

October 13, 2015
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 13th day of October, 2015, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, North Charleston, South Carolina.

Present at the meeting were the following members of Council: Chairman J. Elliott Summey, who presided; Colleen T. Condon; Henry E. Darby; Anna B. Johnson; Teddie E. Pryor, Sr.; Joseph K. Qualey; A. Victor Rawl; Herbert R. Sass, III; and Dickie Schweers.

Also present were County Administrator Keith Bustraan and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation and Mr. Dawson led in the pledge to the flag.

Chairman Summey called for a moment of silence for the 19 lives lost during the statewide flooding incident including several employees of SC State government agencies.

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. Rawl moved approval of the Minutes of September 15, 24, and 29, 2015, seconded by Mr. Pryor and carried unanimously.

Mr. Pryor moved approval of resolutions and recognitions, seconded by Mr. Rawl, and carried unanimously.

A report was furnished by the Finance Committee under date of October 8, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Zoning and Planning Director Dan Pennick requesting that Council adopt a resolution proclaiming October 2015 to be Community Planning Month in Charleston County.

Committee recommended that Council adopt the requested resolution.

The resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, change is constant and affects all of Charleston County and the Tri-County Region; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

Community
Planning Month
Resolution

Request to
Adopt

October 13, 2015

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of Charleston County; and

WHEREAS, we recognize the many valuable contributions made by professional community and regional planners of Charleston County and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED, that Charleston County Council does hereby designate the month of October 2015 as

COMMUNITY PLANNING MONTH

in Charleston County in conjunction with the celebration of National Community Planning Month.

CHARLESTON COUNTY COUNCIL

J. Elliott Summey, Chairman
October 13, 2015

The Chairman recognized Zoning and Planning Director Dan Pennick who stated that during Community Planning Month Charleston County Zoning and Planning would be hosting a photo contest highlighting the Best Photo of Your Community and Why It's Special. He shared that the contest would run until October 28, 2015, and that submissions would be accepted through the County's social media platforms. Planning Commission Chairman Eric Meyer addressed the volunteer nature of community planning and thanked the Planning staff, Council Members, and citizens for participating in planning and zoning related issues in Charleston County.

**Dan Pennick
Retirement
Recognition**

The Chairman recognized Deputy Administrator for Human Services Jennifer Miller who presented Zoning and Planning Director Dan Pennick a plaque in recognition of his retirement and thanking him for 17 years of service to Charleston County. Ms. Miller shared that Dan Pennick has spent nearly half a century working in government planning and later this month he will retire from his position as Director of our County Zoning and Planning Department.

Pennick spent the last 17 years working for Charleston County Government. He's already retired once before after working for Centre County, Pennsylvania for 28 years. He started his career as a banker before the Vietnam War changed his course. Pennick joined the U.S. Navy and was given the opportunity to attend college at Penn State University, where he was attracted to architecture.

Pennick graduated from Penn State with Bachelor's and Master's degrees in architecture. He started his career in planning as an intern for Montgomery County. He worked a few more internships in planning and eventually landed a job with Centre County and worked his way up before retiring in the late 90s. He retired as a Chief Planner there before deciding to come to Charleston.

Pennick started with Charleston County in 1998 as a Planner and worked his way up to Director, the position he will vacate upon his retirement on October 15.

Deputy County Administrator Jennifer Miller had this to say about Pennick: "Dan is a PLANNER – period. Whether we are referring to his duties as our Planning Director since 2007 or as the Emergency Operations Section Chief, he is always the first to prepare and plan for all contingencies. Dan was hired to come to Charleston County in what can literally be described as a second career, serving 17 of his 47 year planning career with us. The priority at that time was finalizing the Charleston County Comprehensive Plan and adoption of the Zoning Ordinance to implement the plan. Since that time our Comprehensive Plan and Zoning Ordinance have evolved through state mandated five year updates and a required 10 year rewrite of the Comprehensive Plan with Dan helping to guide the process. The Charleston County Comprehensive Plan and Zoning and Land Development Regulations have become a benchmark for preservation of the rural character while allowing growth to occur in the appropriate areas of our beautiful County of Charleston. I was blessed to work with Dan when I was the Planning Director and continue to be impressed by his vision and commitment. We will all have to work hard to continue his legacy."

