

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
May 23, 2005

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday **May 23, 2005**, at 6:53 p.m. in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. William E. Crosby, Council Member District No. 3, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mrs. Nicole Ewing, County Deputy Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Judy C. Mims, Council Member District No. 6, and Mr. Steve C. Davis, Council Member District No. 8, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

CALL TO ORDER

Chairman Rozier called the meeting to order.

APPROVAL OF MINUTES

Chairman Rozier asked for approval of minutes from: Public Hearings dated April 25, 2005; and Regular Council Meeting dated April 25, 2005.

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Mr. Carroll Cash, residing at 1285 Wildgame Road, Summerville, addressed Council and stated that he wanted to speak about the resolution presented to Council by the Planning Commission on January 4, 2005, as follows:

- “Listen to the heart of those eight people” Council appointed to the Planning Commission.
- Planning Commission is concerned that it was removed from the process of plat/subdivision review and final decision in approving/disapproving subdivisions when County Council adopted an ordinance in 2004.
- “Listen to their heart” (Planning Commission) and “their concern for this County” with the tremendous development Berkeley County is faced with.
- Planning Commission is concerned with the detrimental effect of the entire development process without its questions, input and review by citizens attending its meetings.
- Planning Commission has wisdom and insight, asks questions, poses concerns to developers and the community, and makes balanced decisions.
- Planning Commission is concerned with: assuring the regulations in ordinances of 1999 and 2004 are adhered to, public safety, lifestyle of citizens living in close proximity of developments, and effects of developments.

In conclusion, Mr. Cash urged Council to vote in favor the Resolution restoring the Planning Commission to be a part of plat reviews and final decisions on development in Berkeley County.

Mr. Cash addressed Council with a second item and stated, “I know that some of you have indicated to some of my friends and neighbors that you are a little disturbed or, maybe, even angered by an e-mail that someone gave you that I sent to our neighbors. I have a copy of that also, in case some of you didn’t get to see it. I hope you will not let your decision be based on your disturbance about my e-mail or about the anger you may have, because I asked people to call you, because I asked them to let you know how concerned they are. You can be angry at me, but before you judge any of these actions, even mine or the people who have gathered here in support of what I am saying, I want you to ask yourself a couple questions. Ask yourself if you and your neighbors were suddenly confronted with somewhere between 35,000 – 40,000 residences to be built adjacent to where you live, would you not want something to say about it? Would you not want to be able to attend a regularly scheduled Planning Commission Meeting when you know that it meets? Would you not want to be there when eight citizens ask questions, and you can share your hearts and your concerns and your hopes about your future? If this were your community, would you not have written the same e-mail trying to get people out of their houses tonight to come and sit here with you? And, would you not have written the same e-mail asking them to call you and let you know how concerned they really are about this issue? Because, this is where we are right now. This is where the people of New Hope and Sheep Island and Wasamasaw and Lebanon and State Road 176 are right now – 40,000 houses in the next two decades, and us without a voice if you deny this resolution. If you knew that an action taken by County Council would keep you and all the concerned citizens of your community from knowing what was going to happen simply because the law does not require an administrative officer to tell you that they are talking to a developer, because the resolution, because the ordinance and the law does not require the County to share any information with us. If you were

told that, would you not want something to be changed so that at least you had a part of what was happening? And, I can tell you that if the ordinance of 2004 stands as it is, and the Planning Commission is not involved, we've already been told, you won't be sharing any information with us. The law doesn't require you to do so. We won't be able to hear. We won't be able to give any input. So, maybe this doesn't affect District 1. Maybe, it doesn't affect District 2, 3, 4 and 5 right now, but it does affect District 7. Someday, it's going to affect yours. Don't you think that when it does that the people who elected you, whom you represent, who care about you and trust you, will be calling you and telling you, why didn't you do this in May of 2005 when you had a chance? The voice of the people, the voice of the electorate, the voice of homeowners, the voice of taxpayers, the voice of your neighbors and my neighbors is at stake. Please consider that tonight before you vote. Please consider it before you take away the peoples' right and need to share their heart and to hear what's happening and to maybe raise some questions. Some feel that maybe you shouldn't have been called, because we are not in your district. Well, if that's true, that's my mistake. That's the mistake of my heart and my passion and my belief that this is such a critical, critical issue. Maybe, we're not in the district that elected you, but somehow, I look at each of you, and I assume you represent me. And, even though you are not from District 7 as Mr. Pinckney is, that you are my County Council. And, that if you have this awesome power to make this decision, maybe, I have a right to call you. Maybe, I have a right to tell you to think about what's happening here and what's going on. So, we called you, and we called a number of people, and we asked our friends to call, to beg and to plead for you to listen, and to change the way you voted when the Committees met on May 9th, because we do care. We are where the future of Berkeley County is today. We are not waiting for the future; the future is with us. So, we want you to hear our heart, our concern, our hope. Not a one of us, not one person here, wants to stop development. We don't even think we can, but we want to help you to order it, to make sure that it is healthy and safe, and helps every citizen of Berkeley County to their right to the pursuit of happiness. A couple of you said to me, when I called you, that you were Christians, and that you would pray about this. I believe that. I prayed about it, and I believe that this is as much the concern of God as is the prayers that you make in your churches or synagogues on Sunday morning for those who are dying, the lonely and the sick. This is a grave issue. So, before you vote, please think about this. The difference in the ordinance of 1999 and the ordinance of 2004 that you have passed has ten paragraphs. Each ordinance has ten paragraphs. The words in the new one, 2004, are 99 percent exactly the same as the words in the one of 1999. Other than charging developers a little bit more money to do business with you, in those ten paragraphs of the review of plats and the approval of subdivisions, you have only changed about six words. You substituted the words Planning Commission, eight citizens who represent the people to whom they neighbor, with the word administrative officer – one person. So, I have four questions, and tonight, I just ask you, in your hearts, as responsible men and women, as elected representatives, to answer these questions before you vote. Here is the first one. Am I certain this change really makes the process of review of plats and the approval of subdivisions for developers, builders, and citizens, and the whole County better? Am I absolutely certain that that's true? The second one is – am I certain that the new ordinance has really

