

A regular meeting of County Council of Charleston County was held on the 25<sup>th</sup> day of October, 2011 at 7:00 p.m. 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 Darby; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; Dickie Schweers and J. Elliott Summey.

Also present were: Allen O'Neal, County Administrator and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation. Council Member Anna Johnson led in the pledge to the flag.

The Clerk reported that in compliance with the Freedom of Information Act, notice of meetings and agendas were furnished to all news media and persons requesting notification.

Mr. Sass moved approval of Council's Minutes of September 27<sup>th</sup> and October 11<sup>th</sup>, 2011, with one correction to the September 27, 2011, minutes, seconded by Mr. Summey and carried.

A proposed Ordinance rezoning real property was given third reading by title only.

ZREZ-4-11-  
10929, 1643  
Pineview  
Road

### **AN ORDINANCE**

#### **REZONING THE REAL PROPERTY LOCATED AT 1643 PINEVIEW ROAD, PARCEL IDENTIFICATION NUMBER 351-16-00-132 FROM A SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.**

WHEREAS, the property identified as tax map parcel identification number 351-16-00-132 is currently zoned Single Family Residential 4 (R-4) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from Single Family Residential 4 (R-4) to Community Commercial District (CC) pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council")

approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

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

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. REZONING OF PROPERTY

The property identified as tax map parcel identification number 351-16-00-132 is hereby rezoned from the Single Family Residential 4 (R-4) District to the Community Commercial (CC) District . The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

#### SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 25<sup>th</sup> day of October, 2011.

CHARLESTON COUNTY COUNCIL  
Teddie E. Pryor, Sr., Chairman

ATTEST

Beverly T. Craven  
Clerk of Charleston County Council

First Reading: September 27, 2011  
Second Reading: October 11, 2011  
Third Reading: October 25, 2011

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

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

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

A proposed Ordinance rezoning real property was given second reading by title only.

**AN ORDINANCE**

**REZONING THE REAL PROPERTY LOCATED AT 1703 PINEVIEW ROAD, TAX MAP PARCEL IDENTIFICATION NUMBER 351-16-100, FROM A SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.**

ZREZ-4-11-  
10930, 1703  
Pineview  
Road

WHEREAS, the property identified as tax map parcel identification number 351-16-00-100 is currently zoned Single Family Residential 4 (R-4) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from Single Family Residential 4 (R-4) to Community Commercial District (CC) pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- E. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

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

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. REZONING OF PROPERTY

The property identified as tax map parcel identification number 351-16-00-100 is hereby rezoned from the Single Family Residential 4 (R-4) District to the Community Commercial (CC) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 25<sup>th</sup> day of October, 2011.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

ATTEST:

Beverly T. Craven, Clerk

First Reading: September 27, 2011  
Second Reading: October 11, 2011  
Third Reading: October 25, 2011

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

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

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

A proposed Ordinance rezoning real property was given third reading by title only.

ZREZ-4-11-  
11072, 1713  
Pineview  
Road

**AN ORDINANCE**

**REZONING THE REAL PROPERTY LOCATED AT 1713 PINEVIEW ROAD TAX MAP PARCEL IDENTIFICATION NUMBER 351-16-00-099, FROM A SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.**

WHEREAS, the property identified as tax map parcel identification number 351-16-00-099 is currently zoned Single Family Residential 4 (R-4) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from Single Family Residential 4 (R-4) to Community Commercial District (CC) pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- D. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of

the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and

- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

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

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. REZONING OF PROPERTY

The property identified as tax map parcel identification number 351-16-00-099 is hereby rezoned from the Single Family Residential 4 (R-4) District to the Community Commercial (CC) District . The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

#### SECTION III. SEVERABILITY

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

#### SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 25<sup>th</sup> day of October, 2011.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

ATTEST:

Beverly T. Craven, Clerk

First Reading: September 27, 2011  
 Second Reading: October 11, 2011  
 Third Reading: October 25, 2011

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

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

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

A proposed Ordinance rezoning real property was given third reading by title only.

**ZREZ-4-11-11251, 3183 Sanders Road**

**AN ORDINANCE**

**REZONING 0.13 ACRES PORTION OF THE REAL PROPERTY LOCATED AT 3183 SANDERS ROAD, TAX MAP PARCEL IDENTIFICATION NUMBER 286-00-00-001 (PORTION OF) FROM THE INDUSTRIAL (I) DISTRICT THE SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT.**

WHEREAS, the property identified as tax map parcel identification number 286-00-00-001 is currently zoned Industrial (I) District and

WHEREAS, the current owner or agent thereof requests a rezoning of the property and a complete application for rezoning the property was submitted to the Charleston County Planning Department requesting among other things that the parcel be rezoned from Industrial (I) District to the Single Family Residential 4 (R-4) District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (the "County Council") approve the application for rezoning based on the procedures established in State law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least 1 public hearing and after close of the public hearing, the County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this ordinance;

- B. The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- C. The County and other service providers will be able to provide adequate water and sewer supply, storm water facilities, waste disposal and other public facilities, and services to the subject property, while maintaining adequate levels of service to existing development;
- F. The applicant documentation that the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, wildlife and natural resources; and
- E. The subject property is suitable for proposed zoning classification considering such things as parcel size, parcel configuration, road access, and the presence of natural resources and amenities.

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

#### SECTION I. FINDINGS INCORPORATED

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

#### SECTION II. REZONING OF PROPERTY

The property identified as tax map parcel identification number 286-00-00-001 (Portion Of) is hereby rezoned from the Industrial (I) District to the Single Family Residential 4 (R-4) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

#### SECTION III. SEVERABILITY

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

#### SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 25<sup>th</sup> day of October, 2011.  
CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman

ATTEST:

Beverly T. Craven, Clerk

First Reading: September 27, 2011  
 Second Reading: October 11, 2011  
 Third Reading: October 25, 2011

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	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance to amend the Charleston County Code of Ordinances to establish a chapter entitled "Livability" was given third reading by title only.

Livability  
Issues

**AN ORDINANCE TO AMEND PART II OF THE CHARLESTON COUNTY CODE OF ORDINANCES SO AS TO ESTABLISH A CHAPTER 3 ENTITLED "LIVABILITY," COMPRISED OF THE FULL PROVISIONS OF THE EXISTING CHAPTER 3, "ANIMALS AND FOWL" AND ADDITIONAL PROVISIONS AS ESTABLISHED BY THIS ORDINANCE; TO ENACT ADDITIONAL PROCEDURES AND REQUIREMENTS FOR ANIMALS AND FOWL KEPT ON RESIDENTIAL PROPERTIES, INCLUDING PROVISIONS RELATED TO NOISE FROM ANIMALS AND FOWL; TO REPEAL ARTICLE III OF CHAPTER 13.5, CONTAINING THE PROVISIONS OF ORD. 1138 OF 2000 ("NOISE ORDINANCE") AND REPEAL §§14.5-2 AND 14.5-3 RELATED TO LOUD AND UNNECESSARY NOISES AND SOUND AMPLIFICATION DEVICES; AND TO ENACT NEW PROVISIONS AND REQUIREMENTS MAKING UNLAWFUL CERTAIN OFFENSES RELATED TO NOISE THAT DISTURBS THE PEACE AND TRANQUILITY OF CITIZENS OF THE COUNTY; AND TO MAKE CERTAIN TECHNICAL CORRECTIONS AND AMENDMENTS TO THE EXISTING CODE OF ORDINANCES CONSISTENT WITH STATE LAW AND CURRENT PRACTICE.**

**WHEREAS**, County Council finds that excessive noise and other nuisances compromises the public welfare and impairs the livability and enjoyment of private property; and

**WHEREAS**, in order to allow for the peaceful enjoyment of private property, certain nuisances and sources of undue and excessive noise, whether from animal, human, mechanical, or electrical sources, must be regulated ; and

**WHEREAS**, Ord. 875 of 1993 and Ord. 1138 of 2000 were enacted in order to achieve these goals with regard to noise, but these two Ordinances are in potential conflict with each other, as well as insufficient to achieve the fair and equitable enforcement of offenses related to undue and excessive noise; and

**WHEREAS**, it is in the interest of the County, its citizens, and the various officials charged with the enforcement of laws to enact a comprehensive and equitable set of procedures, policies, and offenses related to livability and the enjoyment of private property.

