

April 7, 2009  
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 7<sup>th</sup> day of April, 2009, at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: Teddie E. Pryor, Sr., Chairman, who presided: Colleen Condon; Henry E. Darby; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; Dickie Schweers; J. Elliott Summey and Paul R. Thurmond.

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

Council Member McKeown gave the invocation. County Attorney Joseph Dawson led in the pledge to the flag.

Ms. Condon moved approval of the minutes of March 17, 2009, seconded by Mr. McKeown, and carried.

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

The Chairman said that Council was pleased to welcome Miss Kylie Beall, an 8<sup>th</sup> grade student at Buist Academy who is the winner of this year's Earth Day Art Contest. Mr. Pryor stated that Kylie won for her water color painting "great egret", and that Benjamin Blanks, Deputy Director of Solid Waste will present the framed painting to Kylie and say a little about Earth Day. The Chairman requested Ms. Condon, Chairperson of Council's Recycling/Solid Waste Committee and Kylie's parents to come forward with Kylie.

Adopt a  
Highway County  
Winner Phillips  
Community

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council, regarding a request received from Community Pride, the County's Adopt-A-Highway Coordinator, that County Council recognize the Phillips Community Association. It was stated that the Phillips Community has been recognized by the South Carolina Department of Transportation as the 2008 Outstanding Adopt-A-Highway Group for Charleston County.

Committee recommended that Council adopt the proposed resolution.

The Committee recommendation was approved by common consent.

The Chairman asked Ms. Angela Crouch, Executive Director of Community Pride and all the Residents and Youth from the Phillips Community who were responsible for receiving the South Carolina Department of Transportation Award to come forward and requested Council Member Joe McKeown, who represents the Phillips

Community area of Charleston County to present the Resolution.

The Clerk read the Resolution which is as follows:

**A RESOLUTION  
OF CHARLESTON COUNTY COUNCIL**

**WHEREAS**, Charleston County's beautiful landscapes are one of the county's most precious natural resources; **and**

**WHEREAS**, since 1988, South Carolina Department of Transportation has coordinated the Adopt-A-Highway program which relies on individual citizens who genuinely care about the beauty of their state and want to take responsibility for enhancing that beauty; **and**

**WHEREAS**, the South Carolina Department of Transportation annually recognizes groups from across the state which are recognized by the local maintenance offices and county Adopt-A-Highway coordinators ; **and**

**WHEREAS**, the Phillips Community Association has been named the 2008 Outstanding Adopt-A-Highway Group of the Year for Charleston County by the South Carolina Department of Transportation; **and**

**WHEREAS**, during 2008, the Phillips Community Association removed over 2,000 pounds of litter from SC Highway 41 in the northern part of Mount Pleasant cleaning not only Highway 41, but also Bennett Charles Road, Parker Island Road, Habersham Road, and Oliver Brown Road from Joe Rouse Road to Dunes West; **and**

**WHEREAS**, since this area has been adopted by the Phillips Community Association the roads are considerably less littered and more welcoming to all.

**NOW, THEREFORE BE IT RESOLVED** that **Charleston County Council** recognizes the strong commitment to community involvement of the Phillips Community Association and the Phillips Community Association's fierce sense of pride in this historical area and commends the Phillips Community Association on being named the 2008 Outstanding Adopt-A-Highway Group for Charleston County.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Chairman

April 2, 2009

A report was read from the Administration Policy/Rules Committee recommended that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council, regarding a resolution honoring Administrative Professionals Week. It was stated that Administrative Professionals Week would be observed April 19-25, 2009.

Committee recommended that Council adopt the proposed resolution.

Committee recommendation was approved by common consent.

The Chairman advised that the President of the Charleston Chapter of Administrative Professionals, Vicky Seigler, an employee of the Charleston County Assessor's Office was in the audience to pick up the Resolution and requested that she come forward with Glenda Ross, Denise Tompkins, Marilyn Tharp and Sue Frost, a County employee in the office of the Deputy Administrator for Operations. Mr. Pryor asked Council Vice Chairman and Chairman of the Administration Policy/Rules Committee, Paul Thurmond to present the Resolution.

The Clerk read the Resolution which is as follows:

## **A RESOLUTION OF CHARLESTON COUNTY COUNCIL**

**WHEREAS**, Administrative professionals including secretaries, administrative assistants, office managers and other administrative support staff represent one of the largest segments of the world's workforce; and,

**WHEREAS**, Administrative professionals are those who master technology, effectively utilize their interpersonal and communication skills; manage projects and organize the office; apply their creativity to solve problems; and most importantly, have the willingness to learn and accept new challenges; and,

**WHEREAS**, Administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for their organizations; and,

**WHEREAS**, Companies and organizations that invest in training and development and make a commitment toward delegating responsibilities that better utilize the skills of their administrative employees have the best opportunity to excel in the 21st century and beyond; and,

**WHEREAS**, The year 2009 marks the 57<sup>th</sup> annual observance of Administrative Professionals Week, formerly known as National Secretaries Week, which was founded in 1952 to recognize the contributions of secretaries and other office support staff in business and government and to attract people to secretarial careers; and,

**WHEREAS**, Administrative Professionals Week is sponsored by the International Association of Administrative Professionals and is celebrated worldwide, bringing together millions of people for various community events, educational seminars, and individual corporate activities; and,

**NOW THEREFORE BE IT RESOLVED by Charleston County Council** to hereby proclaim the week of **April 19-25, 2009** as **Administrative Professionals Week**, saluting the valuable contributions of administrative professionals in the workplace.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Chairman  
April 7, 2009

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding a resolution honoring Telecommunicator Week. It was stated that Telecommunicator Week would be observed April 12-18, 2009.