improved and streamlined the process of deciding when, where and who builds our next giant subdivisions? And, the third question is, am I without a doubt that one person on the staff is better fitted and wiser to make the final decision than eight citizens who listen to their neighbors? And, then finally, do I really want to keep the people of Berkeley County from being involved in the listening, caring, and speaking about the future of this wonderful County that we live in? Do I really want to do that? If you can answer all four of those questions with a big resounding 'yes', then, by all means, you should vote 'yes' to the Committee's recommendation that you deny the Planning Commission their resolution. But, if tonight, before you go home, and before you go to sleep, you're going to have one single doubt about any one of those four, then I ask you to vote 'no' to the Committee's motion to deny. And, please, please restore the Planning Commission to the place where they were and to the resolution that they ask. And, if you can't do that, than at least consider changing it to the Planning Commission, and putting this back for study until you realize the gravity of what this does. Listen to their hearts, and listen to yours."

Chairman Rozier stated, "I have only found it necessary to do this one time in fourteen and one-half years, but I have signed up as a member of the public, and I am going to turn the gavel over to Mr. Crosby, and I am going to respond to some of this if you all don't mind. Mr. Crosby, you are in charge."

Chairman Rozier continued, "I am Jim Rozier. My address is 1610 Dennis Boulevard, Moncks Corner. There are a couple things I think I need to clear up. First of all, this Council is very concerned about Berkeley County and the future of Berkeley County – extremely concerned about it. We are also concerned about property rights, and people having a right to use their property, and use their property in accordance with Council's rules. And, those rules have been changed pretty significantly. The change that the former speaker talked about as far as changing a few words in the ordinance – that was the few words handed back to the Planning Commission. This ordinance was changed dynamically and drastically. We went from 10.2 houses per acre in a subdivision to three houses per acre in a subdivision. The former speaker was a part of that. He met with me on several occasions with members from the community and agreed to that change. He thought it was a good change. We changed significant parts of that ordinance. The decision Council made was that if a developer or individual that wants to subdivide property follows every rule, 100 percent of the rules that Council made, then they should be able to do a subdivision. And, that goes for a subdivision of four or five lots, ten or twelve lots, or two hundred to three hundred lots, or one thousand lots. If they follow the rules, there should be no reason for them not to move forward. If you don't like the rules, then Council should change the rules. But, if they follow the rules, there should not be a problem. Now, as far as one person making decisions, that is simply not the case. When this subdivision comes in following the rules, there are six people that decide whether they followed the rules or not. We have a member from the Planning and Zoning Department – a planner, with a Master's Degree in Public Administration or Planning. We have an engineer from the Roads and Bridges Department. We have an engineer from Berkeley County Water and Sanitation. We have a person from DHEC, the Department of Health and Environmental Control. We

have the person who is the Director of Soil and Water Conservation District in Berkeley County. And, we have a representative from the Council of Governments. A number of those six people come together and make that decision as to whether the developer is following all the rules or not. We are not trying to get something by. We are trying to be sure that the rules are followed, but when the rules are followed, that citizens are not held up for months trying to follow the rules that Council has deployed to put in place. Again, if you don't like those rules, we should change those rules. Now, if they come in for a zoning change, they come in for a variance to those rules, then they should be looked at by a commission. If they are not going against those rules, they are following 100 percent of the rules, then they should not be held up."

Chairman Rozier continued, "Mr. Cash, I am not angry about your e-mail. I am insulted by it. Would you like for me to read it to the public? Would that be ok?"

Mr. Cash responded, "I have no problem with it."

Chairman Rozier asked, "Are you sure it's ok? You don't mind if I read your e-mail?"

Mr. Cash responded, "I have no problem with it."

Chairman Rozier read Mr. Cash's e-mail aloud, as follows:

"Ok, guys; we talked this morning at breakfast. Now, it is time for action. Barbara Austin, Clerk of County Council, says that Phillip Farley has not yet put the Planning Commission resolution on his Committee agenda. So, we must call him, and stay on him until he does. Please call him today, and ask every neighbor and friend you have to call him. Wear him out. I just spoke with Steve Davis, the District 8 Council Member. Steve says he is fully in support of restoring the Planning Commission to review and approval of the subdivisions and thinks that is where it belongs. He will support it when it comes before Council. He says, however, that he has no influence with Mr. Farley. Steve operates on a 6:2:1 rule with Council. There are six Republicans who control decisions, two Democrats who have little voice and one dictator. Guess who the dictator is? Steve says that Dennis Fish is also a key. Get Dennis to move Phillip Farley to action. Bill Crosby checks the wind direction to be sure his vote is blown in the right direction. Judy Mims is strong and will support the Planning Commission. Charlie Davis just votes occasionally. Caldwell Pinckney will just talk and take no action. And, Judy Spooner belongs to Rozier."

Chairman Rozier concluded, "Now, if you want to insult some people that represent you, say things like that about them. It certainly insulted me."