**NOW, THEREFORE, BE IT ORDAINED** by County Council in a meeting duly assembled as follows:

#### **SECTION I. FINDINGS INCORPORATED**

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

#### **SECTION II. PURPOSE**

The purpose of this Ordinance is to amend the Charleston County Code of Ordinances so as to establish a Chapter 3 of Part II entitled "Livability," comprised of the full provisions of the existing Chapter 3, "Animals and Fowl"; to enact additional procedures and requirements for animals and fowl kept on residential properties, including provisions related to noise from animals and fowl; to repeal Article III of Chapter 14.5, containing the provisions of Ord. 1138 of 2000 ("Noise Ordinance") and repeal §§14.5-2 and 14.5-3 related to loud and unnecessary noises and sound amplification devices; and to enact new provisions and requirements making unlawful certain offenses related to noise that disturbs the peace and tranquility of citizens of the County.

#### **SECTION III. LIVABILITY**

The title of Chapter 3 of Part II of the Charleston County Code of Ordinances is hereby retitled "Livability," and the full provisions of the existing Chapter 3 related to animal and fowl are incorporated in full and without amendment, except as may be provided for hereafter.

#### **SECTION IV. ADDITIONAL PROVISIONS RELATED TO ANIMALS AND FOWL**

Chapter 3 of Part II of the Charleston County Code of Ordinances is hereby amended so as to add the following provisions:

**Sec. 3-17. –Identification of Dogs and Cats**

- A. Any person who owns or keeps a dog or cat three (3) months of age or older shall affix and maintain a durable metal or plastic identification tag on the collar of the animal which has permanently stamped or printed thereon the owner's address and phone number(s). The tag shall be maintained in such a condition as to make the stamped or printed information clearly legible. Microchip technology or tattooing as otherwise provided by law may be used in lieu of a collar tag, provided that owner identification and contact information remains current.
  
- B. The provisions of Section A are not applicable when:
  - 1. The animal is participating in any organized exhibition, field trial, competition or is in training for these events, or is undergoing grooming;
  - 2. the dog or cat is confined in a boarding kennel, grooming facility or veterinary hospital, in which case the identification tag information shall be recorded and readily available; or
  - 3. When a licensed veterinarian orders in writing that the identification tag and/or collar be removed for reasons of the animal's health, in which case the animal shall be confined within an enclosed building, fenced area or kennel at all times until the veterinarian permits the collar and tag again to be placed on the animal.

**Sec. 3-18. –Nuisances**

- A. It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner as to constitute a public nuisance or a nuisance to neighbors. By way of example and not of limitation, the following acts or actions of an owner, harbinger or possessor of an animal are hereby declared to be a public nuisance and therefore unlawful:
  
- B.
  - 1. Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property, or public property; or
  
  - 2. Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens,

flowers or vegetables, or repeatedly defecating upon the property of another; or

3. Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or
  4. Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property; or
  5. Allowing or permitting an animal to bark, whine or howl in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or
  6. Maintaining an animal that is diseased and dangerous to the public health; or
  7. Maintaining an animal that habitually or repeatedly chases, snaps at, threatens, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles, or vehicles; or
  8. Failing to confine a female dog or cat, while in season, in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.
- C. In addition to the right of the County to bring an enforcement action for violations of this section, any individual who is specifically damaged by any violation may, in addition to other remedies, institute an appropriate civil action or other proceeding in the Magistrate Court or Circuit Court to abate or prevent the nuisance.

## **SECTION V. NOISE OFFENSES**

Chapter 3 of Part II of the Charleston County Code of Ordinances is hereby amended so as to add the following provisions:

### **Sec. 3-40. –Definition**

- A. As used below, “plainly audible” means any sound that can be detected by a person using his or her unaided hearing facilities.

**Sec. 3-41. –Noise-Amplified Sound from Vehicles**

It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other vehicular music or sound amplification or reproduction equipment in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the vehicle or plainly audible within the residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles for sound emitted during job-related operation.

**Sec. 3-42. –Noise-Amplified Sound in General**

It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other music or sound amplification or reproduction equipment upon real property in such a manner as to be plainly audible within any residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound.

**Sec. 3-43. –Noise-Excessive, Unnecessary or Unreasonable Noise.**

- A. Any excessive, unnecessary, or unreasonable sound that is plainly audible as set forth in §§ 3-41 and 3-42 of this Code which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensibilities is prohibited.
- B. The following shall be exempt from the prohibition contained in section A, supra:
1. Church bells or other activities of organized religious services.
  2. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful.
  3. Warning devices required by state or federal regulations.
  4. Farming equipment or farming activity.
  5. Timber harvesting and milling during daylight hours.
  6. Noise from domestic power equipment including but not limited to chain saws, sanders, grinders, lawn and garden tools or similar devices operated during daylight hours.
  7. Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) operated during daytime hours as per local, state, or federal law or regulation, or as otherwise provided for by permit or variance, whichever is more restrictive.
  8. Emergency maintenance, construction or repair work.

9. Noise created by any government-sponsored events or privately organized sports, recreation, or athletic events.
10. Emergency or extraordinary situations.
11. A business may use an outside sound system to notify patrons waiting to pick up an order, obtain a table, or to be able to participate in the activities of the business, provided that such sound does not create an excessive, unnecessary or unreasonable noise.
12. Noise from any idling vehicles at a commercial establishment in the process of loading or unloading merchandise for the establishment, or waiting for the opportunity to do the same.

**Sec. 3-44. –Penalty**

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500.00 or not more than 30 days in jail, or both.

**Sec. 3-45. –Noise-Private Action**

In addition to the right of the County to bring an enforcement action for violations of this section, any individual who is specifically damaged by any violation of this Chapter related to noise may, in addition to other remedies, institute an appropriate civil action or other proceeding in the Magistrate Court or Circuit Court to abate or prevent the nuisance.

**SECTION VI. TECHNICAL CORRECTIONS AND AMENDMENTS**

1. Sections 3-14 and 3-15 are hereby repealed and said sections reserved for future use.

**SECTION VII. TECHNICAL CORRECTIONS AND AMENDMENTS**

1. The following provisions of the Charleston County Code of Ordinances are hereby repealed:
  - A. Part II, Chapter 11, Article IV, “Memorial Hospital”
  - B. Part II, Chapter 11, Article V, “Emergency Medical Board”
  - C. Part II, Chapter 11, Article VI, “Medical Examiner Commission”
  - D. Part II, Chapter 11, Article VII, “Indoor Clean Air”
  - E. Part II, Chapter 11, Article VIII, “Transportation of Nuclear Material”
2. Section 11-151 of the Charleston County Code of Ordinances (“Alcohol and Other Drug Abuse Department) is amended in part so as to provide that the director “shall be hired and fired by the County Administrator *or the Administrator’s designee...*” The italicized portion herein reflects additional text.
3. Section 11-158 of the Charleston County Code of Ordinances (“Alcohol and Other Drug Abuse Department) is amended so as to replace the reference to section 61-5-320(b) of the South Carolina Code of Laws with section 61-12-20.

- 4. Section 11-153 of the Charleston County Code of Ordinances (“Alcohol and Other Drug Abuse Department) is amended in part so as to delete the phrase “Mini-bottle revenues will be received by the county, and” and insert “Revenues disbursed by the State and received by the County pursuant to Chapter 12 of Title 61 of the S.C. Code of Laws...”
- 5. Section 11-151 of the Charleston County Code of Ordinances (“Alcohol and Other Drug Abuse Department) is amended so as to add the following as the last sentence of said section: “The county alcohol and other drug abuse department is authorized to use the metonym “Charleston Center” in its daily operations and educational materials and any reference to “Charleston Center” shall be interchangeable with the county alcohol and other drug abuse department.”
- 6. The caption of Part II, Chapter 10, Article I is hereby amended so as to delete the phrase “BEAUTIFICATION OF PROPERTY BY” with the new caption being “REGULATION OF WEEDS, RANK VEGETATION, AND SOLID WASTE.”