Committee recommended that Council adopt the proposed resolution.

The Chairman requested Mr. Jim E. Lake, Director of Consolidated Dispatch to come forward to accept the Resolution and bring with him: Tonia Mallette and Mike Stanley of the North Charleston Dispatch Center, and Pauli Spurgeon, Alicia Moultrie, April Grant, Tanya Craven, Melissa Gill and Jackie Brathwaite of the Consolidated 9-1-1 Center.

The Chairman presented the Resolution to Mr. Lake and the Clerk read the Resolution into the record.

#### **A RESOLUTION NATIONAL TELECOMMUNICATOR WEEK**

**WHEREAS**, emergencies can occur at anytime which need prompt emergency response; generally from law enforcement, fire, or emergency medical services; **and**

**WHEREAS**, when an emergency occurs, the prompt response of law enforcement, firefighters, and paramedics is critical to the protection of life and preservation of property; **and**

**WHEREAS**, the safety of our first responders is dependent upon the quality and accuracy of information obtained from citizens who call 911 in Charleston County; **and**

**WHEREAS**, Emergency Services Dispatchers are the first and most critical contact our citizens have with emergency services; **and**

**WHEREAS**, Emergency Services Dispatchers are the single vital link for our law enforcement officers, paramedics and firefighters by monitoring their activities by radio, providing them information, and insuring their safety; **and**

**WHEREAS**, Emergency Services Dispatchers within Charleston County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; **and**

**WHEREAS**, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year; **and**

**WHEREAS**, Charleston County is moving forward with the establishment of the Charleston County Consolidated 911 Center, and we look forward to a transition which improves service to citizens and conditions for dispatchers.

**NOW, THEREFORE BE IT RESOLVED** that **Charleston County Council, together with the Charleston County Consolidated Dispatch Board**, declares the week of April 12<sup>th</sup> through 18<sup>th</sup>, 2009 to be National Telecommunicator Week in Charleston County, in honor of the men and women whose diligence and professionalism keep our cities, county and citizens safe.

**CHARLESTON COUNTY COUNCIL**

Teddie E. Pryor, Chairman

April 7, 2009

Charles  
River  
Labs FILOT  
Agreement  
Ordinance  
3<sup>rd</sup> Reading

An Ordinance authorizing a Fee In Lieu of Tax Agreement was given third reading by title only.

AN ORDINANCE

No.: 1578

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN CHARLESTON COUNTY AND CHARLES RIVER LABORATORIES, INC. WHEREBY CHARLESTON COULD WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH CHARLES RIVER LABORATORIES, INC.; PROVIDING FOR PAYMENT BY CHARLES RIVERS LABORATORIES, INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorised and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to designate real and tangible personal property as "economic development property" and to enter into an arrangement which provides for payment in lieu of taxes ("FILOT Payments") for a project qualifying under the FILOT Act; and

WHEREAS, Charles River Laboratories, Inc., a Delaware corporation (the "Company"), currently operates a facility for research, development, and manufacture of medical and pharmaceutical products in a building the Company currently leases in the Wappoo Office Park, in the City of Charleston, Charleston County (the "Existing Facility") in which the Company currently provides full-time employment for 81 employees; and

WHEREAS, the Company intends to expand its operations in Charleston County by acquiring and constructing an approximately 18,000 square foot building (the "New Facility") and the equipping and furnishing of the New Facility for the research, development, manufacture, and warehousing of medical and pharmaceutical products, and (ii) by installing additional equipment in the Existing Facility, all of which will constitute a project within the meaning of the FILOT Act (and is hereinafter referred to herein as the "Project"); and

WHEREAS, the Project when completed will represent an anticipated investment (as defined in the FILOT Act) (the "Investment") by the Company of approximately \$15,300,000; and

WHEREAS, the Company has informed the County in addition to maintaining the current 81 employees of the Company, that within four years of the completion of the Project, the Company is anticipated to employ an additional approximately 60 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 final approval for qualifying the Project under the FILOT Act; and

WHEREAS, the County Council, in order to induce the location of the Project in Charleston County, has previously agreed in that certain Inducement Agreement with the Company to provide for a FILOT arrangement with respect to the Project;

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. 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:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon information provided by and representations of the Company, County Council's investigation of the Project, including the criteria described in Section 1 above, and the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, as required, 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 by the Company in the Project will be approximately \$15,300,000, all to be invested within five (5) years from the end of the property tax year in which the Company and the County execute the Fee Agreement;
- (d) the Project will be located entirely within Charleston County;

- (e) the Project is anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation, 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; and
- (i) the benefits of the Project to the public are greater than the cost to the public.

Section 3. Fee-in-Lieu of Taxes Arrangement. Pursuant to the authority of the FILOT Act, the Project is designated as "economic development property" under the FILOT Act and there is hereby authorised a fee-in-lieu of taxes arrangement with the Company which will provide FILOT Payments to be made based upon a 6% assessment ratio with the millage rate of 243.8 mils to be fixed for the entire 20-year term of the fee-in-lieu of taxes, all as more fully set forth in the Fee Agreement between the County and the Company (the "Fee Agreement").