Mr. Cash stated, "My name is still Carroll Cash. I live at 1285 Wildgame Road, Summerville. I am going to address the ordinance first, Sir, since you made this personal. It seems to be personal. The ordinance was changed greatly. I made no

reference to the ordinance not being changed. I made reference to the ordinance in ten paragraphs that address the review of subdivision plats, and that has not been changed. You just gave us the great statement, and it is Paragraph 6, if I can find it. Here is the paragraph you were hanging all this on. 'If the preliminary plan is found to conform to all of the requirements of this ordinance, approval shall be given by the administrative officer. The Planning Department shall retain one copy, and one copy shall be given to the subdivider.' That is the thing. If it really complies with all of it, nothing should change, isn't that right? Well, here is what the ordinance of 1999 said – same paragraph – listen to it; see the difference. 'If the preliminary plan is found to conform to all of the requirements of this ordinance, approval shall be given by the Planning Commission.' You see, it says the same thing. The only words changed are from Planning Commission to administrative officer. And, if I read to you all ten of these – and I will be glad to let you read one and I'll read the other. Each one of them will say identically the same thing – not one iota different, except you have taken these people, these eight people out. They don't slow the process down. They meet the first Tuesday of every month at the same appointed time, and they allow the citizens to come in and listen. And, when I asked the administrative officer, recently, 'would you allow us to come, would you tell us when you are talking to a developer, and could we ask questions because we were concerned', the answer was, 'absolutely not; the law does not require us to give you any information, to share anything with you or your neighbors, and we will not do so.' Now, you didn't change anything in the ordinance. You did change the minimum lot sizes, and you changed the setbacks. And, if you are offended by my e-mail, you will have to be offended. I only wrote the truth that I believe and what I have observed. I stand by my words. But, me and you are not the issue here. This is not an issue between Jim Rozier and Carroll Cash. This is an issue about what's good for this County. Don't let it be personal, Mr. Rozier. You can – you can take me to task, but don't take these people, don't take the neighborhoods, don't take the mail. My wife wrote me this note, and if I can find it, I will read it to you, because you made reference to your notes. She knew I was nervous, and she said this, 'remember, you have a good heart; you are a caring man; I love you without measure, and the Lord is your shepherd, and nobody can touch you.' Thank you, Sir, for giving me this opportunity."

Vice Chairman Crosby returned the gavel to Chairman Rozier.

Mr. Wade Chaney, residing at 237 Beltline Road, Summerville, addressed Council and stated that the citizens of Berkeley County had a right to be involved in the process. If developers follow the rules, and the County approves subdivisions without taking into consideration the citizens and communities in the surrounding areas, it is wrong, as checks and balances are a part of democracy. In conclusion, Mr. Chaney stated that it was wrong to disallow citizen participation in the process of subdivision development.

Council Member Spooner stated that every policy adopted with regard to zoning, subdivision regulations and the land use plan have been carried out in an open forum. The process included the Planning Commission, County Council and public input. The

public has every opportunity for participation during the process of property being rezoned for development purposes.

EXECUTIVE SESSION – None

STATUS REPORT ON IMPACT FEES FOR TRANSPORTATION IMPROVEMENTS: LARRY MEISNER, KIMLEY-HORN

Chairman Rozier stated that Mr. Larry Meisner and Mr. Matt Noonkester represented the consultant firm of Kimley-Horn & Associates.

Mr. Larry Meisner stated that Berkeley County and the Berkeley/Charleston/Dorchester Council of Governments requested Kimley-Horn to perform a study of traffic impact fees for roads impacted by development in Berkeley County. Highlights of Mr. Meisner's presentation included the following:

- The study incorporates the purpose of impact fees, service zones within the County, an analysis of conditions related to growth, an estimation of potential traffic impact fees in terms of magnitude, and development of an ordinance for implementing traffic impact fees.
- Traffic impact fees were developed 20 – 25 years ago in areas faced with the increasing costs of keeping roadways operating at a good level of service, in light of rapid growth/development and limited funding in an area.
- Impact fees are a method of raising revenue to fund new development only – new growth paying a fair share of the cost of improving roadways.
- It is a fee, not a tax. As a fee, it must demonstrate that it provides benefit to the party paying the fee.
- Revenue raised by this fee must be less than the total cost of improving roadways. The fee cannot be used to raise general revenue.
- Fees cannot be used to correct existing deficiencies of a roadway.
- There must be a geographic relationship between fees and benefits.
- An appeals process must be in place for those who believe established fees are unfair.
- A mechanism for giving credits against impact fees must be in place for roadway improvements in the capital improvement plan.
- SC Impact Fee Act requires: a comprehensive plan or capital improvements program; fees correctly accounted for; preparation of an annual report; negotiations; credits for developers; and an appeals process. Also, this act exempts affordable housing (defined as housing affordable to families with 80 percent of the median income). Housing classified as affordable would not be required to pay a fee, but other funds would have to be generated to pay a fee-in-lieu for that type housing.
- The SC Enabling Legislation is very specific in avoiding a situation where a developer pays twice (i.e., constructing a planned roadway, in addition to paying impact fees).

- SC Legislation does not allow impact fees to fund administrative costs. Fees can only be used for the planning, engineering, construction and rights-of-way for roads.
- Proposed service zones use natural barriers (i.e., waterways and wetland areas), versus using roads as boundaries for minimal connections. Using roads (i.e., US Highway 52) as barriers creates problems, because if there is a need to improve a road, it is in two different zones, and funds must be collected in the zone collected. There are five zones proposed in Berkeley County. Most of the existing population and proposed growth is located in Zone 1. Zone 1 and Zone 2, particularly, would be affected in terms of growth and needs for traffic improvements.