A report was furnished by the Finance Committee under date of October 8, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Technology Services Director Donnie Giacomo requesting that Council adopt a resolution proclaiming October 2015 Cyber Security Awareness Month in Charleston County.

Committee recommended that Council adopt the requested resolution.

The resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

Cyber Security
Awareness
Month
Resolution

Request to
Adopt

WHEREAS, Charleston County recognizes the vital role of technology in our daily lives and in the future of our nation as critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, healthcare, and emergency services and many citizens, schools, libraries, business, and other organizations use the internet daily for a multitude of purposes; and,

WHEREAS, internet users and the internet's security infrastructure are facing an increasing number of malicious cyber-attacks and the US Department of Homeland Security established the Office of Cybersecurity and Communications and devoted resources within the office to solely support the strength and security of the country's cyber infrastructure at the state, local, tribal, and territorial levels; and,

WHEREAS, the Stop.Think.Connect Campaign is a national effort coordinated by a coalition of private companies, nonprofits, and government organizations to raise awareness about cyber security among all digital citizens, helping internet users stay safe and secure online; and,

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play as awareness of computer security essentials will improve the security of Charleston County's information infrastructure and economy.

NOW, THEREFORE, BE IT RESOLVED, Charleston County Council does hereby proclaim October 2015 to be:

CYBER SECURITY AWARENESS MONTH

in Charleston County, urges its citizens to recognize the critical importance of learning about cyber security by visiting the Stop.Think.Connect Campaign website www.dhs.gov/stopthinkconnect or www.stopthinkconnect.org to learn about cyber security and putting that knowledge into practice in their homes, schools, workplaces and businesses.

CHARLESTON COUNTY COUNCIL

**J. Elliott Summey, Chairman
October 13, 2015**

The Chairman recognized Technology Services Director Donnie Giacomo and Deputy Director Vasant Chandorkar who accepted the resolution. Mr. Giacomo stated that Charleston County Technology Services is constantly monitoring the County's information systems for cyber security threats. He also remarked that it is critical in an increasingly digital and connected society that citizens protect themselves when operating online.

An ordinance approving PD-152, Buckland Plantation, was given second reading by title only.

**Buckland
Plantation
Rezoning**

The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

**Ordinance 2nd
Reading**

Condon	- aye
Darby	- aye
Johnson	- aye
Pryor	- aye
Qualey	- aye
Rawl	- aye
Sass	- aye
Schweers	- aye
Summey	- aye

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

The ordinance title is as follows:

**AN ORDINANCE
REZONING THE REAL PROPERTIES LOCATED AT 3844 and 3788 CHISOLM ROAD
FROM THE AGRICULTURAL PRESERVATION (AG-8) ZONING DISTRICT TO
PLANNED DEVELOPMENT ZONING DISTRICT (PD-152).**

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

A report was furnished by the Planning/Public Works Committee under date of October 8, 2015, that it considered the information and advice furnished by County Administrator Keith Bustraan, Zoning and Planning Director Dan Pennick, and County Attorney Joe Dawson regarding Spring Grove Development. It was stated that four applications were under consideration for Spring Grove Development. Those applications were:

- Development of County Significance (Case Number DCS-7-13-16669);
- Comprehensive Plan Amendment (Case Number ACP-7-13-16648);
- Zoning Map Amendment (Case Number FBZD-7-13-16652); and
- Development Agreement* (Case Number ZDA-12-10-10106).

**Spring Grove
Development
A) Development of
County
Significance
B) Comprehensive
Plan Amendment
C) Zoning Map
Amendment
D) Development
Agreement**

**1. Request to
Approve
2. Ordinances 1st
Reading**

It was shown that during the 8 year process of reviewing this application, from 2007-2012 County staff worked to draft and amend County ordinances to allow application processes for projects like Spring Grove to be reviewed and considered for approval. It was also shown that from 2012 to present, staff had:

- Reviewed 5 sets of draft applications submitted by MWV and worked with

the applicant to ensure compliance with County ordinances.