Section 4. Execution of the Fee Agreement. The form, terms, and provisions of the Fee Agreement presented to this meeting and filed with the Clerk of the County Council be and hereby are approved, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if such Fee Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council and the Clerk of the County Council be and they are hereby authorised, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with any changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of all changes therein from the form of Fee Agreement now before this meeting.

Section 5. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorised to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorised by this Ordinance.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) This Ordinance shall become effective immediately upon approval following third reading by the County Council.

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

(e) All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

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

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

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

**Multi-County  
Industrial  
Park  
Ordinance  
3<sup>rd</sup> Reading**

An Ordinance amending the County's Multi County Industrial Park Ordinance was given third reading by title only.

AN ORDINANCE

No.: 1579

TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

WHEREAS, Charleston County, South Carolina (the "County") and Colleton County, South Carolina (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park effective as of September 1, 1995 (the "Original Agreement") to develop jointly



an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

WHEREAS, the Original Agreement was initially approved by Charleston County Council Ordinance 972, adopted September 19, 1995; was further amended from time-to-time to add or remove property to the Park; and, in particular, was substantively amended by that First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the "First Modification"), which First Modification was approved by Charleston County Council Ordinance 1475, adopted December 5, 2006; and by Colleton County Council Ordinance 06-R-20 adopted January 2, 2007.

WHEREAS, the Original Agreement, as amended, is referred to herein as the "Agreement"; and

WHEREAS, the Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

WHEREAS, the Counties desire to amend the Agreement to include certain additional parcels in order to fulfill commitments made to companies which are considering expansion or location decisions.

WHEREAS, the Original Agreement, as amended, is referred to herein as the "Agreement"; and

WHEREAS, the Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

WHEREAS, the Counties desire to amend the Agreement to include certain additional parcels in order to fulfill commitments made to companies which are considering expansion or location decisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CHARLESTON COUNTY COUNCIL:

SECTION 1: The Agreement is hereby amended so as to expand the Park premises located within Charleston County. Attached hereto as **Exhibit A-10** is the property description of those parcels to be added to the Park premises within Charleston County.

SECTION 2: This amendment to the Agreement shall become effective on the date of upon adoption of this Ordinance by the County, after third and final reading and public hearing; subject to adoption of resolutions approving such amendment by Colleton County Council and, for properties identified in **Exhibit A-10** which are located within such municipalities, the City of Charleston, the City of North Charleston and the Town of Mount Pleasant, as applicable. If any municipality shall fail to adopt a resolution approving such amendment for any property located within such municipality, this shall not invalidate this Amendment as it applies to other properties

for which a resolution is adopted by the applicable municipality.

**SECTION 3:** Should any part of this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect and shall not render any other section herein, nor this Agreement as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination or expiration hereof shall be deemed to survive.

**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 vote recorded as follows:

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

The vote being eight (8) ayes and one (1) abstention, the Chairman declared the Ordinance to have received third reading approval. Mr. Thurmond abstained stating that he represents a firm involved in the Multi County Park

**ZREZ-1-09-2504**  
**19542 Highway**  
**78**  
**Ordinance 2<sup>nd</sup>**  
**Reading**

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

**AN ORDINANCE**

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

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

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

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

**WHEREAS**, the application has been reviewed by County staff and has been found to be complete and in proper form, and

**WHEREAS**, the County Planning Commission has reviewed the application in accordance with the procedures established in state law and the County Zoning and Land Development Regulations; and

**WHEREAS**, the rezoning complies in all respects with Article 3.4 of the Charleston County Zoning and Land Development Regulations; and

**WHEREAS**, the rezoning would conform to and implement the Charleston County Comprehensive Plan;

**NOW, THEREFORE BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL THAT THE PROPERTY KNOWN AS PARCEL IDENTIFICATION 379-00-00-002, BE AND HEREBY IS REZONED FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMUNITY COMMERCIAL (CC) DISTRICT. THE ZONING MAP OF CHARLESTON COUNTY IS HEREBY AMENDED TO CONFORM TO THIS CHANGE. ANY DEVELOPMENT ON THE SITE MUST CONFORM TO ALL REQUIREMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.**

The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL FOLLOWING THIRD READING.

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

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

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

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

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

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

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

**WHEREAS**, the application has been reviewed by County staff and has been found to be complete and in proper form, and

**WHEREAS**, the County Planning Commission has reviewed the application in accordance with the procedures established in state law and the County Zoning and Land Development Regulations; and

**WHEREAS**, the rezoning complies in all respects with Article 3.4 of the Charleston County Zoning and Land Development Regulations; and

**WHEREAS**, the rezoning would conform to and implement the Charleston County Comprehensive Plan;

**NOW, THEREFORE BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL THAT THE PROPERTY KNOWN AS PARCEL IDENTIFICATION 312-00-00-095, BE AND HEREBY IS REZONED FROM SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO COMMERCIAL TRANSITION (CT) DISTRICT. THE ZONING MAP OF CHARLESTON COUNTY IS HEREBY AMENDED TO CONFORM TO THIS CHANGE. ANY DEVELOPMENT ON THE SITE MUST CONFORM TO ALL REQUIREMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS AND OTHER APPLICABLE LAWS, RULES AND REGULATIONS.**

The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL FOLLOWING THIRD READING.