Mr. Matt Noonkester discussed fee calculation, as follows:

- In terms of mechanics, the impact fee calculations and ordinance created would be based heavily on the Council of Governments' model, which was recently completed.
- Kimley-Horn is presently partnering with Berkeley County staff to review land use assumptions in the Council of Governments' model, especially with new development pressures, to assure they are included in all calculations.
- Construction cost estimates are being evaluated in corridors found to be deficient.
- Evaluations are made on an "average daily trip" basis by ITE (Institute Transportation Engineers) trip generation, in addition to grounding with professional literature and organizations, to guard against legal challenges. Pass-by capture will be discussed in subsequent presentations. Only the impact of new development can be evaluated. Net impacts would be proportionate to the new impact fees. The intermediate step is to gain a cost per trip by zone. To do this, net impact from the base year 2003, together with a horizon year of 2020 for long-range planning, is used. A cost by trip by zone will be calculated, because there has to be a logical tie between where the development is occurring and where the money from the impact fee would be spent.
- Trip and discount will be discussed in the future. This is an accounting that the impact fee is accurately being charged for trips new to development.
- A maximum impact fee will be determined first. This is nothing more than the cost per trip multiplied by the number of trips, which the ITE has found to be associated with certain land uses. The fee would be tied to different land uses so that the proportional share to the amount of traffic generated on the roadway network would be paid.
- It is very important not to have revenues greater than costs. Counties and municipalities all around the country will build in some type of a discount, which will further protect the County from legal challenges of methodology, cost accounting, etc. This is not a discount based on distance, but rather round trips.
- Next steps: continue partnership with County staff to focus on land use anticipated to exist between now and 2020; develop a draft impact fee schedule, in format, as a list of land uses, the number of trips associated with those land uses, a cost per trip by zone, and a maximum impact fee; discussions regarding a discount fee associated with the maximum impact fee; and input from County staff, Planning Commission, County Council and the development community.

Council Member Crosby asked for clarity with regard to the sunset clause.

Mr. Meisner responded that the sunset clause is required by state legislation. It deals with an expiration date, and planning to the year 2020 should be sufficient. The fees would be updated every several years, usually, as the transportation plan is updated every five years. The fees could be increased for inflation. You can make modifications, but when the ordinance is initially adopted, there must be a date it would be valid through. Also, rather than stating that funds must be spent within a certain number of years from when they are collected, the money must be spent within three years of when it was originally scheduled to be spent (for each project).

Council Member Pinckney asked if it was possible to have different zones in the same District (i.e., District 7), with different impact fees.

Mr. Meisner responded that was correct. The five zones were based on natural boundaries and not Council Districts, so it was possible to have more than one zone within a District. Monies collected in one zone cannot be spent in another zone. There is a fee paid based on land use and the amount of traffic generated. For example, a shopping center would generate more traffic than a small subdivision, thus, the impact fee would be higher. Cost per trip would be different in each of the zones, based on the cost of making these transportation improvements. The more rural area zones, which will have less growth anticipated, would have very little or no impact fees.

THIRD READING:

“BILL NO. 04-43, AN ORDINANCE TO ESTABLISH THE RULES AND REGULATIONS FOR THE KEEPING OF PETS AND OTHER ANIMALS IN BERKELEY COUNTY; TO PROVIDE FOR THE TAKING UP AND IMPOUNDING OF PETS AND OTHER ANIMALS IN CERTAIN CASES; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF; AND TO REPEAL ORDINANCES NUMBERED 93-11-26, 98-3-21, AND 02-08-36 IN THEIR ENTIRETY.”

Council Member Spooner referred to Page 14, Section 10.A, wherein, it states, “Anyone who strikes a pet or domestic animal with a motor vehicle or bicycle and injures or kills the animal must immediately attempt to notify the owner of the injury or death. If the owner cannot be found, the person striking such an animal shall immediately notify the Animal Control Officer, who shall then take the necessary steps to provide for the proper treatment or disposal of the animal.” Council Member Spooner questioned who would enforce this clause.

Mr. John Nutter, Chief Animal Control Officer, responded that if there are witnesses in an incident and a vehicle license number is obtained, an individual could be charged.

Council Member Spooner indicated dissatisfaction with the wording, "must immediately attempt to notify the owner of the injury or death."

Chairman Rozier recommended amending this section to read, "Anyone who strikes a pet or domestic animal with a motor vehicle or bicycle and injures or kills the animal must immediately notify Animal Control by calling 911 and reporting the accident. The Animal Control Officer shall then take the necessary steps to provide for the proper treatment or disposal of the animal."

It was moved by Council Member Crosby and seconded by Council Member Fish to approve **Bill No. 04-43** for **Third Reading**, as amended in Section 10.A to state, "Anyone who strikes a pet or domestic animal with a motor vehicle or bicycle and injures or kills the animal must immediately notify Animal Control by calling 911 and reporting the accident." The motion, as amended, passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-05-20 is attached to these minutes.)

"BILL NO. 05-10, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #233-06-00-005."
(CM Construction, LLC)

It was moved by Council Member Charles Davis and seconded by Council Member Crosby to approve **Bill No. 05-10** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-05-21 is attached to these minutes.)

"BILL NO. 05-16, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #222-00-00-130."
(Jessco Homes, Inc.)

It was moved by Council Member Charles Davis and seconded by Council Member Crosby to approve **Bill No. 05-16** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-05-22 is attached to these minutes.)

"BILL NO. 05-17, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #211-00-02-109."
(HLA, Inc.)

It was moved by Council Member Crosby and seconded by Council Member Fish to approve **Bill No. 05-17** for **Third Reading**. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-05-23 is attached to these minutes.)

