

Charleston, SC
February 23, 2012

A regular meeting of County Council of Charleston County was held on the 23RD day of February, 2012, immediately following Council's Finance Committee meeting, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 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; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; and Dickie Schweers. Council Member J. Elliott Summey was absent.

Also present were: W. Kurt Taylor, County Administrator and County Attorney Joseph Dawson.

Chairman Teddie E. Pryor gave the invocation. Council Clerk, Beverly T. Craven, 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.

Ms. Condon moved approval of Council's minutes of February 7th, 2001, seconded by Mr. Sass and carried.

The Chairman said it was always a pleasure to have the opportunity to recognize our excellent Charleston County employees, and requested Ms. Tami Fralick, a manager in the Department of Revenue Collections Department and her supervisor, George Boniface to come forward. Mr. Pryor stated that Ms. Fralick has been named the Employee of the Quarter and requested the County Administrator to present the Certificate of Appreciation to Ms. Fralick.

An Ordinance to rezone the Royal Palms Planned Development was given third reading by title only.

ZPDA 11-11-
12411, 1150-
1275 Dingle Rd
Ordinance 3rd
Reading

AN ORDINANCE

REZONING THE ROYAL PALMS PLANNED DEVELOPMENT (PD-112)

WHEREAS, the properties located at Dingle Road, specifically addresses 1150 through 1275 Dingle Road, and identified as Tax Map Parcel Identification Numbers 578-00-00-162 and 578-00-00-475 are currently zoned PD-112, Planned Development Zoning District 112; and

WHEREAS, the applicant requests to rezone the Planned Development Zoning District (PD-112) and has submitted a complete application for PD Development Plan amendment approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations Ordinance (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 Charleston County Council approve the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Charleston County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed PD Development Plan with conditions based on the Approval Criteria of Section 4.27.9.E.9 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 IT ORDAINED by County Council of Charleston County, South Carolina, 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 1150 through 1275 Dingle Road, identified as Tax Map Parcel Identification Numbers 578-00-00-162 and 578-00-00-475 from Planned Development (PD-112) to Planned Development (PD-112A); and

B. The PD Development Plan submitted by the applicant and identified as the "Development Guidelines for The Royal Palms Planned Development (PD-112A)"

including the changes thereto and conditions if any, approved by County Council as Planned Development 112A or PD-112A are incorporated herein by reference and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-112A 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 Identification Numbers 578-00-00-162 and 578-00-00-475 is amended to PD-112A in accordance with Section 4.27.10 of Article 4.27 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.

ADOPTED and APPROVED in meeting duly assembled this 23rd day of February 2012.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

ATTEST

Beverly T. Craven, Clerk

First Reading: January 24, 2012
 Second Reading: February 7, 2012
 Third Reading: February 28, 2012

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye

Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- absent
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 amending the Charleston Tea Plantation PD was given third reading by title only.

ZPDA-11-11-
12442
Charleston
Tea
Plantation
PD
Ordinance
3rd Reading

AN ORDINANCE

REZONING THE CHARLESTON TEA PLANTATION PLANNED DEVELOPMENT (PD-109)

WHEREAS, the properties located at 2447, 2450 and 2451 America Classic Tea Lane, identified as Tax Map Parcel Identification Numbers 151-00-00-093; 151-00-00-282; and 151-00-00-283 are currently zoned PD-109, Planned Development Zoning District 109; and

WHEREAS, the applicant requests to rezone the Planned Development Zoning District (PD-109) and has submitted a complete application for PD Development Plan amendment approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations Ordinance (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 the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.E.9 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Charleston County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed PD Development Plan with conditions based on the Approval Criteria of Section 4.27.9.E.9 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 IT ORDAINED by County Council of Charleston County, South Carolina, 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 2447, 2450 and 2451 American Classic Tea Lane, identified as Tax Map Parcel Identification Numbers 151-00-00-093; 151-00-00-282; and 151-00-00-283 from Planned Development (PD-109) to Planned Development (PD-109A); and

B. The PD Development Plan submitted by the applicant and identified as the "Development Guidelines for The Charleston Tea Plantation PD-109" including the changes thereto and conditions, if any, approved by County Council as Planned Development 109A or PD-109A, are incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-109A 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 Identification Numbers 151-00-00-093; 151-00-00-282; and 151-00-00-283 is amended to PD-109A in accordance with Section 4.27.10 of Article 4.27 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.