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

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

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

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

### **AN ORDINANCE**

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

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

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

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

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

WHEREAS, Charleston County Council finds that it is in the best interests of the citizens of Charleston County to establish a fee for marriage ceremonies to be performed by the Charleston County Probate Court, to establish a fee for a duplicate tax receipt to requesting parties, and to establish a fee for a copy of a document to requesting parties;

NOW, THEREFORE, be it ordained and enacted by Charleston County Council, in meetings duly assembled, as follows:

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

## SECTION II. FEES FOR PERFORMING MARRIAGE CEREMONIES, DUPLICATE TAX RECEIPTS, AND THE COST OF A COPY OF DOCUMENT

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

### SECTION III. SEVERABILITY

#### SECTION IV. EFFECTIVE DATE

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

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

## AN ORDINANCE

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

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

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

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

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

**SECTION I. FINDINGS INCORPORATED**

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

**SECTION II. SECTION 2-285 LOCAL PREFERENCE OPTION IN  
PROCUREMENT ORDINANCE AMENDMENT**

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

**SECTION III. SEVERABILITY**

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

**SECTION IV. EFFECTIVE DATE**

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

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

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

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding one vacancy on the Charleston County Greenbelt Bank Board. It was stated that at the January 2009 meeting of the Administration Policy/Rules Committee, appointments to the Member At Large seat of the Greenbelt Bank Board were deferred. New applications were sent to all of the applicants on file at that meeting and that an application for reappointment was subsequently received from Mr. Thomas Bullwinkle, and that no other applications were received.

The Charleston County Greenbelt Bank Board is a 9 member board. All appointed board members must have a demonstrated background, experience, and interest in the conservation of natural or historical resources. Terms of board members are for four years and until their successors are appointed and qualify, except that the initial terms of the members must be staggered with the initial term noted on the appointment.

Committee recommended that Council reappoint Thomas Bullwinkle to the Charleston County Greenbelt Bank Board for a term to expire in January 2013.

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

A report was read from the Administration Policy/Rules Committee that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding four vacancies on the Berkeley Charleston Dorchester Council of Governments. It was stated that an announcement of four vacancies on the Berkeley Charleston Dorchester Council of Governments Board of Directors was made at the October 30, 2008 meeting of the Administration Policy/Rules Committee. Terms of Rev. Robert Reid, Earl Mitchell, Suzanne Piper, and Jennifer Johnson-Birney expired in January 2009. Two of the seats that are open on this board are racial minority seats.



An application for reappointment was received from Rev. Robert Reid. Earl Mitchell has expressed his desire to be reappointed and will submit his application prior to the committee meeting on April 2. Rev. Reid and Mr. Mitchell are both African American. Additional applications were received from Sam Brownlee, David Engelman, Jack Hoey, Mark Peper, and Nolan Welborn, none of whom are racial minorities.

The Berkeley-Charleston-Dorchester Council of Governments is one of ten Councils of Governments created to serve the municipalities and counties of this state. The Council of Governments provides a forum through which locally elected officials and their representatives may meet to discuss and resolve issues of mutual concern. County Council has four appointments to the Berkeley-Charleston-Dorchester Council of Governments. The terms of membership of appointed representatives shall be two (2) years. Two of Council's appointees must be minorities. The Berkeley-Charleston-Dorchester Council of Governments meets at least four (4) times per year.

Committee recommended that Council:

1. reappoint Rev. Robert Reid and Earl Mitchell to the BCD-Council of Governments for a term to expire in January 2011.
2. appoint Sam Brownlee and Mark Peper to the BCD-Council of Governments for a term to expire in January 2011.

Mr. McKeown moved approval of recommendation #1 and moved the appointment of Sam Brownlee and Jack Hoey in recommendation #2.

Ms. Condon moved approval of Mr. McKeown's motion and the motion carried.

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding six vacancies on the Charleston Center Advisory Board. It was stated that the terms of John Thomas and Lee Edwards expired in January 2009, and there were four additional vacancies due to resignations. Applications for re-appointment were received from John Thomas and Lee Edwards and applications for appointments were received from Justin Hopson, Hugh Kight, and Catherine Lafond which were eligible for consideration at the last Administration Policy/Rules Committee.

The nine Members of the Alcohol and Other Drug Abuse Services Board serve in an advisory capacity only. At least two members shall be representatives of the community of recovering persons and at least two members shall be representatives from the treatment community with a medicine, psychology, social work or addictions counseling background. Members' terms are for three years. The Board meets on the second Monday of each month at 5:30 p.m.

Committee recommended that Council:

1. Reappoint John Thomas and Lee Edwards to the Charleston Center Advisory Board for a term to expire in January 2012.

2. Appoint Catherine LaFond to the Charleston Center Advisory Board for a term to expire in January 2012.
3. Appoint Justin Hopson and Hugh Kight to the Charleston Center Advisory Board for a term to expire in January 2011.

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Procurement Appeals Board. It was stated that one application for appointment was received from Charles Moore.

The Charleston County Procurement Appeals Board meets only in the case of a formal protest by a vendor, regarding the solicitation of an award or an appeal from a determination made by the Director of Procurement. The Chairman of this five member Board must be an attorney. Terms are for two years.

