

October 19, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 19th day of October, 2010 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 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; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; Elliott Summey and Dickie Schweers. Council Member Paul R. Thurmond was absent and Council Member Henry E. Darby was still recovering from injuries received when he was struck by a car and suffered a concussion.

Also present were: Allen O'Neal, County Administrator; County Attorney Joe Dawson; and Joel Evans, Planner IV of the Zoning/Planning Department.

Rev. Reid gave the invocation. Council Member McKeown 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. Summey moved approval of the minutes of October 5, 2010, seconded by Ms. Condon, and carried.

The Chairman stated that Charleston County Government had selected to receive a Special Achievement (SAG) in GIS Award and that Ms. Brenda Wheatley, GIS Coordinator for Charleston County had accepted the award at the 30th annual ESRI International User Conference. He requested Deputy Administrator for General Services, Walt Martin to come forward with Ms. Wheatley and Donnie Giacomo, Director of Information Technology for Charleston County to come forward to be recognized by County Council.

An Ordinance amending the Charleston County Zoning and Land Development regulations was given third reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 2 (REVIEW AND DECISION MAKING BODIES), CHAPTER 4 (BASE ZONING DISTRICTS), CHAPTER 5 (OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS) AND CHAPTER 8 (SUBDIVISION REGULATIONS).

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws,

1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments of the text of various chapters of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Charleston County Council adopt the proposed amendments of the text of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing, and after close of the public hearing, County Council approves the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, the County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. AMENDMENTS OF THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments as attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 19th day of October, 2010.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman

ATTEST:

Beverly T. Craven, Clerk

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

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received second reading approval.

**ZPDA-6-10-8670 (85A),
Freshfields
Drive
Ordinance 3rd
Reading**

An Ordinance rezoning properties from the Planned Development District (PD-85) to the Planned Development District (PD-85A) was given third reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 224, 225, 345, 350, 440, 540 AND 649 FRESHFIELDS DRIVE; 91 AND 165 VILLAGE GREEN LANE; 900 KIAWAH ISLAND PARKWAY AND 1884 SEABROOK ISLAND ROAD, PARCEL IDENTIFICATION NUMBERS: 204-00-00-029 AND 205-00-00-014,- 076 -218,- 219,-220,-221, 222, -223, - 224, AND -225, FROM THE PLANNED DEVELOPMENT DISTRICT (PD-85) TO THE PLANNED DEVELOPMENT DISTRICT (PD-85A).

WHEREAS, the properties located at 224, 225, 345, 350, 440, 540, and 649 Freshfields Drive; 91 and 165 Village Green Lane; 900 Kiawah Island Parkway; and 1884 Seabrook Island Road, identified as Tax Map Parcel Numbers 204-00-00-029; and 205-00-00-014, -076, -218, -219, -220, -221, -222, -223, -224, and -225, are currently zoned Planned Development District (PD-85); and

WHEREAS, the applicant requests to amend the Planned Development District (PD-85) and has submitted a complete application for PD Development Plan amendment approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.E.9 of Article 4.27 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least 1 public hearing and after close of the public hearing, County Council approves the proposed PD Development Plan with conditions based on the Approval Criteria of Section 4.27.9.E.9 of Article 4.27 of the ZLDR; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

- A. Charleston County Council rezones the 224, 225, 345, 350, 440, 540, and 649 Freshfields Drive; 91 and 165 Village Green Lane; 900 Kiawah Island Parkway; and 1884 Seabrook Island Road, identified as Tax Map Parcel Numbers 204-00-00-029; and 205-00-00-014, -076, -218, -219, -220, -221, -222, -223, -224, and -225, from the Planned Development District (PD-85) to the Planned Development District (PD-85A); and
- B. The PD Development Plan submitted by the applicant and identified as the "Planned Development Guidelines for Freshfields Village Planned

Development, Charleston County, South Carolina, Dated June 2010,” shall constitute the PD Development Plan for the parcel which shall be identified as Planned Development 85A or PD-85A; and

- C. Any and all development of PD-85A must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and
- D. The zoning map for Tax Map Parcel Numbers 204-00-00-029; and 205-00-00-014, -076, -218, -219, -220, -221, -222, -223, -224, and -225133-00-00-041 is amended to PD-85A in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

AND IT IS SO ADOPTED AND APPROVED in meeting duly assembled this 19th day of October, 2010.