ADOPTED and APPROVED in meeting duly assembled this 23rd day of February 2012.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

ATTEST:

Beverly T. Craven
Clerk to Charleston County Council

First Reading: January 24, 2012
Second Reading: February 7, 2012
Third Reading: February 23, 2012

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- absent
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 Comprehensive Plan was given third reading by title only.

Comp Plan
Amendments
Energy
Element
Ordinance 3rd
Reading

AN ORDINANCE

**AMENDING THE CHARLESTON COUNTY COMPREHENSIVE PLAN
ORDINANCE, NUMBER 1095, AS AMENDED, TO INCLUDE
CHAPTER 3.10, ENERGY ELEMENT**

WHEREAS, the Charleston County Council (the "County Council") adopted the Charleston County Comprehensive Plan Ordinance, No. 1095, effective April 20, 1999, with subsequent amendments and additions made thereto, which enacted and

amended the Charleston County Comprehensive Plan (the "Comprehensive Plan") in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 1976, as amended ("Planning Act"); and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1274, effective November 18, 2003, with subsequent amendments and additions made thereto, at the 5-year review of the Comprehensive Plan; and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1567, effective November 18, 2008, with subsequent amendments and additions made thereto, at the 10-year update of the Comprehensive Plan; and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1622, effective December 22, 2009; and

WHEREAS, pursuant to the Planning Act, the County Council adopted Ordinance No. 1694, effective October 11, 2011; and

WHEREAS, the Charleston County Planning Commission (the "Planning Commission") has reviewed the proposed amendments to the Comprehensive Plan in accordance with the procedures established in State law and the Charleston County Zoning and Land Development Regulations Ordinance; 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 the proposed amendments to the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, 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. TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN

The Charleston County Comprehensive Plan is hereby amended to include the addition of Chapter 3.10, Energy Element, which is attached hereto as Exhibit "A" and made a part of this Ordinance by reference.

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 its approval following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 23rd day of February, 2012.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

ATTEST:

Beverly T. Craven, Clerk

First Reading: January 24, 2012
Second Reading February 7, 2012
Third Reading: February 23, 2012

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- absent
Mr. Pryor	- aye

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

**Form Based
Zoning Comp
Plan
Amendments**

An Ordinance to incorporate Form Based Zoning was given second reading by title only.

AN ORDINANCE

TO APPROVE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN TO INCORPORATE FORM-BASED ZONING.

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

Mr. Rawl stated, as he had at the February 7th meeting, that it was his understanding that these amendments, along with the Comprehensive Plan amendments for the addition of Form-Based Zoning, were held back from previous public hearings in order to bundle them together with the ZLDR amendments in order to incorporate a Form Based Zoning District, and that the ZLDR amendments for Form Based Zoning are underway and should be brought to the Planning Commission for consideration in the near future after the consultants have prepared the draft Ordinance language.

Zoning and Planning Director, Dan Pennick, acknowledged that Mr. Rawl's understanding was correct.

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

- Ms. Condon - aye
- Mr. Darby - aye
- Ms. Johnson - aye
- Mr. Qualey - aye
- Mr. Rawl - aye
- Mr. Sass - aye
- Mr. Schweers - aye
- Mr. Summey - absent
- Mr. Pryor - aye

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

**Developments
Of County
Significance
Ordinance 2nd
Reading**

A proposed Ordinance to amend the Zoning and Land Development Regulations was given second reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202 AS AMENDED, CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES AND CHAPTER 12, DEFINITIONS

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

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- aye
Mr. Summey	- absent
Mr. Pryor	- aye

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

**Consent
Agenda
A) Front End
Loader
B) Grimball Rd
Sidewalk &
Drainage
Improvements
C) FY2012
Victims of
Crime Act
D) Anderson
Mack
Resolution**

The Chairman stated that the next item on the agenda was the Consent Agenda.

Mr. Rawl moved approval of the Consent Agenda, seconded by Ms. Condon, and carried.