**SECTION VIII. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

**SECTION IX. EFFECTIVE DATE**

This Ordinance shall take effect upon third reading by County Council.

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 - aye
- Mr. Pryor - aye

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received third reading approval.

**TIGHTCO  
Financial  
Incentives**

An Ordinance authorizing the execution and delivery of a fee agreement was given second reading by title only.

**AN ORDINANCE**

**AUTHORIZING PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND TIGHTCO, INC.; AND MATTERS RELATING THERETO.**

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 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 - abstain
- Mr. Pryor - aye

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

Mr. Summey abstained and furnished the Clerk with a statement of Conflict of Interest stating that that he is involved in a real estate transaction with TIGHTCO.

An Ordinance authorizing bonds for the North Charleston Sewer District was given second reading by title only.

**North  
Charleston  
Sewer  
District GO  
Bonds**

**AN ORDINANCE**

**MAKING A FINDING PURSUANT TO SECTION 6-11-860, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, THAT NORTH CHARLESTON SEWER DISTRICT COMMISSION SHOULD BE AUTHORIZED TO ISSUE NOT EXCEEDING \$18,000,000 GENERAL OBLIGATION BONDS OF NORTH CHARLESTON SEWER DISTRICT**

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

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

- Ms. Condon - aye
- Mr. Darby - aye

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

The vote being nine (9) ayes, the Chairman declared the Ordinance to have received second reading approval.

**Highway 17  
North  
Overlay  
District**

A report was read from the Planning/Public Works Committee under date of September 20, 2011 that it considered the information furnished by County Administrator, Allen O'Neal, and Dan Pennick, Director of Zoning and Planning, regarding a proposed overlay district to be located in County Council Districts 1 and 2. It was stated that a Public Hearing was held on October 11, 2011 and that the Public Hearing was advertised in the Post and Courier on September 23, 2011 and 1100 notification letters were sent to parties and property owners in the vicinity of the proposed overlay district. It was shown that 2 persons spoke at the Public Hearing both of whom spoke in favor of the project.

Committee recommended approval of the proposed overlay district and authorized first reading of the proposed Ordinance.

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

An Ordinance to establish an Overlay District in Mount Pleasant was given first reading by title only .

**AN ORDINANCE**

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, CHAPTER 5, OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS, AND CHAPTER 12, DEFINITIONS.**

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

**Consent  
Agenda  
A) Code  
Enforcement  
B) 6<sup>th</sup> Street  
East Folly  
Beach  
Drainage  
Improvements  
D) Gang  
Awareness  
Month**

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

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

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Bernard Ferrara, Deputy County Attorney, regarding a request from the Planning Department that Charleston County Council appoint James Palmer as a Code Enforcement Officer. It was stated that in 1994, Council adopted an ordinance authorizing the issuance of a uniform ordinance summons, which is used to enforce any County ordinance. The uniform ordinance summons is enforced by code enforcement officers commissioned by County Council, and commissions are on an annual basis and subject to renewal or rescission every year, with officers being commissioned as needed or when necessary.

Committee recommended that Council commission James Palmer, employee of the Charleston County Planning Department as a code enforcement officer with all commissions effective immediately through December 31, 2011.

A report was read from the Finance Committee under date of October 20<sup>th</sup>, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Barrett J. Talbert, Director of Procurement regarding sealed bids received for the 6th Street East Drainage Improvement Project which is located on Folly Beach. This Project consists of installing approximately 1,000 feet of pipe located on 6th Street between East Huron Avenue and East Ashley Avenue on Folly Beach. Work shall include clearing, storm drainage improvements, paving, erosion and sedimentation control, and traffic control during construction.

<b>Bidder</b>	<b>Bid Price</b>	<b>SBE Percentage</b>	<b>DBE Percentage</b>
Truluck Construction Co. Charleston, SC Principal: Charles E. Truluck	\$340,152.00	22.9%	21.01%
Gulf Stream Construction Co., Inc. North Charleston, SC Principal: Kenneth Hulseberg	\$407,745.00	17.5%	20.01%
International Public Works, LLC North Charleston, SC Principal: Cyrus D. Sinor	\$410,433.00	31.0%	69.00%
Plowden Construction Co., Inc. Sumter, SC Principal: A.D. Plowden, III	\$410,686.00	12.4%	12.41%
Chandler Construction Services Mount Pleasant, SC Principal: Joe Chandler, Bill Weeks & Ricky Holley	\$413,328.00	12.6%	13.53%
B&C Utilities, Inc. Johns Island, SC Principal: Arthur E. Hinson	\$418,463.00	100%	9.08%

Three Oaks Contractors, Inc. Ravenel, SC Principal: Marshall Hills	\$422,118.00	25.9%	5.05%
L&L Contractors, Inc. Andrews, SC Principal: Ervin W. Lambert, Jr.	\$475,414.89	34.9%	24.55%
L&J, Inc. Columbia, SC Principal: David N. Jordan	\$525,174.00	58.5%	0.66%

Committee recommended that Council authorize award of a contract for 6<sup>th</sup> East Street Drainage Improvements Project to Truluck Construction Company, the lowest responsive and responsible bidder, in the amount of \$340,152.00, with the understanding that funding is available through Transportation Sales Tax Funds.

A report was read from the Finance Committee under date of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Charleston County Sheriff Al Cannon, regarding a request to upgrade the Detention Center's video conferencing system. It was stated that the Public Defender's Office and other attorneys are requesting additional access to their clients detained at the Al Cannon Detention Center. It was shown that the cost to upgrade the system is \$183,000, which includes additional polycom items needed for licenses, hardware, firewall implementation service, hardware and training. It was further stated that a non competitive procurement is requested for the company performing the upgrade NWN Corporation because they are uniquely qualified to accomplish this enhancement and are also on "State Contract".

Committee recommended that Council allow a transfer in from the Inmate Welfare Fund Balance in the amount of \$231,300 to the Inmate Welfare Fund Fiscal Year 2012 budget to fund the upgrade of the Detention Center's video conferencing system, and authorize a non-competitive procurement with the NWN Corporation.

A report was read from the Finance Committee meeting of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Charleston County Sheriff, Al Cannon, regarding the request received from Anderson County that Charleston County approve a Resolution proclaiming October as Gang Awareness Month. It was shown that the purpose of this Resolution would be to raise public awareness of Gang Violence.

Committee recommended that Council approve a Resolution proclaiming the month of October, 2011 as Gang Awareness Month in Charleston County in order to raise public awareness of this increasing problem in our Community.

The Resolution is as follows:



## A RESOLUTION OF CHARLESTON COUNTY COUNCIL

**WHEREAS**, criminal gang activity has been on the rise in Charleston County for more than ten years; and,

**WHEREAS**, according to law enforcement authorities there are numerous gangs now present in the county; and,

**WHEREAS**, one of the primary functions of government being the promotion of public safety, the General Assembly desires to promote public safety for the citizens of our county in part by focusing on the problem of criminal gangs; and,

**WHEREAS**, since government cannot do this job alone, parents and the general public, as well as members of Charleston County Council, law enforcement authorities, and school officials need to be educated on the issue of gang violence and other criminal gang activities in order to help deter our young citizens from becoming members of criminal gangs; and,

**WHEREAS**, during the month of October, faith-based, public safety, and other community organizations will provide services, programs, outreach, and various activities to help address this need and make a difference in the lives of children and their families; and,

**WHEREAS**, the citizens of Charleston County are urged to support individuals, law enforcement authorities, and organizations that are effectively working in this arena.

**NOW THEREFORE BE IT RESOLVED** by **Charleston County Council** to hereby proclaim the month of **October 2011** as **Gang Awareness Month** in Charleston County, in order to raise public awareness of this increasing problem in our community.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Sr., Chairman  
October 25, 2011

**Charleston  
Center  
Advisory  
Board Duties**

A report was read from the Finance Committee under date of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Dr. Chanda Brown, Director of the Department of Alcohol and Other Drug Abuse Services,

regarding the responsibilities and duties of the Charleston Center Advisory Board. It was stated that in the Charleston County Code of Ordinances, Chapter 11, Article X, Section 11-158, Responsibilities and Duties, eight duties are listed and that upon close inspection this is not the role the Board has take in the past. It was further stated that the Charleston Center Advisory Board is requesting that County Council approve amendments to Section 22-158 of the Charleston County Code of Ordinances, Chapter 11, Article X in order to update, define and clarify the role of the Advisory Board of the Charleston Center.