- Hosted 5 community meetings to gather public input on needs and the proposed Spring Grove development (MWV hosted 2 additional meetings). See the August 28 memo regarding the Parkers Ferry Community Needs/Spring Grove Development contained in Exhibit D.
- Worked with County departments and public service providers to determine potential project impacts and mitigation.

The applicant decreased the proposed project size from approximately 31,000 acres to approximately 14,500 acres in 2013.

It was shown that following a number of community meetings and Planning Commission meetings, Planning Commission voted to approve the requested applications with the following conditions:

- Comprehensive Plan Amendment Application:
 - Include “Rural Cultural Community Protection” in the list of Future Land Use designations currently in effect for the subject properties.
 - Provide one updated paper copy and digital version of this application incorporating the change noted above.
- Form-Based Zoning District Zoning Map Amendment Application – Zoning Change Application and Checklist Documentation:
 - Tab XI: Revise the Phasing Map to include a note stating that all areas not assigned a timeframe for development will develop pursuant to the applicable section of the development agreement.
 - Provide one updated paper copy and one digital version of this application incorporating the changes noted above.
- Form-Based Zoning District Application – Form District Master Plan:
 - Page VIII: Remove the reference to the “Illustration 6.5.4: Frontage Buildout in T5-R District” from the Table of Contents.
 - Page 8, Map 1.1.6, Circulation Map, and other applicable sections: Revise as follows:
 - Incorporate the revised Circulation Map (Exhibit A) and correct the legend to state “Proposed Primary Thoroughfare.”
 - Include notes on Map 1.1.6 and text in FDMP Sec. 3.2.1 and in the Development Agreement stating:
 - The right-of-way(s) for the above referenced Primary Thoroughfares will be platted and dedicated to an appropriate entity prior to the issuance of any zoning permits for development contained in applicable Community or Special District Plans for the portion of the project located north of Savannah Highway.
 - The right-of-way width(s) and location(s) will be coordinated with the Charleston County Public Works Department and Zoning and Planning Department prior to plat submittal.
 - All proposed dedications of such right-of-ways to the public

shall follow County approval and acceptance requirements and processes in effect at the time of submittal.

- Adjust the proposed evacuation traffic flow accordingly and provide an updated letter from Charleston County Emergency Management regarding the new configuration of the evacuation route.
 - Amend Map 1.1.5, 75% Acreage and Trails Map accordingly.
 - Make the same changes to all other application documents, as applicable, including, but not limited to, Tab IX (Trails Map), Tab X (Phasing Map), and Tab XVI (Transportation Report) of the Zoning Change Application and Checklist Documentation).
 - Include language in FDMP Sec. 3.4.2 stating that updated traffic studies submitted with land development applications must address compliance with the Circulation Map including anticipated impacts of future developments within the project boundaries on existing and proposed infrastructure.
 - Include language in FDMP Sec. 3.4.2 stating that updated traffic studies submitted with land development applications shall demonstrate proposed infrastructure meets all requirements; and, in addition, the traffic circulation plan is designed to minimize traffic impacts and maintain the rural character for Old Jacksonboro Road, Hyde Park Road, and Greenwood Road.
 - Page 70, Table 5.6.3.B.9: Submit a letter from the applicable utility company stating that the streetlights listed in the table have been approved by the utility company pursuant to ZLDR Table 7.4.P requirements.
 - Provide three updated paper copies and one digital version of this application incorporating the changes noted above.
- Development Agreement Application: Strongly encourage inclusion of the following:
 - Incorporate the “Administrative Manual: Application of Charleston County Tree Protection and Preservation Requirements to Form-Based Zoning District Development” as written and shown in Exhibit B as an exhibit to the Development Agreement.
 - Include the following language regarding Proposed Primary Thoroughfares shown on the revised Circulation Map:
 - The right-of-way(s) for the above referenced Primary Thoroughfares will be platted and dedicated to an appropriate entity prior to the issuance of any zoning permits for development contained in applicable Community or Special District Plans for the portion of the project located north of Savannah Highway.
 - The right-of-way width(s) and location(s) will be coordinated with the Charleston County Public Works Department and Zoning and Planning Department prior to plat submittal.
 - All proposed dedications of such right-of-ways to the public shall follow County approval and acceptance requirements and processes in effect at the time of submittal.