The Consent Agenda is as follows:

A report was read from the Finance Committee Meeting of February 23, 2010 that it considered the information furnished by W. Kurt Taylor, County Administrator and Barrett J. Tolbert, Director of Procurement regarding the award of a contract for one front End Loader. It was stated that on November 15, 2011, County Council formally adopted recommendations to direct Environmental Management to move forward in the implementation of single stream recycling in Charleston County, and towards this effort, Council approved the purchase of up to five (5) front end loader vehicles to replace existing manual collection vehicles with automated collection trucks capable of picking up single stream recyclables or commercial recyclables. It was shown that two of these trucks were ordered, and are scheduled to be delivered by Hughes Motors Incorporated in July 2012. It was further stated that in May 2012, new single stream equipment will be installed at the Material Recovery Facility (MRF), allowing the processing of additional recyclables, thereby allowing more recyclables to be processed at the MRF, and staff recommends that Council approve a non-competitive, immediate purchase of one (1) additional truck which can be delivered by Hughes Motors within a 75 day time frame which would coincide with the retrofitting of the Material Recovery Facility. It was further shown that the additional cost associated with the shorter delivery time would be \$11,023.00.

Committee recommended that Council approve the purchase of one (1) 2012 Mack LEU613 Heil Durapak front end loader truck from Hughes Motors Inc., Charleston, SC with a 75 day delivery date at a price of \$284,575.00, with the understanding that this vehicle will be utilized by the Environmental Management Department throughout the

County, and that Funds are available in the Environmental Management Department budget.

A report was read from the Finance Committee Meeting of February 23, 2010 that it considered the information furnished by W. Kurt Taylor, County Administrator and Barrett J. Tolbert, Director of Procurement, regarding Bids received for sidewalk and drainage projects on James Island. It was stated that this is a Charleston County Transportation Committee (CTC) funded project with a small amount of additional funding from the Transportation Sales Tax Annual Allocations program, and consists of extending the sidewalk from James Island Elementary School to the Riverland Road intersection along the east side of Grimball Road for approximately 5800'. This Project will also include drainage improvements along Grimball Road and improving one drainage outfall along Deleston Street. The sidewalk will be constructed of concrete with curb and gutter.

Bids were received in accordance with the terms and conditions of IFB No. 4628-12C. The DBE goal is 5%. State "C" Fund regulations do not allow SBE or local preference goals.

Bidder	Bid Price	DBE Percenta ge
Green Construction Company of Summerville, Inc. Summerville, SC 29484 Principal: Marion Green	\$ 702,362.00	100%
AOS Specialty Contractors, Inc. Lexington, SC Principal: Dianna Rushing	\$ 711,954.00	100%
L-J, Inc. Columbia, SC Principal: David N. Jordan	\$ 756,545.60	20.16%
L&L Contractors, Inc. Andrews, SC Principal: Ervin W. Lambert, Jr.	\$ 784,163.16	24.11%
Weaver Contracting, Inc. Charleston, SC Principal: Joan G. Weaver	\$ 798,402.15	18.51%
Boykin Contracting, Inc. West Columbia, SC 29169 Principal: Cory J. Adams	\$ 827,092.10	13.80%
International Public Works Charleston, SC Principal: L. Kai Yeh	\$ 859,898.88	100%

R.H. Moore Company, Inc. Murrells Inlet, SC Principal: R. Henry Moore	\$ 896,756.00	9.96%
B&C Utilities, Inc. Johns Island, SC Principal: Arthur E. Hinson	\$ 924,751.50	19.35%
Celek & Celek Construction, Inc. Hollywood, SC Principal: Brian F. Celek	\$ 939,785.00	10.00%
Sanders Brothers North Charleston, SC Principal: J. Gregory Sanders	\$ 1,010,264.60	13.98%
O.L. Thompson Construction, Inc. North Charleston, SC Principal: J. David Hand	\$ 1,055,571.90	10.38%

Committee recommended that Council authorize award of a contract for Grimball Road Sidewalk & Drainage Improvements Phase II to Green Construction Company of Summerville, Inc., the lowest responsive and responsible bidder, in the amount of \$702,362.00 with the understanding that Funds are available in the Transportation Development "C" funds and the Roads Program in the Transportation Sales Tax.