Committee recommended that Council appoint Charles Moore to the Procurement Appeals Board for a term to expire in June 2010.

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Board of Social Services. It was stated that an announcement of one vacancy on the Board of Social Services was previously made. Applications for appointment were received from David Engelman, Robert Smith, and Pete Taylor.

There are five members of the Charleston County Board of Social Services and they serve in an advisory capacity to the Director of the County Department of Social Services. Appointments are made by the Governor on the recommendation of County Council. Terms are for three years.

Committee recommended that Council recommend to the Governor the appointment of David Engelman to the Board of Social Services for a term to expire in June 2011.

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Awendaw Consolidated Fire District. It was stated that an announcement of four vacancies on the Awendaw Consolidated Fire District Advisory Board was made at the Administration Policy/Rules Committee of January 29,

2009. Terms of Paul Misuraca, Gary Durgin, William Kitchener, and Jacob Smith are due to expire in April, 2009. Applications for reappointment were received from Paul Misuraca and Jacob Smith. Gary Durgin and William Kitchener both expressed their interest in being reappointed. A letter of support from Chief Mike Rakoske was received on behalf of all four current members of the Advisory Board.

The Awendaw Consolidated Fire District was established by County Ordinance and consists of nine members comprised of seven residents of the East Cooper area and a representative from the Towns of Awendaw and McClellanville. The purpose of the Board is to advise Charleston County Council of the nature and level of fire services to be provided in the Awendaw Consolidated Fire District.

Committee recommended that Council reappoint Paul Misuraca, Gary Durgin, William Kitchener, and Jacob Smith to the Awendaw Consolidated Fire District for a term to expire in April 2011.

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

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding a vacancy on the Charleston Naval Complex Redevelopment Authority. It was stated that an announcement of one vacancy on the Charleston Naval Complex Redevelopment Authority was made at the January 29, 2009, meeting of the Administration Policy/Rules Committee. The term of Louis Mintz is due to expire in April, 2009. Applications for appointment were received from David Alan Coker and Richard H. Reeves.

Appointments to the Charleston Naval Complex Redevelopment Authority are made by the Governor upon the recommendation of County Council and with the confirmation of the Senate. Charleston County Council makes one recommendation to the Governor. Terms on the Authority are for four years. The Authority was established for the purpose of overseeing the redevelopment of the Naval Complex.

Committee recommended that the Governor appoint David Alan Coker to the Charleston Naval Complex Redevelopment Authority for a term to expire in April 2013.

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding vacancies on the Community Development Advisory Board. It was stated that an announcement of two vacancies on the Charleston County Community Development Advisory Board was made at the January 29, 2009, meeting of the

Administration Policy/Rules Committee. Terms of Bill Bennett, representing the construction sector, and Samuel Campbell, the community-based representative, are due to expire in April 2009. Applications for appointment were received from the following:

Construction Sector

Bill Bennett  
Andrew Smith

Community-Based

Samuel Campbell  
Sheila Daniels  
Henrietta Woodward

The Community Development Advisory Committee provides policy guidance for and exercises oversight with respect to activities and services provided under the Housing and Community Development Act of 1974. The Committee makes recommendations to County Council on matters affecting the Consolidated Plan and other related matters as the common interest of the participating governments may dictate. The Committee consists of representatives from 9 (nine) local governments and 4 (four) non-government partners. The non-government partners must be one representative from each the financial, legal, and construction fields as well as one community-based representative. Terms of the Community Development Advisory Committee will initially be staggered with two members holding one year terms and two holding two year terms. Following initial appointments, terms will be two years.

Committee recommended that Council:

1. reappoint Bill Bennett to the Community Development Advisory Committee representing the Construction Sector for a term to expire in April 2011
2. appoint Henrietta Woodward to the Community Development Advisory Committee as the Community Based Representative for a term to expire in April 2011.

Mr. Thurmond moved approval of the reappointment of Bill Bennett representing the Construction Sector to the Community Development Advisory Committee, seconded by Ms. Condon, and carried.

Ms. Condon moved approval of the appointment of Henrietta Woodward to the Community Development Advisory Committee as the Community Based Representative.

Mr. Inabinett moved for the appointment of Samuel Campbell to the Community Development Advisory Committee as the Community Based Representative.

The Chairman asked for a show of hands for Ms. Woodward, followed by a show of hands for Mr. Campbell. Ms. Woodward was declared to have been selected for the Community Based Representative on the Community Development Advisory Committee.

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to

Council regarding a vacancy on the Weed and Trash Abatement Hearing Board. It was stated that an announcement of one vacancy on the Weed and Trash Abatement Hearing Board was made at the January 29, 2009, meeting of the Administration Policy/Rules Committee. The term of Susanne Banks expired in March 2009. One application for appointment was received from John David Wilcox.

The Weed & Trash Abatement Hearing Board is a three member board that is charged by County Council to receive testimony and make written determinations concerning appeals of citizens desiring to contest an abatement order issued by a Charleston County Code Enforcement Officer in compliance with the County's Weed & Trash Abatement Ordinance (#1227). Meetings are scheduled on an as-needed basis. All determinations made by this Board are final unless the decision of the Board is appealed to Council within ten days after service of the Board's decision. Terms of the Weed & Trash Abatement Hearing Board are for three years.