“BILL NO. 05-18, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #180-00-03-072.”
(Dana Winters)

It was moved by Council Member Crosby and seconded by Council Member Fish to approve **Bill No. 05-18** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-05-24 is attached to these minutes.)*

“BILL NO. 05-19, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #161-11-00-058.”
(Berkeley Fraternal Order of Police)

It was moved by Council Member Farley and seconded by Council Member Crosby to approve **Bill No. 05-19** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-05-25 is attached to these minutes.)*

“BILL NO. 05-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #156-00-02-048.”
(Harold Fitzgerald)

It was moved by Council Member Pinckney and seconded by Council Member Crosby to approve **Bill No. 05-20** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-05-26 is attached to these minutes.)*

“BILL NO. 05-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #041-00-02-049.”
(Willie Ladson)

It was moved by Council Member Pinckney and seconded by Council Member Farley to approve **Bill No. 05-21** for **Third Reading**. The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 05-05-27 is attached to these minutes.)*

“BILL NO. 05-23, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #161-14-00-033.”
(Ana Oster)

It was moved by Council Member Fish and seconded by Council Member Spooner to approve **Bill No. 05-23** for **Third Reading**. The motion passed by marjority voice vote of Council. Council Member Crosby voted "Nay". *(A copy of Ordinance No. 05-05-28 is attached to these minutes.)*

"BILL NO. 05-24, AN ORDINANCE TO AMEND ORDINANCE NO. 04-06-47, ADOPTED JUNE 21, 2004 TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2004-2005 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO."

Chairman Rozier informed Council that Bill No. 05-24 would be held until June.

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

It was moved by Council Member Spooner and seconded by Council Member Fish to allow **Bills Numbered 05-25, 05-26, 05-27, 05-28, 05-29, 05-30, 05-31, 05-32, 05-33, 05-34, 05-35, 05-36, 05-37, 05-38, 05-39, 05-40 and 05-41** to be given **Second Reading** by one motion as a collective group. The motion passed by unanimous voice vote of Council.

"BILL NO. 05-25, AN ORDINANCE TO PROVIDE FOR NOISE CONTROL IN THE UNINCORPORATED AREAS OF BERKELEY COUNTY; TO PROVIDE FOR PENALTIES THEREOF; AND TO REPEAL ORDINANCE NO. 93-4-4 IN ITS ENTIRETY."

"BILL NO. 05-26, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #271-00-02-029."
(Earthsources Engineering)

"BILL NO. 05-27, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #013-00-02-046."
(Elizabeth Davis)

"BILL NO. 05-28, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #029-00-02-063."
(Sam Simmons, Jr.)

“BILL NO. 05-29, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #197-00-01-017.”
(Lindbergh and Associates)

“BILL NO. 05-30, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #022-00-01-002.”
(Sybil Thornhill)

“BILL NO. 05-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #057-00-02-047.”
(Black Oak, LLC)

“BILL NO. 05-32, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARD TO THE APPROVED USES FOR TMS #181-00-02-102.”
(Oakley Ventures, LLC)

“BILL NO. 05-33, AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF VESTED RIGHTS TO DEVELOP PROPERTY IN BERKELEY COUNTY.”

“BILL NO. 05-34, AN ORDINANCE TO AMEND THE BERKELEY COUNTY COMPREHENSIVE PLAN, ORDINANCE NO. 99-4-18, AS AMENDED BY ORDINANCE NO. 04-08-48, PURSUANT TO SOUTH CAROLINA CODE OF LAWS SECTION 6-29-510 (1976, AS AMENDED).”

“BILL NO. 05-35, AN ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2005-2006 (BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE, AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY.”

“BILL NO. 05-36, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 05-37, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 05-38, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 05-39, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 05-40, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 05-41, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR.”

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve Bills Numbered 05-25, 05-26, 05-27, 05-28, 05-29, 05-30, 05-31, 05-32, 05-33, 05-34, 05-35, 05-36, 05-37, 05-38, 05-39, 05-40 and 05-41 for Second Reading. The motion passed by unanimous voice vote of Council.

FIRST READING:

Chairman Rozier stated there were 13 bills for First Reading. Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

“BILL NO. 05-42, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #252-06-00-046.”
(Portrait Homes-SC, LLC)

“BILL NO. 05-43, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #275-00-00-056, -018, -090.”
(Trico Engineering)

“BILL NO. 05-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #233-09-02-017.”
(Louis Vick, Jr.)

“BILL NO. 05-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #178-00-03-036.”
(Randolph Varner)

“BILL NO. 05-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #197-00-02-029.”
(Jeff and Vicky Hall)

“BILL NO. 05-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #210-00-00-180.”
(Fred Amaker)

“BILL NO. 05-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #209-06-00-025.”
(Chris J. Loudon)

“BILL NO. 05-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES FOR TMS #268-00-00-074.”

(Rosemarie West)

“BILL NO. 05-50, A SECOND SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2005-A, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$150,000,000; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; DELEGATING CERTAIN MATTERS TO THE COUNTY SUPERVISOR; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 05-51, A THIRD SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, WATER AND SEWER SYSTEM REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2005-B, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$80,000,000; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; DELEGATING CERTAIN MATTERS TO THE COUNTY SUPERVISOR; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 05-52, AN ORDINANCE AMENDING ORDINANCE NO. 99-7-41, IMPLEMENTING THE MOST RECENT VERSION OF VARIOUS INTERNATIONAL CODES RELATING TO BUILDING, RESIDENTIAL, GAS, PLUMBING, MECHANICAL, AND FIRE STANDARDS, AND ADOPTING CERTAIN PROVISIONS AND APPENDICES OF SAID CODES.”

“BILL NO. 05-53, AN ORDINANCE TO AMEND AND CLARIFY ARTICLES 4, 5.5, 5.6, 7.2 AND 7.3 OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AND AMENDING ORDINANCES NUMBERED: 02-08-33, 02-12-58, AND 04-11-68.”

“BILL NO. 05-54, AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TWO ACRES, MORE OR LESS, OWNED BY BERKELEY COUNTY, LOCATED AT 1659 OLD HIGHWAY 6, CROSS, SOUTH CAROLINA, TMS NO. 041-00-04-026.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2004-2005 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Fish and seconded by Council Member Spooner to approve the Resolution for a transfer of funds in the 2004-2005 budget for

Berkeley County. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-26 is attached to these minutes.)