- The revised proposed Circulation Map (Exhibit A) and traffic study language included both above and within the Form District Master Plan.
- Ensure the Phasing Schedule/Map matches the Phasing Map included in the FDMP, including a note stating that that all areas not assigned a timeframe for development will develop pursuant to the applicable section of the development agreement.
- Include a statement that a Master Plan Review Board will be established for at least all areas outside the 75% Acreage at the time of initial rezoning application as required by ZLDR Sec. 7.2.7.A.1.
- Revise to reflect the conversion of the T5-R Transect Zone to the Special District 2, Regional Retail Special District.
- Ensure the transportation study requirements included in the Development Agreement match those included in the FDMP.
- Ensure the following are addressed pursuant to ZLDR Sec. 3.17.4.A.3.a-f:
 - Inclusion of a variety of housing ownership types and affordability;
 - Documentation demonstrating strategy for preservation, mitigation, and/or management of significant cultural, historic, and archaeological sites, resources, and landscapes;
 - Information regarding the location, density, and intensity of proposed land uses for the first five (5) years of the proposed project and projections for each subsequent five (5) year time period until buildout;
 - Economic development information such as an economic analysis (e.g., estimates of average annual ad valorem tax yields, economic development analysis) of the impact of the proposed development on the local economy and employment market;
 - A fiscal impact analysis of the infrastructure needs; and
 - A list of needed and/or required public improvements including but not limited to transportation improvements, educational facilities, public safety services, and government facilities.
- Address applicable community needs gathered from community meetings beginning in 2012.

Address needs of public service and facility providers as stated in the 2014 "MeadWestvaco Needs Assessment – MeadWestvaco Spring Grove Project."

Committee recommended that Council approve the requested applications with the Planning Commission's conditions for approval and with the right to amend all of the ordinances up to third reading.

Ms. Condon moved approval of the Committee recommendation. Mr. Pryor seconded the motion.

Mr. Darby and Ms. Johnson asked about the community's concerns. Mr. Dawson stated that those concerns would be addressed during negotiation of the Development Agreement, which was ongoing. He stated that before third reading of the ordinance, he would brief Council Members either individually or in Executive Session regarding the negotiations and Council could then vote on the complete package at third reading.

The Chairman called for a vote on the motion. The motion passed. Mr. Darby and Ms.

Johnson abstained from voting.

An ordinance approving Spring Grove as a Development of County Significance was given first reading by title only.

The ordinance title is as follows:

AN ORDINANCE
APPROVING THE DEVELOPMENT OF COUNTY SIGNIFICANCE APPLICATION FOR THE FOLLOWING PARCEL IDENTIFICATION NUMBERS: 050-00-00-017, 5613 NEW ROAD; 099-00-00-012, 5610 HIGHWAY 174; 099-00-00-033, 7926 OLD JACKSONBORO ROAD; 099-00-00-089, 5670 HIGHWAY 174; 121-00-00-033, 7925 OLD JACKSONBORO ROAD; 121-00-00-035, 5640 OLD JACKSONBORO ROAD; 168-00-00-023, 6731 OLD JACKSONBORO ROAD; 175-00-00-009, 7117 HIGHWAY 165; 175-00-00-017, 7900 SAVANNAH HIGHWAY; AND 186-00-00-062, 6209 NEW ROAD IN CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC; AND CHARLESTON COUNTY, SOUTH CAROLINA.

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

An ordinance approving Comprehensive Plan Amendments for the Spring Grove Development was given first reading by title only.