Committee recommended that Council appoint John David Wilcox to the Weed and Trash Abatement Hearing Board for a term to expire in March 2012.

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

A report was read from the Administration Policy/Rules Committee under date of April 2, 2009 that it considered the information provided by Kristen Salisbury, Deputy Clerk to Council regarding a vacancy on the Disabilities and Special Needs Board. It was stated that an announcement of one vacancy on the Disabilities and Special Needs Board was made due to the resignation of one of the members of that board. Applications for appointment were received from Angelica Colwell, Donald Cronin, Rachelle Mary Lavelle, and Gilbert Smith.

Gilbert Smith currently serves on the Tri-County Link Board, a board which is appointed by County Council and is also a former member of the Disabilities and Special Needs Board.

Members of the Disabilities and Special Needs Board are appointed by the Governor for four year terms. County Council recommends to the Governor persons to be appointed. The mission of the Board is to assist people with disabilities in meeting their needs, pursuing their dreams and achieving their possibilities; and to minimize the occurrence and reduce severity of disabilities through prevention. The Board meets on the second Thursday of each month at 5:30 p.m.

Committee recommended that the Governor appoint Rachelle Mary Lavelle to the Disabilities and Special Needs Board for a term to expire in September 2012.

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

A report was read from the Planning/Public Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Dan Pennick, Director of the Planning Department, regarding a request for

changes in Case # ZPD-12-08-2132.

Committee recommended approval with Planning Commission conditions, and the additional condition of 14 dwelling units and accessory dwelling conditions as outlined in applicant's letter dated 3-26-09.

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

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

AN ORDINANCE REZONING PROPERTIES LOCATED AT  
2630 BRYAN DAIRY ROAD

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

A report was read from the Planning/Public Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Neal, Director of Public Works, regarding the Hut and Abram Roads Project. It was stated that at the December 19, 2007 County Council Meeting, the Public Works Department was authorized to proceed with all actions necessary to seek appraisals and return to Council if purchases or condemnation is required. It was shown that Hut and Abram Roads are connecting community earth roads approximately 11,000 feet in length located on Johns Island, and have had a long history before Council. It was further stated that Staff has worked diligently to determine the property owners' positions in the 45 parcels regarding right-of-way and drainage easement dedication by donation or by accepting the appraised value as compensation. It was further shown that if Staff is to continue the project, Council authorization is required to negotiate the purchase and/or condemn the 12 parcels belonging to heirs, three (3) parcels belonging to property owners refusing to respond, one (1) property owner who refuses to dedicate right of way by donation or by accepting the appraised value as compensation, and from any other property owners unwilling to negotiate the purchase of right of way at appraised value. It was pointed out that to preclude additional delays, authorization to purchase or condemn the property required for drainage easements is needed.

Committee recommended that Council authorize Staff to purchase or file condemnation for rights of way and drainage easements on parcels affected by the Hut and Abram Roads' project, with the understanding that the amounts of such purchases, condemnations will not exceed \$400,000.00.

Mr. Inabinett moved approval of Committee recommendation, seconded by Ms. Condon, and carried. Messrs. McKeown and Schweers voted nay.

A report was read from the Planning/Public Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Deputy Administrator for Transportation, regarding the US 17 to SC 61 Project. It was stated that this project identified as Modified Alternative C was approved on October 2, 2007 and since that time Staff has met with the Moreland Homeowners Association

and the Mayor and City Council Member from this area. It was further stated that following discussion with the neighborhood and City of Charleston Transportation Staff, County Staff has developed a revised concept which they believe the City of Charleston City Council will formally approve.

Committee recommended that Council approve Staff's requested revisions as follows and direct Staff to take all necessary steps required to return to Council for award of the project for construction:

1. Reconstruction of Wesley Drive to include new pavement, curb & gutter, and sidewalks.
2. Reconfiguration of the Folly Road at Windermere Boulevard Intersection to provide for a dedicated left turnlane from Folly Road into Windermere Boulevard.
3. Improved pedestrian crosswalk and pedestrian signal at SC 61 and Wesley Drive.
4. Widened sidewalks and improved crosswalks for the West Ashley Greenway crossing at Windermere Boulevard.

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

A report was read from the Planning/Public Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Kurt Taylor, Deputy Administrator of Transportation, regarding a process to evaluate annual allocation projects. It was stated that the proposed Evaluation and Prioritization Process provides an analysis of the benefits of each project within an allocation category and assigns values in objective categories, such as: the number of homes served by a project, the number of vehicles using the facility, the amount of public support for the project, the length of time since the request for the project was first received, accident history in the project area, whether the project is located on a school bus route, and other elements specifically related to the project category. It was shown that each year during the development of the Annual Allocation Projects roster to be presented to Council for review and approval, requests from several sources throughout the County are received and that this Objective Evaluation and Prioritization Process will assist staff in developing a list of projects that can be prioritized within each district and on a Countywide basis.

Council Member Condon requested that, if possible, that total evaluation numbers for all project be the same.

Committee recommended that Council approve the use of the Objective Evaluation and Prioritization Process in formulating a prioritized list of allocation projects by category, with the understanding that this process would be utilized to develop a roster for the 2010 Allocation Projects, and would then be used each year thereafter.