A report was read from the Finance Committee Meeting of February 23, 2010 that it considered the information furnished by W. Kurt Taylor, County Administrator and J. Alton, Sheriff of Charleston County, regarding requesting Council's permission to apply to the South Carolina Department of Public Safety, Office of Justice Program for a , Victims of Crime Act grant to sustain one (1) Victim Advocate's position. It was stated that currently the position is funded through the Victim's Bill of Rights Fund which is generated from court fees. The revenue from court fees has decreased over several years and the projections for the current and future fiscal years indicate a negative balance about equal to the salary of one (1) Victim Advocate. It was shown that the purpose of this \$50,000 grant would be to sustain one (1) Victim Advocate within the Sheriff's Office. It was also shown that the grant does require a match and the Sheriff's Office intends to comply with the requirement through an in-kind match of volunteer hours. It was also shown that the grant period runs from July 1, 2012 through June 30, 2013.

Committee recommended that Council approve the submission for the FY2012 Victims of Crime Act Grant in the amount of \$50,000, with the understanding that:

- A) One granted funded FTE will be requested and that the required in-kind match will be provided through volunteer Services

- B) The grant period runs from July 1, 2012 through June 30, 2013, and that at the conclusion of the grant period the County is under no obligation to retain this position.

A report was received from the Finance Committee Meeting of February 23, that it considered the request of Council Member Anna Johnson for County Council to prepare a Resolution honoring Anderson Mack, Sr., a former employee of the Charleston County Public Works Department for 36 years and the information furnished by Council Staff .

Committee recommended that Council approve the requested Resolution honoring Mr. Anderson Mack, Sr.,

The Resolution is as follows;

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL
HONORING ANDERSON MACK, SR.**

WHEREAS, Charleston County Council recognizes that the foundation of our community is grounded in those who give of themselves selflessly to help others; and,

WHEREAS, Charleston County Council from time to time has the privilege of recognizing an individual who exemplifies such a commitment; and,

WHEREAS, Anderson Mack, Sr., was born on Wadmalaw Island, SC, on November 24, 1931, married the former Emily Mikell, and raised two sons and one daughter on Wadmalaw Island; and,

WHEREAS, Anderson Mack, Sr., was an employee of Charleston County Public Works Department for thirty-six years, serving the citizens of Charleston County from September 4, 1956, until December 31, 1992, when he retired as the Supervisor of the Johns Island Work Camp; and,

WHEREAS, Anderson Mack, Sr., believes in community service and was instrumental in establishing the present Wadmalaw Community Center building, serving on the Center's board of directors and as its chairperson for several years; and,

WHEREAS, Anderson Mack, Sr., is a dedicated servant of the Lord, an active member of Webster United Methodist Church where he has served as class leader, Finance Committee member and Senior Choir member; and,

WHEREAS, Anderson Mack, Sr., is known in his community as a person who loves his family, his church, his friends, the Wadmalaw Island community, and the world in which he lives.

NOW THEREFORE, BE IT RESOLVED by the County Council of Charleston County, that Anderson Mack, Sr., be commended for outstanding service to his community and that the genuine appreciation of Charleston County Council be extended to him on behalf of all the citizens of this County; and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to Anderson Mack, Sr., and recorded in the official minutes of Charleston County Council.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr. Chairman

February 23, 2012

Public Forum 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.

Ms. Condon reminded Council that the West Ashley Senior Center would be “high lightening” their promotion of a Center West of the Ashley. The event is call Up Up and Away and will take place on Wednesday, February 29, 2012. She urged Council Members to attend.

Mr. Schweers said that he had visited the Shem Creek Park and it was a first rate facility, and well worth a visit.

Mr. Rawl asked if the Wiltown Community property agreement, which, was purchased with Greenbelt monies, allowed for the cutting of timber?

Mr. Schweers asked if this property was protected in perpetuity.

Mr. Qualey said that was excellent attendance at the Harbor View Road Meeting. He said Staff had made an excellent presentation, It was a first rate job.

Ms. Condon said that she too had attended the meeting and it was very informative and well received by those in attendance.

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

Beverly T. Craven
Clerk of Council