The ordinance title is as follows:

AN ORDINANCE
AMENDING THE CHARLESTON COUNTY COMPREHEHSIVE PLAN AT THE FOLLOWING DOCUMENT LOCATION: MAP 3.1.4, FUTURE LAND USE, TO SHOW A FUTURE LAND USE DESIGNATION OF DEVELOPMENT OF COUNTY SIGNIFICANCE FOR THE FOLLOWING PARCEL IDENTIFICATION NUMBERS: 050-00-00-017, 5613 NEW ROAD; 099-00-00-012, 5610 HIGHWAY 174; 099-00-00-033, 7926 OLD JACKSONBORO ROAD; 099-00-00-089, 5670 HIGHWAY 174; 121-00-00-033, 7925 OLD JACKSONBORO ROAD; 121-00-00-035, 5640 OLD JACKSONBORO ROAD; 168-00-00-023, 6731 OLD JACKSONBORO ROAD; 175-00-00-009, 7117 HIGHWAY 165; 175-00-00-017, 7900 SAVANNAH HIGHWAY; AND 186-00-00-062, 6209 NEW ROAD IN CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC; AND CHARLESTON COUNTY, SOUTH CAROLINA.

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

An ordinance approving Zoning Map Amendments for Spring Grove Development was given first reading by title only.

The ordinance title is as follows:

AN ORDINANCE

REZONING 14,508 ACRES OF PROPERTY LOCATED AT 5613 NEW ROAD; 5610 HIGHWAY 174; 7926 OLD JACKSONBORO ROAD; 5670 HIGHWAY 174; 7925 OLD JACKSONBORO ROAD; 5640 OLD JACKSONBORO ROAD; 6731 OLD JACKSONBORO ROAD; 7117 HIGHWAY 165; 7900 SAVANNAH HIGHWAY; 6209 NEW ROAD, PARCEL IDENTIFICATION NUMBERS: 050-00-00-017; 099-00-00-012; 099-00-00-033; 099-00-00-089; 121-00-00-033; 121-00-00-035; 168-00-00-023; 175-00-00-009; 175-00-00-017; AND 186-00-00-062, FROM RESOURCE MANAGEMENT ZONING DISTRICT (RM) AND AGRICULTURAL/RESIDENTIAL ZONING DISTRICT (AGR) TO FORM-BASED ZONING DISTRICT (FBZD) IN CONJUNCTION WITH THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC AND CHARLESTON COUNTY, SOUTH CAROLINA.

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

An ordinance approving a Development Agreement for Spring Grove Development was given first reading by title only.

The ordinance title is as follows:

AN ORDINANCE

AN ORDINANCE APPROVING THE SPRING GROVE DEVELOPMENT AGREEMENT BY AND AMONG MWV-EAST EDISTO SPRING GROVE, LLC, AND CHARLESTON COUNTY, SOUTH CAROLINA.

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

ZLDR
Amendments
/LED Billboards

No Action Taken

A report was furnished by the Planning/Public Works Committee under date of October 8, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Zoning and Planning Director Dan Pennick regarding proposed ZLDR Amendments regarding LED Billboards. It was stated that the proposed amendments would create a Billboard Plaza Overlay Zoning District to allow new billboards to be erected in Billboard Plaza Areas and create standards for digital (Light Emitting Diode) billboards.

Committee recommended that Council approve the definitions and allow digital billboards in the Industrial Zoning Districts deleting digital billboard standards 1, 2, 4, 6, 7 and 8 b, the Billboard Plaza Overlay and all language that references the use of a Billboard Plaza and direct staff to work with the Exchange Club on a Planned

Development with the right to amend the ordinance up to third reading.

Mr. Pryor moved approval of the Committee recommendation. The motion was seconded by Ms. Condon.

During the discussion portion of this item, Mr. Schweers experienced a medical emergency. No vote was taken on this item.

The Chairman stated that the remaining items on the agenda would be considered at a later date and declared the meeting to be adjourned.

Kristen L. Salisbury
Deputy Clerk
Charleston Count Council