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

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

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Grants Administrator, regarding Incentive funds being awarded to the region for performance excellence. It was stated that Charleston County, is the administering agency for the Workforce Investment Act (WIA) funds, and that the funds are the direct result of the Trident Workforce System meeting/exceeding the outcomes set forth by the Department of Commerce for the prior program/fiscal year. It was further stated that the monies are designated to support the Trident One Stop Career System services in Berkeley, Charleston, and Dorchester Counties, as well as staff and board training, business services, one stop facility enhancements, equipment and other related workforce activities.

Committee recommended that Council approve acceptance of \$150,332 under the Incentive Grant from the U. S. Department of Labor through the South Carolina Department of Commerce, with the understanding that the funding is a result of performance excellence and is intended to provide Workforce Development Program Services in the Tri-County Area, and that no match or additional FTE's are required and that the grant period runs from January 1, 2009 through June 30, 2010.

A report was read from the Finance Committee under date of April 2, 2009 that That it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Grants Administrator, regarding funds that have been awarded to Charleston County, as the administering agency of the Workforce Investment Act (WIA) for the Trident One Stop Career System (TOSCS). It was stated that IWT funds are used to provide resources for businesses to train currently employed workers in an effort to keep businesses and workers competitive in this changing economy. It was also stated that these dollars provide funding for training of employed workers to meet the changing demands of the company due to expansion, new technology, retooling, new services/product lines and new organizational structuring.

Committee recommended that Council approve acceptance of two separate allocations in Incumbent Worker Training (IWT) dollars for a total IWT dollar amount of \$465,000, from the U. S. Department of Labor through the South Carolina Department of Commerce to provide training for employed workers and resources for businesses to remain competitive in the Tri-County Area, with the understanding that no match or additional FTE's are required and that the grant period running from July 1, 2008 through December 31, 2009.

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Gilbert A. Pohl, Director of Facilities Management, regarding a request from Heritage Trust Federal Credit Union for the County to approve a drive up ATM machine at the Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive. It was stated



that currently the Heritage Trust Federal Credit Union provides inside ATM and/or banking services at the Public Service Building and would like to terminate their lease agreement for office space and keep the existing ATM in the building. It was further stated that Heritage Trust desires a five year lease, with options to renew annually

Committee recommended that Council:

1. Authorize the County Administrator to execute an agreement, approved by the Legal Department, for the ATM machine located inside the Public Service Building to remain, with the understanding that the Heritage Trust Federal Credit Union will pay a fee of twenty five cents for every transaction for which the Credit Union receives a surcharge fee, and that this agreement can be cancelled by either party with a thirty day notice.
2. Authorize the Chairman of Council to execute a five year Land Lease Agreement, approved by the County Legal Department, with Heritage Trust Federal Credit Union for the installation of an ATM located at the Public Service Building, 4045 Bridgeview Drive, North Charleston, SC, for \$6,600 per year to be increased by 3% annually, with the commencement date to be determined upon completion of the ATM Building, and with the County Administrator authorized to approve the exercise of future options.

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Gilbert Pohl, Director of Facilities Management regarding a request from the Charleston Area Senior Citizens Services, Inc. for County Council to approve a one year extension of their lease. It was stated that on February 11, 1982, a 75 year land lease for \$1 per year was executed between the County of Charleston and the Charleston Area Senior Citizens Services, Inc., and the lease was modified in 1983, leaving 49 years remaining on the lease. It was further stated that CASC has been negotiating with HUD for permission to refinance the mortgage on the Ansonborough House, thereby reducing their interest rate from 9.25% to 5.75%. It was shown that normally HUD requires a 75 year lease be in place when a HUD property is refinanced, but HUD has waived the 75 year required and will accept a 50 year lease from CASC.

Committee recommended that Council authorize the Chairman of County Council, upon approval by the Legal Department, to execute a one year lease extension between the County of Charleston and Charleston Area Senior Citizens Services, Inc. to meet their HUD requirements for refinancing the property.

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for the US 17 N turn lane on the Seewee Road project. It was stated that this work will include traffic control, site layout, grading, sub-grade preparation, drainage improvements, hot asphalt paving, pavement marking and associated appurtenances.

Committee recommended that Council, acting as agent for the Charleston County Transportation Committee (CTC), authorize award of a contract for the US 17N turn lane on Seewee Road project to the e lowest responsive and responsible bidder meeting specifications, O. L. Thompson Construction Co., Inc., in the amount of \$71,865.00, with funding to come from the State "C" Fund for road Improvement.

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Gilbert Pohl, Director of Facilities Management, regarding the transfer of ownership of the piping system to the Charleston Water System. It was stated in order for the Charleston Water System to maintain the 15' by 400' 6" water line on County property known as TMS 411-13-00-004, it will be necessary for the County to convey a right of way easement to the Charleston Water System.

Committee recommended that Council approve and give first reading to an Ordinance executing a right of way to the Charleston Water System for the purpose of the operation and maintenance of the water service to the new Azalea Auto Garage shop located at 4371 Headquarters Road, North Charleston, SC, with the right of way being 15' by 400'.

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

An Ordinance authorizing transfer of the piping system on County Property was given first reading by title only.