Committee recommended that Council approve the proposed Ordinance to amend the responsibilities and duties of the Charleston Center Advisory Board.

Mr. Rawl moved approval of the proposed Ordinance, seconded by Ms. Condon, and carried.

An Ordinance amending duties and responsibilities of the Charleston County Code of Ordinances dealing with Alcohol and Other Drug Abuse Department was given first reading by title only.

## **AN ORDINANCE**

### **AMENDING THE FOLLOWING SECTION OF THE CHARLESTON COUNTY CODE OF ORDINANCES, CHAPTER 11, HEALTH AND SANITATION, ARTICLE X, ALCOHOL AND OTHER DRUG ABUSE DEPARTMENT 11-158. RESPONSIBILITY AND DUTIES**

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

**St. Johns  
Fire District  
GO Bonds  
A) Resolution  
B) Bonds**

A report was read from the Finance Committee under date of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Jeremy Cook, Attorney for St. Johns Fire District, regarding a request for Council approval of St. Johns Fire District's request to issue General Obligation Bonds. It was stated that the purpose of these bonds is to construct and equip a new fire station and a new headquarters facility, and to acquire and equip two fire engines and a ladder truck. It was shown that the South Carolina Code of Laws requires County Council to hold a public hearing on the question of the issuance of the bonds, and that following the hearing, County Council will be requested to enact an Ordinance finding whether and to what extent the bonds should be issued and authorizing the governing body of the District to issue the bonds.

Committee recommended that Council:

1. adopt a Resolution at its October 25, 2011 meeting authorizing a public hearing to be held on November 15, 2011 at 6:55 p.m
2. .approve and give first reading to an Ordinance, finding that the St. Johns Fire District may issue not exceeding \$8,000,000.00 in General Obligation Bonds.

Ms. Johnson moved approval of Committee recommendation, seconded by Ms. Condon, and carried. Mr. Sass abstained, citing a conflict of interest, since his firm had appraised the property in question. He furnished the Clerk with a Conflict of interest Statement for the Record..

The Resolution is as follows:

### A RESOLUTION

**CALLING FOR A PUBLIC HEARING TO BE HELD UPON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$8,000,000 OF GENERAL OBLIGATION BONDS OF THE ST. JOHN'S FIRE DISTRICT, SOUTH CAROLINA; PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO.**

**BE IT RESOLVED**, by the County Council of Charleston County (the "**County Council**"), which is the governing body of Charleston County, South Carolina (the "**County**"):

**WHEREAS**, the County Council is empowered by Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly entitled:

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF ALL COUNTIES OF THE STATE WHEREIN EXIST SPECIAL PURPOSE DISTRICTS CREATED PRIOR TO MARCH 7, 1973. TO ISSUE BONDS OF SUCH DISTRICTS IN FURTHERANCE OF POWERS EXISTING IN SUCH DISTRICTS AS OF MARCH 7, 1973; TO PROVIDE THE PROCEDURES PURSUANT TO WHICH SUCH BONDS MAYBE ISSUED; TO PRESCRIBE THE TERMS AND CONDITIONS UNDER WHICH BONDS MAYBE ISSUED AND THEIR PROCEEDS EXPENDED; TO MAKE PROVISION FOR THE PAYMENT OF SUCH BONDS AND TO VALIDATE ALL BONDS OF SUCH DISTRICTS ISSUED OR SOLD PRIOR TO THE EFFECTIVE DATE OF THIS ACT

approved July 9, 1974, as amended (hereinafter called the "**Enabling Act**"), to authorize the governing body of any special purpose district created prior to March 7, 1973, and located in whole or in part within the County to issue general obligation bonds of such special purpose district in order to provide funds to be used in the furtherance of any power or function committed to such special purpose district and in effect on March 7, 1973; and

**WHEREAS**, the St. John's Fire District, South Carolina (hereinafter called the "**District**"), is a special purpose district located within the County created prior to March 7, 1973, having been created by Act No. 369 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1959, as amended, and is authorized, inter alia, to acquire and operate such facilities, equipment, and apparatuses as shall be required for the provision of fire service within the District and to do all things necessary or convenient to carry out such authority; and

**WHEREAS**, the St. John's Fire District Commission, the governing body of the District (the "**Commission**"), has petitioned the County Council to authorize the issuance of not exceeding \$8,000,000 of general obligation bonds of the District (the "**Bonds**") in order to provide funds to defray (A) the costs of (i) constructing and equipping a new fire station facility, including any costs incurred in acquiring any real property therefor, (ii) constructing and equipping a new headquarters facility, including any costs incurred in acquiring any real property therefor, (iii) acquiring and equipping fire apparatuses, including, without limitation, two engines and one ladder truck, (iv) purchasing or rehabilitating equipment used or useful in furtherance of the operation of the District, and (v) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the "**Project**"), and (B) the costs of issuance of the Bonds. The Commission estimates that the cost of acquiring, designing, engineering, constructing, and equipping the Project and the cost of issuance of the Bonds, will be an amount not exceeding \$8,000,000; and

**WHEREAS**, the Commission will make a final determination of the scope and description of the Project prior to its adoption of a resolution authorizing the issuance of the Bonds, provided that the amount of the Bonds shall not exceed \$8,000,000; and

**WHEREAS**, the County Council is now minded to proceed in accordance with the provisions of the Enabling Act with respect to the issuance of the Bonds.

**NOW THEREFORE, BE IT RESOLVED**, by the County Council in a meeting duly assembled:

**SECTION 1.** The County Council finds that it may be in the interest of the District to raise moneys for the purpose of providing for the Project, and in that connection hereby orders a public hearing to be held upon the question of the issuance of the Bonds.

**SECTION 2.** A public hearing shall be held on the question of the issuance of the Bonds in the Charleston County Council Chambers in the Lonnie Hamilton III Public Service Building, located at 4045 Bridge View Drive, 2<sup>nd</sup> Floor, North Charleston, South Carolina 29045, on the 15th day of November 2011 at 6:55 p.m., and the notice of such hearing attached hereto as Exhibit A shall be published once a week for three (3) successive weeks in *The Post and Courier*, which is a newspaper of general circulation in the County. The first such publication shall not be less than sixteen (16) days prior to the hearing date.

**SECTION 3.** The aforesaid public hearing shall be conducted publicly at the time and place above stated and both proponents and opponents of the proposed issuance of the Bonds shall be given a full opportunity to be heard in person or by counsel.

**SECTION 4.** Following the above aforesaid public hearing, the County Council shall determine whether and to what extent the Bonds should be issued.

**SECTION 5.** The Chairman of the County Council is hereby authorized and empowered to take all necessary action to provide for the holding of the aforesaid public hearing in accordance with the provisions of the Enabling Act.

**NOTICE OF PUBLIC HEARING ON THE PROPOSED ISSUE OF NOT EXCEEDING \$8,000,000 OF GENERAL OBLIGATION BONDS OF THE ST. JOHN'S FIRE DISTRICT, SOUTH CAROLINA**

The County Council of Charleston County (hereinafter called the "**County Council**"), which is the governing body of Charleston County, South Carolina (the "**County**"), has determined that it may be in the interest of the St. John's Fire District, South Carolina (hereinafter called the "**District**") to raise moneys through the issuance of not exceeding \$8,000,000 of general obligation bonds of the District (the "**Bonds**") in order to provide funds to defray (A) the costs of (i) constructing and equipping a new fire station facility, including any costs incurred in acquiring any real property therefor, (ii) constructing and equipping a new headquarters facility, including any costs incurred in acquiring any real property therefor, (iii) acquiring and equipping fire apparatuses, including, without limitation, two engines and one ladder truck, (iv) purchasing or rehabilitating equipment used or useful in furtherance of the operation of the District, and (v) rehabilitating, repurposing, demolishing, or improving existing structures of the District (collectively, the "**Project**"), and (B) the costs of issuance of the Bonds. The District estimates that the cost of the acquiring, designing, engineering, constructing and equipping the Project, and the cost of issuance of the Bonds will be an amount not exceeding \$8,000,000. Therefore, the County Council has ordered a public hearing to be held upon the question of the issuance of the Bonds in accordance with the provisions of Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly, as amended (hereinafter called the "**Enabling Act**").