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

ATTEST:

Beverly T. Craven, Clerk

I

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

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

AN ORDINANCE**REZONING PROPERTIES LOCATED AT 1147 SIX MILE ROAD FROM
A SPECIAL MANAGEMENT 3 DISTRICT (S-3) TO A PLANNED
DEVELOPMENT DISTRICT (PD-147)**

WHEREAS, the properties located at 1147 Six Mile Road, identified as Tax Map Parcel Numbers 558-00-00-109 and (is/are) currently zoned Special Management 3 (S-3); and

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

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

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

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

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

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

- A. Charleston County Council rezones the properties located at 1147 Six Mile Road, identified as Tax Map Parcel Numbers 558-00-00-109 , from Special Management 3 (S-3) to Planned Development (PD-147); and
- B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for property located at 1147 Six Mile Road, Mt. Pleasant, Charleston County, South Carolina Dated June 25, 2010", including the changes thereto and conditions, if any, approved by County Council as Planned Development 147 or PD-147, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and
- C. Any and all development of PD-147 must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and
- D. The zoning map for Tax Map Parcel Numbers 558-00-00-109 is amended to PD-147 in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 19th day of October, 2010.

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

ATTEST:
Beverly T. Craven, Clerk

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

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye
Mr. Rawl	- aye
Mr. Schweers	- aye

Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

**ZREZ-7-10-8757, 1177
Gregorie Ferry Road
A) Request to Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee under date of October 14, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of Zoning and Planning, regarding a request to re-zone property from Planned Development (PD)-65A to Community Commercial (CC) Zoning District.

Committee recommended that Council approve the requested zoning change.

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

An Ordinance approving a zoning change at 1177 Gregorie Ferry Road, East of the Cooper was given first reading by title only.

AN ORDINANCE

REZONING THE REAL PROPERTY LOCATED AT 1177 GREGORIE FERRY ROAD, PARCEL IDENTIFICATION NUMBER 580-00-00-012 FROM THE PLANNED DEVELOPMENT ZONING DISTRICT (PD-65A) TO THE COMMUNITY COMMERCIAL ZONING DISTRICT (CC).

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

**CONSENT
AGENDA
A) Police Equipped Motorcycles
B) Citizen's Corps Grant
C) Farmfield Avenue Sidewalk Project**

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

Mr. Summey moved approved of Committee recommendations, seconded by Ms. Condon, and carried.

A report was read from the Finance Committee under date of October 14, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding sealed bids received for the purchase of five (5) Police Equipped Motorcycles to be utilized by the Sheriff's Office. It was stated that this purchase was approved in the Fiscal Year 2011 Budget as replacement to the fleet. It was stated that Low Country Harley Davidson is the best value for Charleston County because the bid was submitted with an extended warranty at no additional cost to the County, and gives the County extra maintenance coverage. It was further stated that the apparent low-bidder Savannah Harley Davidson was afforded the opportunity to provide a bid satisfying the same extended warranty, but Savannah Harley Davidson informed the County that the cost of its extended warranty would be an additional \$5,745.00 above its original bid price, resulting in its bid with the extended warranty to

be \$117,361.00. It was shown that after careful evaluation and analysis of the bids staff determined it to be in the best interest of the County to purchase the motorcycles from the local vendor, Low Country Harley Davidson, in the amount of \$114,500.00.

Committee recommend that Council authorize award of bid for the purchase of five (5) Police Equipped Motorcycles to Low Country Harley Davidson which bid was determined to be the best value for Charleston County in the amount of \$114,500.00, with the understanding that these motorcycles were approved in the FY2011 budget and will be utilized by the Sheriff's Office.