“RESOLUTION PROCLAIMING MAY 2005 AS MENTAL HEALTH AWARENESS MONTH.”

It was moved by Council Member Farley and seconded by Council Member Crosby to approve the Resolution proclaiming May 2005 as Mental Health Awareness Month. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-27 is attached to these minutes.)

“RESOLUTION DESIGNATING SURPLUS VEHICLES OF BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND AUTHORIZING THE SALE OR DISPOSAL OF THE SURPLUS PROPERTY.”

It was moved by Council Member Pinckney and seconded by Council Member Crosby to approve the Resolution for designating surplus vehicles of the Berkeley County Water and Sanitation Authority. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-28 is attached to these minutes.)

“RESOLUTION RECOMMENDING AN INCREASE IN THE BERKELEY COUNTY UNIFORM SERVICE CHARGE FOR FIRE PROTECTION; RECOMMENDING THAT FIVE DOLLARS OF THE INCREASE BE DISTRIBUTED TO THE BERKELEY COUNTY FIRE DISTRICT POOLED FUND; AND RECOMMENDING DISBURSEMENTS AND EXPENDITURES FROM SAID FUND BE BASED UPON RECOMMENDATIONS OF THE ADVISORY COMMISSION FOR THE SPECIAL FIRE TAX DISTRICT.”

Chairman Rozier informed Council that this resolution would be sent back to the Justice and Public Safety Committee.

REPORTS FROM STANDING COMMITTEES

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman

Chairman Fish reported that the Committee on Finance had two meetings earlier this day. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Fish's report.)*

COMMITTEE ON LAND USE, Mr. Phillip Farley, Chairman

Chairman Farley reported that the Committee on Land Use met on May 9, 2005. Many of the matters before the Committee were addressed on this night's agenda.

Recommendation to Deny:

Request by Douglas Jordan, 1930 Varner Street, Summerville, TMS #222-09-00-003, (.517 acre portion of 3.72 acres total), from R-2 Manufactured Residential to GC General Commercial. Council District No. 4.

On recommendation of the Committee, Chairman Farley moved to deny the request by Douglas Jordan, 1930 Varner Street, Summerville, TMS #222-09-00-003. (No second required.)

The motion passed by unanimous voice vote of Council.

Recommendation to Deny:

Resolution of the Berkeley County Planning Commission

On recommendation of the Committee, Chairman Farley moved to deny the resolution of the Berkeley County Planning Commission. (No second required.)

The motion passed by majority voice vote of Council. Council Members Crosby and Pinckney voted "Nay". (That concluded Chairman Farley's report.)

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney reported that the Committee on Public Works and Purchasing met on May 9, 2005. Several matters before the Committee were addressed on this night's agenda.

Recommendations: Berkeley County Water and Sanitation

▪ **St. Stephen Water and Sewer Project**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the St. Stephen Water and Sewer Project to Engineering Resources Corporation (ERC), in the amount of \$140,000.00. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Tire Collection and Disposal**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the tire collection and disposal to Ridge Recyclers, Inc., in the amount of \$63,489.50. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Daily Soil Cover Material**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for **daily soil cover material** to Austin Construction Company, Inc., in the amount of \$4.60 per ton. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Clean Contaminated Files**

On recommendation of the Committee, Chairman Pinckney moved to award the contract to **clean contaminated files** to Service Master, in the amount of \$68,965.00. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mr. William E. Crosby, Chairman

Chairman Crosby reported that the Committee on Justice and Public Safety met on May 9, 2005. All matters before the Committee were addressed on this night's agenda. (That concluded Chairman Crosby's report.)

COMMITTEE ON WATER AND SANITATION, Mrs. Judith K. Spooner, Chairman

Chairman Spooner reported that the Committee on Water and Sanitation met on May 9, 2005, and earlier this night. Many of the matters before the Committee were addressed on this night's agenda.

Recommendations:

▪ **Agreement for the Collection of Payments to the Town of St. Stephen**

On recommendation of the Committee, Chairman Spooner moved to approve the **agreement for the payment to the Town of St. Stephen**, in the amount of \$500.00 per month for the first year. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Grievance Committee Appointments: Jerri Christmas, May 25, 2008 and Vanderbilt (Tony) Brown, May 25, 2008**

On recommendation of the Committee, Chairman Spooner moved to appoint **Jerry Christmas and Vanderbilt (Tony) Brown to the Berkeley County Water and**

Sanitation Authority's Grievance Committee, with terms to end May 25, 2008. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Spooner's report.)

COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Steve C. Davis, Chairman

In Chairman Steve Davis' absence, Council Member Pinckney reported that the Committee on Planning and Development met on May 9, 2005. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Steve Davis' report.)*

COMMITTEE ON COMMUNITY SERVICES, Mr. Charles E. Davis, Chairman – no report

COMMITTEE ON HUMAN SERVICES, Mrs. Judy C. Mims, Chairman

In Chairman Mims' absence, Council Member Charles Davis reported that the Committee on Human Services met on May 9, 2005. All matters before the Committee were addressed on this night's agenda. *(That concluded Chairman Mims' report.)*

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Council Member Farley nominated Ms. Naomi J. Russ for re-appointment to serve on the Accommodations Tax Advisory Committee.

Chairman Rozier informed Council that nominations to the Accommodations Tax Advisory Committee are required to meet specific categories, and he asked Mrs. Ewing to ensure compliance.

Council Member Fish nominated Mr. Christopher Neldner for appointment to serve as a floating member representing St. Ives on the Devon Forest Special Tax District Advisory Commission. Mr. Neldner will replace Mr. Lee Riddick, representing the Ashton area.