Accordingly, notice is hereby given that a public hearing will be held in the Charleston County Council Chambers in the Lonnie Hamilton III Public Service Building, located at 4045 Bridge View Drive, 2<sup>nd</sup> Floor, North Charleston, South Carolina 29045, on the 15th day of November, 2011 at 6:55 p.m., on the question of the issuance of the Bonds, the proceeds of which will be expended to defray the cost of the Project as described above and issuance costs thereof.

For the payment of the principal of and interest on the Bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied on all taxable property in the District ad valorem taxes sufficient in amount to pay said principal and interest on the Bonds.

The District proposes the issuance of the Bonds to defray the costs associated with the Project as described above and the costs of issuance of the Bonds.

The aforesaid hearing shall be conducted publicly and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel. Following the hearing, the County Council shall, by ordinance, make a finding as to whether and to what extent the Bonds should be issued and may

thereupon authorize the governing body of the District to issue the Bonds to the extent it shall be found necessary.

The District is located within the County. The Enabling Act provides that bonds issued thereunder must be authorized by the governing body of the County wherein the District is located.

COUNTY COUNCIL OF CHARLESTON COUNTY

DONE AT CHARLESTON, SOUTH CAROLINA, this 25 day of October, 2011.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Sr., Chairman

Attest:  
Beverly Craven, Clerk  
County Council of Charleston County

An Ordinance providing that the St. Johns Fire District may issue not exceeding \$8,000,000.00 was given first reading by title only.

**AN ORDINANCE**

**FINDING THAT THE ST. JOHNS FIRE DISTRICT, SOUTH CAROLINA MAY ISSUE NOT EXCEEDING \$8,000,000.00 GENERAL OBLIGATION BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.**

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

**Project  
Bahamas  
Financial  
Incentives  
A) Resolution  
B) Ordinance**

A report was read from the Finance Committee meeting of October 20, 2011 that it considered the information furnished by Allen O’Neal, County Administrator and Steve Dykes, Director of Economic Development, regarding Project Bahamas. It was stated that in the summer of 2011, The Economic Development Director began working with the management team of “Project Bahamas” concerning the expansion of heir technology company operations in Charleston. It was shown that the company currently employs 60 persons and will invest \$18.8 million to create a state of the art facility where 265 new jobs will be created over five years. It was further stated that in order to facilitate this technology company expansion, the Economic Development Director committed to the use of fee-in-lieu-of-taxes (FILOT), which will assess the company’s business property at 6%, with millage “fixed” at the current rate for the City of Charleston at 260.1 mills for the twenty year term of the deal.

Committee recommended that Council approve an inducement resolution giving preliminary approval to fee-in-lieu-of-taxes (FILOT) incentives, as well as an ordinance

authorizing the execution and delivery of FILOT, in order to facilitate the \$18.8 million, 265-employee expansion of "Project Bahamas." FILOT terms include 6% assessment, with millage 'fixed' at 260.1 over the twenty-year term.

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

The Resolution is as follows:

A RESOLUTION SETTING FORTH THE COMMITMENT OF CHARLESTON COUNTY, SOUTH CAROLINA TO PROJECT BAHAMAS, WHEREBY, UNDER CERTAIN CONDITIONS, CHARLESTON COUNTY WILL ENTER INTO A FEE AGREEMENT WITH RESPECT TO CERTAIN PROPERTY AND COVENANT IN SUCH FEE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO SUCH PROPERTY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 of the Code (the "FILOT Act"), to enter into an inducement agreement which sets forth the commitment of the County to enter into a fee agreement to provide for payment of fees in lieu of taxes ("FILOT Payments") for a project qualifying as "economic development property" under the FILOT Act; and

WHEREAS, the County is presently recruiting an investment in Charleston County by a company ("Project Bahamas") in the form of an expanded facility for software development and sales to be located in Charleston County and which constitutes a "project" within the meaning of the FILOT Act (the expansion of such facility is referred to herein as the "Project"); and

WHEREAS, phase one of the Project, when completed, will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") of approximately \$7,000,000, and phase two of the Project, when completed, will represent an Investment of an additional approximately \$15,800,000; and

WHEREAS, the County has been advised that phase one of the Project is anticipated to employ an additional approximately 125 full-time employees in addition to the current 60 employees, and that phase two of the Project is anticipated to employ an additional approximately 140 full-time employees; and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act that the County Council provide a preliminary commitment for qualifying the business personal property component of the Project (the "Negotiated FILOT Project") under the FILOT Act as economic development property and to enter into a "fee agreement" (as defined in the FILOT Act) with respect thereto;

NOW, THEREFORE, BE IT RESOLVED by the County Council in meeting duly assembled as follows:

Section 1. Preliminary Evaluation of the Project. County Council has evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

1. the purposes to be accomplished by the Negotiated FILOT Project are proper governmental and public purposes;
2. the anticipated dollar amount and nature of the investment to be made; and
3. the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon their investigation of the Project and information provided by Project Bahamas, including the criteria described in Section 1 above, and based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, County Council hereby find that:

- (a) the Negotiated FILOT Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Negotiated FILOT Project will serve the purposes of the FILOT Act;
- (c) the Investment by Project Bahamas in phase one of the Project will be approximately \$7,000,000, and the Investment by Project Bahamas in phase two of the Project will be approximately \$15,800,000, all to be invested within the "investment period" (as defined in the FILOT Act); the total Investment by Project Bahamas in business personal property components of the Project (the "Negotiated FILOT Project") will be approximately \$6,800,000 for both phases of the Project;
- (d) the Project will be located entirely within Charleston County;
- (e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (f) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;

- (h) the inducement of the location of the Project is of paramount importance;
- (i) the benefits of the Project to the public are greater than the cost to the public; and
- (j) this Inducement Resolution shall constitute an action reflecting or identifying the Negotiated FILOT Project for purposes of Section 12-44-40(D) of the FILOT Act.

### Section 3. Fee-in-Lieu of Taxes Arrangements.

If the Project is located in Charleston County, the County hereby agrees to enter into a fee agreement with respect to the Negotiated FILOT Project under the FILOT Act (the "FILOT Agreement"). The FILOT Agreement will provide for FILOT Payments to be made as follows:

- (i) the FILOT Payments shall be calculated on the basis of an assessment ratio of six percent (6%);
- (ii) the fair market value of the business personal property shall be as calculated in the FILOT Act;
- (iii) the FILOT Payments on each part shall be payable in 20 annual installments on the due date which would otherwise be applicable for *ad valorem* property taxes for each part of the Negotiated FILOT Project, with the first installment for each part of the Negotiated FILOT Project being due on the date when, but for the FILOT Agreement, property taxes would have been paid with respect to such part of the Negotiated FILOT Project;
- (iv) the FILOT Payments on each part shall be calculated on the basis of the millage rate which shall be fixed for the full term of the FILOT Agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the FILOT Agreement is executed, or (2) the June 30 of the year in which the FILOT Agreement is executed; and
- (v) the FILOT arrangement shall be available for 20 years for each part of the Negotiated FILOT Project up to a maximum of 25 years for the FILOT arrangement should the Negotiated FILOT Project be completed and put into service in more than one (1) year. At the conclusion of the twenty-year period after each part of the Negotiated FILOT Project is placed in service, FILOT Payments shall be due to the County on such part of the Negotiated FILOT Project equal to the property taxes that would be due on such part if it were taxable as provided in the FILOT Act.

Section 4. Fee Agreement. The provisions, terms, and conditions of the FILOT Agreement with respect to the Negotiated FILOT Project shall be prescribed by subsequent ordinance of the County Council. The FILOT Agreement will provide for a

fee-in-lieu of taxes arrangement as set forth in this Inducement Resolution. All commitments of the County hereunder are subject to the condition that the County and Project Bahamas do agree on acceptable terms and conditions of all documents, including the FILOT Agreement, the execution and delivery of which are contemplated by the provisions hereof.