A report was read from the Committee under date of that it considered the information furnished by Allen O'Neal, County Administrator, and it considered the information furnished by Allen O'Neal, County Administrator, and Jason Patno, Director of Emergency Management, regarding a Citizen's Corps Program Grant. It was stated that, if approved, the grant funding will be used to support the County's Community Emergency Response Team (CERT) Program by covering cost associated with printing and binding of course materials, as well as promotional items that include but are not limited to pens, pencils, water bottles, etc. It was shown that the CERT Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster skills. It was further shown that to date over 500 citizens of Charleston County have completed CERT training.

Committee recommended that Council approve the Emergency Management Department's request to receive \$4,330.00 in grant funding through the Citizen's Corps Program to support the Community Emergency Response Team, with the understanding that there are no FTE's, vehicles, or recurring costs associated with the grant and that the grant performance period is September 24, 2010 through September 24, 2011.

A report was read from the Finance Committee under date of October 19, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids for a City of Charleston project which driveway adjacent to the V-Go gas station to the West Ashley Greenway. It was stated that work shall include but is not limited to storm drainage improvements, erosion and sedimentation control, traffic control during construction and the construction of an eight foot wide concrete sidewalk.

Committee recommended that Council authorize award of a contract for Farmfield Avenue Road Sidewalk to B&C Utilities, Inc. in the amount of \$178,796.00, with the understanding that funding is available through the Transportation Sales Tax annual allocations.

**Sale of
County
Properties
Request to
Approve**

A report was read from the Finance Committee under date of October 14, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Daniel L. Chandler, Director of Facilities, regarding a request to publicly bid County three County properties for sale. It was stated that the three properties have no County use now or in the foreseeable future.

Committee recommended that Council authorize Staff to obtain certified appraisals for each property and to publicly bid through the Sealed bid process the sale of the following properties and return to Council with recommendations:

1. Parcel ID: 745-00-00-012 – 8775 & 8777 Randall Road, McClellanville, SC, to include improvements – 2.2 Acres.
2. Parcel ID: 463-11-01-084 – 164 Maple Street, Charleston, SC to include improvements - .69 Acres
3. Parcel ID: 280-00-00-014- Fickling Hill Road, Johns Island, SC – Kinsey-Blake Borrow Pit – 2.38 Acres.

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

**SCDOT Mark
Clark
Completion
Project
Recommendation**

A report was read from the Finance Committee under date of October 14, 2010 that it considered the information furnished by Allen O’Neal, County Administrator, and David A. Kinard, Program Manager of the South Carolina Department of Transportation, regarding the results of the five public hearings held on the completion of the Mark Clark Expressway.

Committee also considered an alternate Plan brought forth by Council Members Rawl and Summey, and the information received in executive session from the County Attorney.

Committee recommended that Council request the Department of Transportation Staff to further study plans for completion of the I-526 Project, in addition to Alternative G, to include:

1. Improve existing roads within the scope of the project.
2. Proposal submitted at the Finance Committee entailing the completion of the project, without the James Island Leg.
3. Further investigate “New Ways to Work” Plan.

All continued analysis should bear in mind legal and financial constraints.

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

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

Ms. Condon	- aye
Mr. Darby	- absent
Mr. Inabinett	- aye
Mr. McKeown	- aye

Mr. Rawl	- aye
Mr. Schweers	- nay
Mr. Summey	- aye
Mr. Thurmond	- absent
Mr. Pryor	- aye

The vote being six (6) ayes, one (1) nay and two (2) absent, the Chairman declared the motion to have carried.

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

Public Forum

Mr. Finch of James Island; Ms. Effie Dennis of 2045 Ronda Street, West Ashley and Mr. Scott Carney of 1317 Battalion Drive James Island spoke of being in "Limbo" concerning their property. They said that their property was scheduled for acquisition and the decision/delays have resulted in their properties not being saleable.

Mr. Jimmy Kerr of 2745 Canter Lane, John Island, stated that plans for the pitchfork solution to moving traffic on Johns Island should be put into play as soon as possible.

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

Council Member Rawl thanked County Staff for all they do for Council.

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

Beverly T. Craven
Clerk of Council