

shown that the total amount requested under the grant is \$2,076,765, with no matching funds required.

Committee recommended that Council approve submission of the Sheriff's Office grant application for the 2009 Justice Assistance Grant in the amount of \$2,076,765, with the understanding that there is no match or FTE's associated with this grant and that the grant period will run from July 1, 2009 until June 30, 2010.

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

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, regarding fiscal year 2010 Urban Entitlement Funds. It was stated that Charleston County Council created and authorized the Community Development Advisory to serve as an advisory committee to Charleston County Council on the expenditure of funds received by Charleston County Government from the U. S. Department of Housing and Urban Development (HUD). It was shown that the purpose of the Committee is to review all incoming requests for funding and make recommendations to Council on the award of contracts following the Request for Applications process.

Committee recommended that Council:

1. Allocated to the City of North Charleston 52 percent of the total FY 2010 allocation according to the Community Development Agreement between the City of North Charleston and the County of Charleston
2. Directed Staff in the Grants Administration Department to administer the remaining 48 percent of the funds received for the County Community Development Block Grant, HOME Investment Partnership Program and the American Dream Down Payment Initiative allocations and 100 per cent of current Emergency Shelter Grant Allocation along with \$9,742 of recaptured Emergency Shelter Grant funds according to the approval directed by Council.
3. Voted to reduce by \$10,000 each allocations for Awendaw and Mount Pleasant and give this money to the Lowcountry Food Bank, thereby increasing their total to \$35,000.
4. Agreed to complete the public process approval by reviewing and, if approved, authorizing the FY 2010 Annual Action Plan activities in accordance with the existing 5 year Consolidated Plan as recommended by the Community Development Advisory Committee.

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

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Don

Lundy, Director of the Charleston County Emergency Medical Service Department, regarding a request to amend the Charleston County Code regarding EMS fees. It was stated that the request to amend fees base rates and for the transport mileage from the scene to the hospital.

Committee recommended that Council approve and give first reading to an Ordinance increasing the transport and mileage rates.

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

An Ordinance to amend the County Fee Ordinance was given first 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.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Assistant Administrator for Finance, regarding Local Accommodations Tax funding for fiscal year 2009 and 2010.

Committee recommended that Council:

1. For FY 2009 and FY 2010 eliminate the \$90,000 contribution to the PRC for lifeguard services.
2. Make the following distributions for FY 2010:

County Debt Service	1,750,000
County Operations	2,600,000
CVB 10% of Collections	810,000
CVB Loan Repayment	(39,996)
Debt: N. Chas. Convention Ctr.	1,415,000
Debt: Chas. Tennis Complex	50,000
Debt: Citadel Stadium	175,000
Debt: C of C Arena	175,000
Contract: Charleston Museum	350,497
3. Make the following distributions to municipalities for FY 2010

City of Charleston	175,000
City of North Charleston	0
All other municipalities 15% of collections in the municipal jurisdiction	

4. Suspend consideration of contributions to other agencies until the FY 2010 Mid Year Review.

Mr. Summey made a substitute motion, as follows:

That Council:

1. Amend Accommodation Funds to reduce Municipalities to 51% of the Staff projections for Fiscal Year 2010, and if greater dollars come in than expected, these additional funds be given equally back to Municipalities.
2. Reduce the College of Charleston and Citadel contributions to \$100,000 each and leave \$150,000 in Accommodation Fund Contingency.
3. Direct Staff to coordinate with the Charleston Visitors Bureau to come up with a spreadsheet that shows economic impact of the various outside agency contributions, so that at a later date, Council can disperse funds to those organizations as it sees fit.

This motion was seconded by Mr. Pryor.

After a lengthy discussion a vote was taken and the motion failed. Council Members Condon, McKeown, Schweers and Thurmond voted nay. Council Member Rawl abstained.

Several motions were made, and failed or were not seconded.

Ms. Condon moved that Council:

1. Eliminated the \$90,000 contribution to the PRC for lifeguard services for FY 2009 and FY 2010.
2. Suspended consideration of contributions to other agencies until the FY2010 Mid Year Review
3. Make the following distributions for FY 2010:

County Debt Service	1,750,000
County Operations	2,600,000
CVB 10% of Collections	810,000
CVB Loan Repayment	(39,996)
Debt: N. Chas. Convention Ctr.	1,415,000
Debt: Chas. Tennis Complex	50,000
Contract: Charleston Museum	350,497
4. Make no decisions at this time regarding FY 2010 funding for the Citadel Stadium, the College of Charleston Arena or distributions to Municipalities, in order to receive additional information from County Staff.

This motion was seconded by Mr. Inabinett, and carried. Council Member Rawl

voted nay.