Section 5. Continued Evaluation of Project.

The undertakings of the County hereunder are contingent upon the County Council continuing to evaluate the Project as beneficial to the public interest after considering all additional circumstances of which the County Council may hereafter become aware and upon the County receiving such further evidence as may be satisfactory to the County as to compliance with all applicable statutes and regulations.

Section 6. Project May Proceed Without Incentives.

The County understands that Project Bahamas may choose not to proceed with the Project as herein provided, in which event this Inducement Resolution shall become void upon written notice to the County as to such choice.

Section 7. No Liability of County.

All commitments of the County under this Inducement Resolution are subject to all of the provisions of the FILOT Act and the condition that nothing contained in this Inducement Resolution or the FILOT Agreement shall constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Accordingly, Project Bahamas will hold the County harmless from all pecuniary liability and reimburse it for all legal expenses which it might reasonably incur in implementation of the terms and provisions of this Inducement Resolution. Subject to the provisions of Section 6 hereof, the County agrees to provide the incentives set forth in this Inducement Resolution as long as Project Bahamas agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project.

Section 8. Repeal of Conflicting Resolutions; Effective Date.

All resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force upon its adoption by the County Council.

Adopted this 25th day of October, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Sr.  
Chairman, County Council of  
Charleston County, South Carolina

ATTEST:

Beverly T. Craven, Clerk of County Council  
Charleston County, South Carolina

An Ordinance approving a Fee-In-Lieu of Tax Agreement was given first reading by title only.

### **AN ORDINANCE**

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND PROJECT BAHAMAS, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH PROJECT BAHAMAS; PROVIDING FOR PAYMENT BY PROJECT BAHAMAS OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

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

**Streit USA  
Armoring LLC  
Financial  
Incentives  
A) Resolution  
B) Ordinance**

A report was read from the Finance Committee under date of October 25, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Steve Dykes, Director of Economic Development, concerning the expansion of Streit USA Armoring, LLC in North Charleston. It was stated that this Company currently employing 32 persons and plans to invest \$5.8 million beginning in 2011 in order to create a new manufacturing facility with an anticipated 40 new jobs to be added during the next three years, and an estimated annual payroll associated with added positions of approximately \$1 million. It was further stated that in order to facilitate this manufacturing expansion, the Economic Development Director committed to the use of fee-in-lieu-of-taxes (FILOT), and that under the FILOT, the company investment will be assessed at 6%, with millage 'fixed' at the current rate for The City of North Charleston of 273.8 mills over the twenty year term of the deal. It was shown that FILOT revenues accruing to the public taxing entities over the twenty year period should approximate \$1.7 million, including approximately \$265,500 which will go to Charleston County.

Committee recommended that Council approve an inducement resolution giving preliminary approval to fee-in-lieu-of-taxes (FILOT) incentives, as well as an ordinance authorizing the execution and delivery of FILOT, in order to facilitate the \$5.8 million, 40-employee expansion of Streit USA Armoring, LLC. FILOT terms to include 6% assessment, with millage 'fixed' at 273.8 over the twenty-year term.

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

The Resolution is as follows:

### **A RESOLUTION**

**SETTING FORTH THE COMMITMENT OF CHARLESTON COUNTY, SOUTH CAROLINA FOR STREIT ARMORING USA LLC, WHEREBY, UNDER CERTAIN CONDITIONS, CHARLESTON COUNTY WILL ENTER INTO A FEE AGREEMENT WITH RESPECT TO CERTAIN PROPERTY AND COVENANT IN SUCH FEE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO SUCH PROPERTY; AND OTHER MATTERS RELATED THERETO.**

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 of the Code (the "FILOT Act"), to enter into an inducement agreement which sets forth the commitment of the County to enter into a fee agreement to provide for payment of fees in lieu of taxes ("FILOT Payments") for a project qualifying as "economic development property" under the FILOT Act; and

WHEREAS, Streit Armoring USA LLC, a limited liability corporation (the "Company"), intends to expand its operations in Charleston County by acquiring, constructing, equipping, and furnishing a facility for the production of armored vehicles, all of which will constitute a "project" within the meaning of the FILOT Act (and which is referred to herein as the "Project"); and

WHEREAS, the real property components of the Project will be owned by GG Holdings LLC ("Holdings") and leased to the Company, which will own the business personal property component of the Project, and operate the Project; and

WHEREAS, the Project when completed will represent an anticipated "investment" (as defined in the FILOT Act) (the "Investment") of approximately \$5,800,000 which is expected to occur by July 2012; and

WHEREAS, the County has been advised that initially upon the completion of the Project, the Project is anticipated to employ an additional approximately 15-20 full-time employees, in addition to the current 32 employees, and ultimately to employ approximately 50-75 employees within two to three years of completion of the Project; and

WHEREAS, the Project is located entirely within Charleston County and within the incorporated limits of the City of North Charleston and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein; and

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act that the County Council provide a preliminary commitment for qualifying the Project under the FILOT Act as economic development property and to enter into a "fee agreement" (as defined in the FILOT Act) with respect thereto;

NOW, THEREFORE, BE IT RESOLVED by the County Council in meeting duly assembled as follows:

Section 1. Preliminary Evaluation of the Project.

County Council have evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

1. the purposes to be accomplished by the Project are proper governmental and public purposes;
2. the anticipated dollar amount and nature of the investment to be made; and
3. the anticipated costs and benefits to the County.

Section 2. Findings by County Council.

Based upon their investigation of the Project and information provided by the Company, including the criteria described in Section 1 above, and based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, County Council hereby find that:

- (a) the Project constitutes a "project" as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act;
- (c) the Investment in the Project will be approximately \$5,800,000, all to be invested within the "investment period" (as defined in the FILOT Act);
- (d) the Project will be located entirely within Charleston County and is anticipated to be located in a multi-county industrial park created pursuant to Code Section §4-1-170;
- (e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (f) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (h) the inducement of the location of the Project is of paramount importance;

- (i) the benefits of the Project to the public are greater than the cost to the public; and
- (j) this Inducement Resolution shall constitute an “inducement resolution,” and has been adopted within two years following in action reflecting or identifying the Project for purposes of Section 12-44-40(D) of the FILOT Act.

### Section 3. Fee-in-Lieu of Taxes Arrangements.

If the Company decides to expand the Project in Charleston County, upon request by the Company, the County hereby agrees to enter into a fee agreement with respect to the Project under the FILOT Act (the “FILOT Agreement”) as to the real and personal property at the Project. The FILOT Agreement will provide for FILOT Payments to be made as follows:

- (i) the FILOT Payments shall be calculated on the basis of an assessment ratio of six percent (6%);
- (ii) the fair market value of the property shall be as calculated in the FILOT Act, including providing that the fair market value of real property portions of the Project established for the first year of the FILOT arrangement shall remain the fair market value for the entire term of the FILOT Agreement;
- (iii) the FILOT Payments on each part shall be payable in 20 annual installments on the due date which would otherwise be applicable for *ad valorem* property taxes for each part of the Project, with the first installment for each part of the Project being due on the date when, but for the FILOT Agreement, property taxes would have been paid with respect to such part of the Project;
- (iv) the FILOT Payments on each part shall be calculated on the basis of the millage rate which shall be fixed for the full term of the FILOT Agreement and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the FILOT Agreement is executed, or (2) the June 30 of the year in which the FILOT Agreement is executed; and
- (v) the FILOT arrangement shall be available for 20 years for each part of the Project up to a maximum of 25 years for the FILOT arrangement should the Project be completed and put into service in more than one (1) year. At the conclusion of the twenty-year period after each part of the Project is placed in service, FILOT Payments shall be due to the County on such part of the Project equal to the property taxes that would be due on such part if it were taxable as provided in the FILOT Act.

### Section 4. Fee Agreement.

The provisions, terms, and conditions of the FILOT Agreement with respect to the Project shall be prescribed by subsequent ordinance of the County Council. The FILOT Agreement will provide for a negotiated fee-in-lieu of taxes arrangement as set forth in this Inducement Resolution. All commitments of the County hereunder are subject to the condition that the County and the Company and Holdings do agree on acceptable terms and conditions of all documents, including the FILOT Agreement, the execution and delivery of which are contemplated by the provisions hereof.