#### AN ORDINANCE

APPROVING AND AUTHORIZING THE TRANSFER OF OWNERSHIP OF THE PIPING SYSTEM AND GRANTING A RIGHT OF WAY EASEMENT TO CHARLESTON WATER SYSTEM OF A PORTION OF COUNTY PROPERTY KNOWN AS THE AZALEA AUTO GARAGE SHOP.

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

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Ashley Pennington, regarding lost State appropriations. It was shown that if funding is not restored or supplemental funding found, the Public Defender Office will not have sufficient funds to cope with the shortfall, and will have to layoff up to three attorneys and two support staff member either by the end of the first quarter, or no later than the second quarter. It was stated that the 2009 federal economic stimulus package permits public defenders to apply for Justice Assistance Grant funding from the SC Department of Public Safety, Office of Justice Programs to maintain the court system's efficiency.

Committee recommended that Council approve the submission of a Justice Assistance Grant from the SC Department of Public Safety, Office of Justice

Programs by the Public Defender in the amount of \$274,463, with the understanding that:

1. There are four grant-funded FTEs associated with this request and that continuation of these positions is contingent upon grant funding.
2. There is no local match required
3. The grant period runs from July 1, 2009 to June 30, 2011
4. Council also approved the Chairman writing a letter in support of this grant if requested by the Public Defender and approved by the County Attorney.

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

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Keith Bustraan, Chief Deputy Administrator and Finance Officer, regarding Charleston County's contract with the Charleston Animal Society (CAS) for animal control services. It was stated that CAS was requesting three amendments to the current contract. These requests are as follows:

1. Increase the flat monthly fee and "per event" fee beginning in FY 2010, including a fee for disposal of "road kill" animals brought to the shelter for disposal.
2. Provide a FY 2009 one time "catch-up payment of \$224,302 to account for CAS operating shortfall from March 1, 2008 to June 30, 2009.
3. Provide an additional capital contribution of \$1,250,000 to defray the expenses of the new facility.

Committee recommended that Council:

1. Increase the flat fee and the per event fee beginning FY 2010 per the cost provided by the Charleston Animal Society and provide a one time payment of \$112,151 to the Charleston Animal Society for FY 09 with funds to come from Council Contingency.
2. Direct staff to establish the rate to the public for pick up fees from the Charleston Animal Society to match those of Charleston Animal Society fees.

Mr. Summey moved approval of Committee recommendation, seconded by Mr. McKeown, and carried. Messrs. Schweers and Thurmond voted nay.

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Toy Glennon, County Assessor, regarding a request to postpone the five-year countywide reassessment in calendar year, 2010. It was stated that performing a reassessment

typically takes two years, including approximately 18 months of multiple regression computer modeling of reassessment values, and the Assessor was recommending that the reassessment be postponed for several reasons.

Committee recommended that Council:

1. Approve a postponement in implementation of the scheduled 2010 countywide reassessment until the summer of 2011, as allowed by State Law.
2. Direct the Legal Department to draft a postponement Ordinance pursuant to 12-43-217 (B) and give first reading to the Ordinance.

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

An Ordinance postponing implementation of reassessment for one year was given first reading by title only.

#### AN ORDINANCE

AN ORDINANCE POSTPONING FOR ONE PROPERTY TAX YEAR THE IMPLEMENTATION OF REVISED VALUES IN CHARLESTON COUNTY RESULTING FROM THE COUNTY-WIDE EQUALIZATION PROGRAM PROVIDED PURSUANT TO SECTION 12-43-217(B) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED.

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

A report was read from the Finance Committee under date of April 2, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Walter L. Smalls, Deputy Administrator for Support regarding an update on Charleston County's efforts on the American Recovery and Reinvestment Act (ARRA). It was stated that Charleston County is the administrating agent for workforce funds in the region, and has been notified by the South Carolina Department of Commerce that Workforce Investment Act funds for Program Year 2008 (fiscal year 2009) have been announced through ARRA and are to provide for services to three categories of job seekers, adults, youth and dislocated workers as well as various services to employers in Berkeley Charleston and Dorchester Counties.

Committee recommended that Council approve acceptance of \$4,668,965 through the American Recovery and Reinvestment Act of 2009 from the U. S. Department of Labor through the South Carolina Department of Commerce to provide expanded Workforce Development Services in the Tri-County Area, with the understanding that the services to youth, adult and dislocated workers will be governed by the ARRA regulations released by the Department of Commerce, and per Commerce guidance, the current youth contractor will be expected to provide expanded services through their existing contract with the County, and that no match or additional FTE's are required for the grant period of July 1, 2008, until June 30, 2010.

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

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

Mr. Charles Karesh, Chairman of the Charleston Animal Society thanked Council on behalf of their Board for their action at this evening's meeting.

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

Ms. Condon thanked all those who assisted at the Ravenel Bridge Run in Recycling collection. She stated that their actions would really help us to reach our goal of recycling 40% of our trash

Mr. Thurmond thanked Staff for all they are doing to furnish Council with needed information as decisions are being made for the fiscal year 2010 budget.

Mr. Darby noted Mr. Scott in the audience and thanked him for joining us.

Mr. Pryor echoed Mr. Thurmond's praise of Staff.

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

Beverly T. Craven

Clerk of Council



**Consent Agenda**  
**A) Fair Housing**  
**Month**  
**B) Community**  
**Development**  
**Week**  
**C) Emergency**  
**Management**  
**Grant**