Council Member Spooner nominated Mr. Dave Owens and Mr. Larry Brown for appointments to serve on the Pimlico Special Tax District Advisory Commission, replacing Mr. Eric W. Harris and Mr. Stephen M. Richards, respectively.

Chairman Rozier recommended the nomination of Mr. Gene Williams, Berkeley Electric Cooperative, to replace Mr. E.E. Strickland, Berkeley Electric Cooperative, on the Charleston Regional Development Alliance.

Nominations to the Accommodations Tax Advisory Committee, Devon Forest and Pimlico Special Tax District Advisory Commissions and the Charleston Regional Development Alliance passed by unanimous voice vote of Council.

CORRESPONDENCE – None

UNFINISHED BUSINESS

Chairman Rozier informed Council that he had spoken with Dr. Chester Floyd, Berkeley County School District, regarding the MenRiv School building. Dr. Floyd is preparing a presentation to bring before County Council next month (June).

NEW BUSINESS

“RESOLUTION EXTENDING THE TIME PERIOD FOR THE BERKELEY COUNTY PLANNING COMMISSION TO CONDUCT STUDIES AND TO DEVELOP AND MAKE RECOMMENATIONS FOR A CAPITAL IMPROVEMENTS PLAN AND IMPACT FEE ORDINANCE, IN ACCORDANCE WITH THE SOUTH CAROLINA DEVELOPMENT FEE ACT, SC CODE OF LAW, §§ 6-1-910, ET SEQ.”

Chairman Rozier informed Council that the time period allotted for the study, development and recommendations for a Capital Improvements Plan and Impact Fee Ordinance was insufficient.

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the **Resolution extending the time period for the Berkeley County Planning Commission** to conduct studies, develop and make recommendations for a **Capital Improvements Plan and Impact Fee Ordinance**. The motion passed by unanimous voice vote of Council.

ANNOUNCEMENTS

The **June 2005 Regular Meeting of Berkeley County Council** will be held on **Monday, June 27, 2005**, immediately following Public Hearings and the meeting of the Committee on Finance at **6:00 p.m.** in the **Assembly Room, 223 North Live Oak Drive, Moncks Corner, South Carolina.**

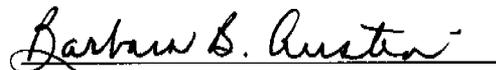
Chairman Rozier extended an invitation for everyone to attend the ribbon cutting at the new Berkeley County Administration Building, 1003 Highway 52 in Moncks Corner, on Thursday July 7, 2005, at 6:00 p.m.

ADJOURNMENT

It was moved by Council Member Pinckney and seconded by Council Member Crosby to **adjourn** the Regular Meeting of County Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:14 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – None


Barbara B. Austin, CCC
Clerk of County Council

June 20, 2005
Date Approved

ORDINANCE NO. 05 - 05 - 20

AN ORDINANCE TO ESTABLISH THE RULES AND REGULATIONS FOR THE KEEPING OF PETS AND OTHER ANIMALS IN BERKELEY COUNTY; TO PROVIDE FOR THE TAKING UP AND IMPOUNDING OF PETS AND OTHER ANIMALS IN CERTAIN CASES; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF; AND TO REPEAL ORDINANCE NUMBERS 93-11-26, 98-3-21 and 02-08-36 IN THEIR ENTIRETY.

WHEREAS, Section 47-3-20 of the Code of Laws of South Carolina, 1976, as amended, grants authority to Berkeley County to enact an ordinance for the control of dogs and other domestic pets and to prescribe penalties for violations thereof; and

WHEREAS, on November 22, 1993, the Berkeley County Council enacted Ordinance No. 93-11-26, known as the "Berkeley County Animal Control Ordinance"; and

WHEREAS, on March 23, 1998, the Berkeley County Council enacted Ordinance No. 98-3-21, to amend Berkeley County Animal Control Ordinance No. 93-11-26, known as the "Wild Animal Ordinance"; and

WHEREAS, the Berkeley County Council believes that it would be in the best interest of the citizens and residents of Berkeley County to further amend the procedure for animal control by adopting the following rules and regulations.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Berkeley County, South Carolina, in a meeting duly assembled:

SECTION ONE
DEFINITIONS

As used in this Ordinance, the following terms mean:

ABANDONMENT: Deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for twenty-four (24) hours.

ANIMAL CONTROL OFFICER: A person employed by the County as an enforcement officer of the provisions of this Ordinance.

ANIMALS: All live vertebrate creatures, either domestic or wild, except *homo sapiens*.

ANIMAL SHELTER: Any place or premises designated by the Berkeley County Council for the care, keeping, impounding, or euthanasia of stray, neglected or abandoned animals.

BUFFER ZONE: A two hundred foot (200) buffer area surrounding the cage, shelter, enclosure or facility which houses a wild animal as defined by this ordinance.

CONFINED: Kept in an enclosure or secured by a leash which shall have a length not less than three times the length of the animal as measured from the tip of the nose to the base of the tail, and which shall be free from obstructions. All domestic animals shall be provided with protection from the elements.

DANGEROUS ANIMAL: Any animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

DOMESTIC ANIMAL: Owned or stray cats, dogs, ferrets, or other animals for which there exists a rabies vaccine approved by DHEC and licensed by the United States Department of Agriculture.

ENCLOSURE: A building, pen or fenced area or other structure built to prevent intrusion or escape by any animal.

FERAL ANIMALS: An animal that (1) is untamed or wild by nature, or (2) has reverted to a wild state.

HARBORING OR OWNING WILD ANIMALS: Allowing a wild animal as defined by this ordinance to remain, lodge, be fed, or to be given shelter or refuge within a person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises located in a residential area or in breach of the buffer zone as defined by this ordinance.