#### Section 5. Multi-County Park.

The County, in cooperation with Colleton County, and/or additional counties which shall be determined by subsequent ordinance(s) (collectively, the "Partner Counties"), will designate the Project site as a multi-county park pursuant to Article VIII, Section 13 of the Constitution of South Carolina and Sections 4-1-170, 4-1-172 and 4-1-175 of the Code (the "Multi-County Park") which term shall commence no later than the beginning of the first property tax year in which the Project is placed in service.

#### Section 6. Continued Evaluation of Project.

The undertakings of the County hereunder are contingent upon the County Council continuing to evaluate the Project as beneficial to the public interest after considering all additional circumstances of which the County Council may hereafter become aware and upon the Company and Holdings providing the County with such further evidence as may be satisfactory to the County as to compliance with all applicable statutes and regulations.

#### Section 7. Project May Proceed Without Incentives.

The County understands that the Company may choose not to proceed with the Project as herein provided, in which event this Inducement Resolution shall become void upon written notice by the Company to the County as to such choice.

#### Section 8. No Liability of County.

All commitments of the County under this Inducement Resolution are subject to all of the provisions of the FILOT Act including the condition that nothing contained in this Inducement Resolution or the FILOT Agreement shall constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Accordingly, the Company and Holdings will hold the County harmless from all pecuniary liability and reimburse it for all legal expenses which it might reasonably incur in implementation of the terms and provisions of this Inducement Resolution. Subject to the provisions of Section 6 hereof, the County agrees to provide the incentives set forth in this Inducement Resolution as long as the Company and Holdings agree to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project.

#### Section 9. Repeal of Conflicting Resolutions; Effective Date.

All resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force upon its adoption by the County Council.

Adopted this 25th day of October, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Chairman, County Council of Charleston

ATTEST:

Beverly T. Craven Clerk of Charleston County Council

An Ordinance regarding a Fee-In-Lieu of taxes arrangement was given first reading by title only

**AN ORDINANCE**

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT BY AND AMONG CHARLESTON COUNTY AND STREIT ARMORING USA LLC AND GG HOLDINGS LLC, WHEREBY CHARLESTON COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH STREIT ARMORING USA LLC; PROVIDING FOR PAYMENT BY STREIT ARMORING USA LLC OF CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES; AND OTHER MATTERS RELATING THERETO.

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

**GREEN BELT**  
**A) Urban Greenbelt Projects**  
**B) Rural Greenbelt Projects**  
**C) Amendment to Graves Ashe Point Farm Project**

A report was read from the Finance Committee meeting of October 20, 2011 that it considered the information furnished by Allen O’Neal, County Administrator and Cathy Ruff, Director of Greenbelt Programs, regarding two City of North Charleston projects and one Mount Pleasant project being recommended for approval with a contingency. It was stated that the urban greenbelt projects listed below were submitted on August 31, 2011, and in accordance with Section 5.6.2 of the Charleston County Comprehensive Greenbelt Plan the projects have been reviewed by the Urban Grants Review Committee and the Charleston County Park and Recreation Commission (CCPRC) and both of which are recommending for approval. It was further stated that the Urban Grants Review Committee approved these projects at their October 7, 2011 meeting. It was shown that the valuations included in the appraisals submitted for both City of North Charleston projects included 40 feet of right of way along Spruill Avenue. This property is not part of the property being purchased and County Ordinance #1424 prohibits the use of Greenbelt funds to purchase land over the subject property’s appraised value. The projects were approved contingent on receiving a letter from the appraiser stating that the Spruill Avenue right of way has no value.

Applicant	Project Name	Acres	Funding
*City of North Charleston	Vacant Parcel on Spruill & Noisette Creek	0.125	\$42,250
*City of North Charleston	Vacant Parcels on Spruill	0.287	\$84,850
<b>Mt. Pleasant Land Conservancy</b>	<b>CAGE Project</b>	<b>4.000</b>	<b>\$350,000</b>
Total:		202.78	\$477,100

Committee recommended that Council approve the urban greenbelt projects as recommended by the Urban Grants Review Committee and the Charleston County Park and Recreation Commission, with the understanding that the Spruill Avenue right of way has no value.

Mr. Rawl moved approval of Committee recommendation, seconded by Ms. Condon

The Chairman called for a roll call vote on the Urban Greenbelt Projects. 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	- aye
Mr. Pryor	- aye

The vote being nine (9) ayes, the Chairman declared the Committee recommendation to have carried.

A report was read from the Finance Committee under date of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Cathy Ruff, Director of Greenbelt Projects, regarding a rural greenbelt project on August 31, 2011. It was stated that In accordance with Section 5.6.1 of the Charleston County Comprehensive Greenbelt Plan the project was reviewed by the Greenbelt Bank Board at their October 6, 2011 meeting and is being recommended for approval.

Applicant	Project Name	Acres	Amount
<b>Lowcountry Open Land Trust</b>	<b>Oak Point VIII</b>	<b>19</b>	<b>\$76,000</b>

It was shown that Lowcountry Open Land Trust is seeking rural greenbelt funds to place a conservation easement on this 19 acre parcel located on Wadmalaw Island. It was stated that the value of the conservation easement is \$483,000 and the landowner is donating 84% of the value of the easement (\$407,000).

Committee recommended that this matter be sent to Council without recommendation.

Ms. Condon moved approval of Staff recommendation, seconded by Mr. Schweers.

The Staff recommendation is as follows:

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

Applicant	Project Name	Acres	Funding
<b>Lowcountry Open Land Trust</b>	<b>Oak Point VIII</b>	<b>19</b>	<b>\$76,000</b>

2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
3. Approve the use of \$76,000 to be funded from a combination of Greenbelt Operating Contingency and/or 2011 General Obligation Bonds.

The Chairman called for a roll call vote on the Rural Greenbelt Project motion. The Roll was called and votes recorded as follows:

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

The vote being five (5) ayes, and four (4) nays, the Chairman declared the motion to have carried.

A report was read from the Finance Committee meeting of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Cathy Ruff, Director of Greenbelt Projects, regarding a requested amendment to the Graves Ashe Point Farm Project. It was stated that In November 2010, County Council approved the Graves Ashe Point Farm rural greenbelt project in the amount of \$350,000. This funding was awarded to the Edisto Island Open Land Trust to be used toward the purchase of a conservation easement on 148.9 acres located on Edisto Island. It was shown that subsequent to Council's approval, the landowner requested the project be amended to reduce the property under easement by 22 acres (16 acres highland and 6 acres marsh). The appraised value of the conservation easement is \$825,000 and the landowner is donating 58% (\$475,000) of the easement value as well as assuming the cost of the survey, appraisal and Phase 1 Environmental Survey. It was further stated that the requested amendment has been reviewed by the Greenbelt Bank Board and was approved at their October 6, 2011 meeting.

Committee recommended that Council:

- 1. Approve the following amended rural greenbelt project provided that upon approval, a grant agreement will be executed between the County and appropriate parties.

Applicant	Project Name	Acres	Funding
<b>Edisto Island Open Land Trust</b>	<b>Graves Ashe Point Farm</b>	<b>126.9</b>	<b>\$350,000</b>

- 2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.
- 3. Approve the use of \$350,000 to be funded from a combination of Greenbelt Operating Contingency and/or 2011 General Obligation Bonds.

The Chairman called for a roll call vote on the Amendment to the Rural Greenbelt Project Graves Ashe Point Farm. The Roll was called and votes recorded as follows:

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

The vote being six (6) ayes, three (3) nays and one abstaining, the Chairman declared the motion to have passed.

Mr. Sass stated that he was abstaining on this matter. He said that he had appraised this property in 2010 for a conservation easement and would be re-appraising it in November. He furnished the Clerk with a Statement of Conflict of Interest for the record.