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Lake, Director of the 9-1-1 Center, regarding a non-competitive procurement for continued planning consultant services. It was Sated that L. R. Kimball & Associates have been involved in the in the consolidation efforts since completion of the feasibility study in April,2007, and that an extension of this contract in an amount not to exceed \$101,000 for assistance in transition planning is being requested for fiscal year 2010.

Committee recommended that Council:

1. Authorize a non competitive procurement for continued planning consultant services through amendment to the existing contract with L. R. Kimball & Associates for up to 101,000 for FY 2010 to come from the FY2010 General fund.
2. Authorize the County Administrator to sign agreement for North Charleston 9-1-1 to consolidate under management of the Charleston County Consolidated 9-1-1 Center effective July 1, 2009, with remaining funds from the March 2008 contract with North Charleston to be used for this transition and other consolidation and communication needs.

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

A report was read from the Finance Committee under date of April 16, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Gilbert A. Pohl, Director of Facilities Management, regarding the purchase of a site suitable for a Consolidated Dispatch Center in Palmetto Commerce Park. It was shown that the consensus of all departments involved, along with our consultant L. Robert Kimball & Associates, was to purchase the 14.183 acre tract owned by J. T. Palmetto Development LP.

Committee recommended that Council:

1. Authorize the Chairman of Council to execute a contract of purchase from J. T. Palmetto Development, LP for 14.183 acres located on Palmetto Commerce Parkway, North Charleston for \$1,418,300.00 to provide a site for the construction of the Consolidated Dispatch Center, with funding to be provided from the 2007 General Obligation Bond.
2. Authorize Staff to proceed with planning, programming and final design.

Mr. McKeown moved that Council authorize the Chairman of Council to execute a contract of purchase from J. T. Palmetto Development, LP for 14.183 acres located on Palmetto Commerce Parkway, North Charleston for \$1,418,300 to provide a site for the construction of the Consolidated Dispatch Center, with the understanding that funding will be provided from the 2007 General Obligation Bond, and that Staff is

authorized to proceed with planning, programming and final design.

This motion was seconded by Mr. Summey, and carried.

A report was read from the Special Finance Committee meeting of April 21, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Phillip LaRoche, Charleston District Director for the U. S. Census Bureau, on the 2010 Census. It was stated that the Census Bureau was interested in Charleston County forming a "Complete Count Committee".

Committee recommended that Council authorize Staff to create a Complete Count Committee to aid in the Census Count in Charleston County.

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

A report was read from the Special Finance Committee meeting of April 21, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation/Emergency Management, regarding right of way acquisition process for the Transportation Sales Tax Projects. It was stated that in order to minimize the schedule delays caused by the failure or refusal of a few properties to reach a settlement in a reasonable length of time, that it would be most helpful for Council to approve a Resolution authorizing the use of eminent domain for the properties identified for the Harbor View Road Project. It was further stated that Staff remains extremely sensitive to the property rights of persons affected on County projects, and that condemnation action will only be used 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 Harbor View Road Project.

Mr. McKeown moved approval of Committee recommendation, seconded by Ms. Condon, 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 HARBOR VIEW ROAD 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 SC Route

1028, a/k/a Harbor View Road on James Island (the "Project"); and

WHEREAS, the plans for the improvements are shown on the technical drawings of HDR Engineering, Inc. of the Carolinas entitled "Harbor View Road Final Right of Way Plans" and dated July 25, 2008, (the "Plans"); and

WHEREAS, the Plans depict, *inter alia*, the existing roadway, the proposed roadway 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 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.

A report was read from the Special Finance Committee meeting of April 21, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Joseph Dawson, County Attorney, regarding upcoming trips that may require the Chairman and/or his designee to make. It was stated that Council Policy concerning travel now only authorize Council Members to attend, without prior approval, meetings and events conducted by the South Carolina Association of Counties or the

National Association of Counties.

Committee recommended that Council allow the Chairman and/or his designee to take necessary trips for the benefit of Charleston County.

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

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

George Freeman of Venning Road, Mount Pleasant, South Carolina, requested Council help in the neighborhood's proposal not to tear down Jennie Moore School but allow it to become a Neighborhood Meeting Place.

Mayor Joseph P. Riley, Jr., spoke to Council regarding Accommodations funding that is given by the County to Municipalities. He stated that the activities provided by the Municipalities and the Cities themselves was what brought visitors to Charleston, and that the Accommodation Tax Monies were so important to all the events that realized support from Accommodations Fees

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

Mr. Thurmond pointed out to Council that the County was looking at an increase in the County portion of the property tax bill because of loss in local option sales tax.

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

Beverly T. Craven
Clerk of Council