**Radio System Upgrade Expansion contracts**

A report was read from the Finance Committee meeting of October 20, 2011 that it considered the information furnished by Allen O’Neal, County Administrator and Bill Tunick, regarding an upgrade of the County’s Radio System. It was stated that In May 2011, Council approved funding Phase 3 of the Motorola solution in the Capital improvement plan; Phase 1 and 2 having been approved in November, 2010. It was shown that Phase 3 includes three additional towers sites (on existing tower structures), to improve coverage in Awendaw and McClellanville, County jurisdictions in and around Summerville, and the southwest area of the County. It was further stated that since the final acceptance and coverage tests will take place in the summer of 2012 for phases 1 and 2, there are economies of scale in contracting for Phase 3 now which would be installed and operational by the summer of 2012 as well.

Committee recommended that Council:

1. Authorize Staff to finalize negotiations and sign a contractual amendment with Motorola for Phase 3 of the new network design for a not to exceed price of \$7,000,000.
2. Authorize Staff to finalize negotiations and sign three new five year tower lease agreements for Phase 3 for an annual cost of \$68,400.

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

**208  
Designated  
Management  
Town of  
Ravenel**

Council Member Sass had requested that the issue of granting The County's 208 Designated Management on two portions of the Mead Westvaco property be brought back to Council for reconsideration. After a lengthy discussion, Mr. Sass moved to reconsider the denial of the Town of Ravenel's requested amendment to the County's 208 Designated Management Agency Service Area in order to allow the Town of Ravenel to provide wastewater services to the proposed business park and the proposed Spring Grove mixed use development area in the Mead Westvaco East Edisto property. Mr. Summey seconded the motion and the motion carried. Council Members Darby, Johnson, Pryor and Schweers voted nay.

The Chairman announced that the motion to reconsider had passed by a vote of 5 to 4.

Mr. Sass moved to approve the transfer of the 208 Designated Management Agency Service Agreement on the two portion of the Mead Westvaco property to the Town of Ravenel.

This motion was seconded by Mr. Summey and carried. Council Members Darby, Johnson, Pryor and Schweers voted nay.

**CharlestonWise  
Letter of  
Support**

A report was read from the Finance Committee meeting of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and County Council Chairman Teddie E. Pryor, regarding a request that Charleston County provide a letter that it supports efforts to make energy improvements possible to Charleston County residential and business sectors. It was stated that the City of Charleston was one of thirteen cities to be awarded a Better Buildings grant from the US Department of Energy (DOE) with the goal of implementing a market driven energy efficiency program, called Charleston WISE ("Worthwhile Investments Save Energy").

Committee recommended that Council approve the Chairman furnishing a letter supporting Charleston WISE.

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

**Harbor View  
Road  
Design  
Proposals**

A report was read from the Finance Committee under date of October 20, 2011 that it considered the information furnished by Allen O'Neal, County Administrator and Jim Armstrong, Director of Transportation, regarding design changes to the Harbor View Road Improvement Project. It was stated that at the September 27, 2011 meeting of County Council, staff was directed to determine the steps, with associated cost and

schedule impacts, needed to implement a number of design changes to the Harbor View Road Improvement Project. It was further stated that staff has since coordinated with the South Carolina Department of Transportation (SCDOT), the Federal Highway Administration (FHWA), the City of Charleston and affected utility owners to determine the impact that the changes would have on the project and the process which would need to be followed to implement the changes. It was shown that staff estimates the total duration for completing the steps necessary would be 18 months, and that the estimated cost difference between the current design and the alternate design would be \$1,480,665

Committee recommended that Council Direct staff to undertake the following steps in pursuit of the Alternate Design described below.

Directed staff to undertake the following steps in pursuit of the Alternate Design described below.

1. Perform an environmental review subject to SCDOT and FHWA approval.
2. Prepare revised roadway and drainage plans subject to SCDOT and City of Charleston approval.
3. Coordinate revised utility relocation plans with the affected utility owners.
4. Perform right-of-way acquisition based upon the new design.
5. Modify the existing US Army Corps wetland fill permit.

Alternate Design Revisions Include:

1. Eliminate the 10' multi-use path on the north side of Harbor View Road and replace with 4' wide one-way bicycle lanes adjacent to the lanes of traffic in each direction on Harbor View Road between North Shore Drive and Fort Johnson Road.
2. Eliminate the center two-way left-turn lane (TWLTL) between Affirmation Boulevard and Mikell Drive and reduce the width of the TWLTL between North Shore Drive and Mikell Drive from 15' to 13'.
3. Eliminate the 4' wide grass buffer separating the sidewalk on the south side of Harbor View Road.
4. Include traffic signals at the intersections of Fort Sumter Drive and Mikell Drive with Harbor View Road as alternate construction items to be installed when warranted by traffic volumes.
5. Include striped crosswalks across Harbor View Road at locations subject to SCDOT approval.
6. Pursue a reduction in speed limit from 40 MPH to 35 MPH.

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

### Redistricting

A report was read from the Special Finance Committee under date of September 25, 2011 that It considered the information furnished regarding redistricting Council Districts due to results from the Census. The Finance Committee had previously voted for each Council Member to review all proposed redistricting maps as presented by the Legal Department and each Council Member would select two choices and present these to the Administrator by Wednesday morning, October 19<sup>th</sup> and that these selection would be presented to Council Members at the October 25<sup>th</sup> Special Finance Committee Meeting.

There was discussion at the Special Finance Committee Meeting regarding interpretation of choosing two plans, and motion was made by Ms. Condon and seconded by Mr. Rawl that Council would:

1. Work from redistricting option 1B and 2B for the redistricting map,
2. Approve and give first reading to an Ordinance implementing the new voting districts.

The motion carried. Council Members Qualey, Schweers and Pryor voted nay.

An Ordinance to provide for the Adoption of a Reappointment Plan for Charleston County Council was given first reading by title only.

### AN ORDINANCE

**TO PROVIDE FOR THE ADOPTION OF THE PLANS DESIGNATED "1B" AND "2-B" FOR THE PURPOSE OF A NINE SINGLE MEMBER DISTRICT REAPPORTIONMENT PLAN FOR CHARLESTON COUNTY COUNCIL, SUCH PLANS PROVING FOR A COUNCIL MEMBER TO BE ELECTED FROM EACH DISTRICT, THE METHOD OF ELECTION, AND FOR THE SUBMISSION OF SUCH PLANS TO THE ATTORNEY GENERAL OF THE UNITED STATES FOR PRECLEARANCE AS REQUIRED BY THE FEDERAL VOTING RIGHTS ACT.**

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

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

Ms. Condon	- aye
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- nay
Mr. Rawl	- aye
Mr. Sass	- aye
Mr. Schweers	- nay

Mr. Summey	- aye
Mr. Pryor	- nay

The votes being six (6) ayes and three nays, the Chairman declared the Ordinance to have received first reading approval.

**Public  
Forum**

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

Rev Charles Glover stated that he had issues with County Council granting its 208 Designation to Ravenel for two portions of the Mead Westvaco project. He added that some folks in Adams Run are not comfortable with it.

Marybeth Berry, 1104 Harbor View Road, thanked Council for listening and for the changes that have been made to the Harbor View Road Project.

Mr. Jim Belts of Salisbury Road thanked Council for giving the citizens and deputies a viable tool

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

Mr. Sass thanked the Citizens for coming out to Council's meeting.

Mr. Rawl commended citizens who appeared here tonight and thanked Council Members for the way all had handled contentious issues tonight.

Mr. Summey stated that tonight was the first time he had voted against an incentive being given by the County Economic Development Department but out of principle he had because a company was leaving his district and giving them incentives to move to a sister city.

Mr. Qualey thanked Council Members for their support of the amended project on Harbor View Road. He said it is remarkable to get us to all vote in favor of one issue.

Mr. Schweers stated that at Council's last meeting an agreement was made to have an update on Solid Waste.

The Chairman stated that this update will be at the Recycling/Solid Waste Committee meeting on November 10<sup>th</sup>.

Mr. Darby thanked Mrs. Milliken for her steadfastness concerning Harbor View Road. He said he always aligns himself with the residents because they know more about the needs in their area than Council would know.

Ms. Johnson stated that she was glad to see the Harbor View Road Project move forward.

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

Beverly T. Craven  
Clerk of Council