INOCULATION AGAINST RABIES: The injection, subcutaneously, intramuscularly, or otherwise, of anti-rabies vaccine as approved by the Department of Health and Environmental Control and by the United States Department of Agriculture, Veterinary Biologics Division, administered by a licensed veterinarian.

LIVESTOCK: Any horse, sheep, beef or dairy cattle, donkey, mule, jack, jennet, burro, goat, pig, domesticated hare, rabbit, or llama.

OWNER: Any person who (1) has a property right in a pet or an animal, (2) keeps or harbors a pet or an animal or who has it in their care or acts as its custodian, or (3) permits a pet or animal to remain on or about any premises occupied by them. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

PET: Domestic animals which freely associate and interact with human beings and which are not prohibited by this ordinance to be harbored or owned.

POSITIVELY IDENTIFIABLE ANIMAL: An animal that bears or wears a legible and traceable identification tag, rabies tag, or a microchip identification device.

PUBLIC DISTURBANCE: Any pet or domestic animal that:

- a) Molests passersby or passing vehicles; or
- b) Attacks other animals; or
- c) Trespasses on school grounds; or
- d) Is repeatedly at large; or
- e) Damages private or public property; or
- f) Barks, whines, howls, screeches, or crows in an excessive, continuous or untimely fashion that disturbs the peace of neighbors; or

g) Causes harm to the public's health, safety or well-being.

RESIDENTIAL AREA: Any lot, parcel, site, unit, plot or tract of land containing a residential dwelling and located within one hundred (100) feet outside the boundary of another lot, parcel, site, unit, plot or tract of land which is less than or equal to one (1) acre and contains a wild animal as defined by this ordinance.

RUNNING AT LARGE: A pet or domestic animal which is off the property or premises of the owner or keeper, and which is not under physical control by owner or keeper by means of a leash.

SECURE ENCLOSURE: Shall be any of the following:

(a) A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel or structure must have secure sides at least five feet high, and the Animal Control Officer may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code; or

(b) A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition; or

(c) For a dangerous dog, a fully fenced pen, kennel or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. The pen, kennel or structure shall include a securely attached roof sufficient to prevent the dog from climbing out. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self closing and self latching gate. A "Dangerous Dog" sign prescribed by Animal Control must be posted at the entry to the owner or keeper's premises.

STRAY: Any animal running at large without identification.

STRICT VOICE CONTROL: Demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a

nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

UNDER RESTRAINT: When any animal that is off the property of the owner is controlled by a leash; is within the passenger area of a vehicle driven or parked on the streets; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with the permission of the person in control of the property.

WILD ANIMAL: The following animals will be considered wild animals for the purposes of this ordinance:

- (a) Bears (*Ursidae*). All bears, including grizzly bears, brown bears, black bears, etc.;
- (b) Cat Family (*Felidae*). All cats except those cats that at their normal adult weight do not weigh greater than thirty pounds (30 lbs.);
- (c) Dog Family (*Canidae*). All canines not able to be vaccinated for rabies because it is prohibited by law or because they do not take the vaccine. Despite the ability to receive vaccinations this definition includes such dogs as a wolf, part wolf, fox, part fox, coyote, and part coyote.
- (d) Raccoons;
- (e) Skunks; and
- (f) Venomous snakes.

SECTION TWO **ANIMAL CARE**

The Animal Control Officer may issue a summons if there is probable cause to believe that a violation of any provision of this section has been committed, including the following violations:

- (A) No person shall abandon an animal or cause an animal to be abandoned.
- (B) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal, provided that it shall not be unlawful for a person to expose on their own property common rat poison mixed according to the manufacturer's recommendations.
- (C) No person shall beat, cruelly treat, torment, overload, overwork, or restrain an animal in any manner which causes injury or otherwise abuse an animal, or cause, instigate, or permit any dogfight, or other combat between animals or between animals and humans.

- (D) No person shall crop a dog's or cat's ears, crop a dog's or cat's tail, or neuter a dog or a cat except a licensed veterinarian who is qualified to perform such operations.
- (E) No owner shall fail to provide treatment or shall deny treatment for any diseased, sick or injured animal.
- (F) Failure or denial of necessary sustenance, such as food in an inadequate amount to sustain flesh or permit normal growth, an inadequate amount of clean water, or water that is sour, filthy, or spoiled.
- (G) Failure or denial of proper confinement, to include removal and disposal of excrement and to keep shelter or confinement area clean, free of unsanitary conditions which results in offensive odors or is dangerous to the animal or to public health, welfare or safety, and free of ticks, fleas, flies, or mosquitoes.
- (H) No person shall tease, bait, or in any way molest any animal.
- (I) Failure or denial to provide shelter for domestic animals, to provide a doghouse or other enclosed structure sufficient to protect the animal from wind, rain, snow, or sun and which has adequate bedding to protect against cold and dampness. In the case of livestock, to provide protection from adverse environmental elements detrimental to the health and well-being of the animal.
- (J) No person shall sell, offer for sale, barter, or give away, any animal, fowl, or reptile that is unweaned.
- (K) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purposes, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- (L) Allowing animals to run free, break loose, or escape in any manner.
- (M) No person shall give away any live animal, fish, fowl, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement or to enter into any business agreement whereby the offer is for the purpose of attracting trade.
- (N) No person shall sell, trade or give away as a pet any carnivorous animal that is normally not domesticated. Such animals shall include, but not be limited to, animals known to be reservoirs of rabies, such as raccoons, foxes, part foxes, skunks, and bobcats and such related species, including but not limited to, coyotes, part coyotes, wolves, part wolves, weasels, civet cats, spotted skunks, or lynx. A normally wild animal indigenous to this County may, if held captive for a period of time, be released to the wild.
- (O) No owner of any pet or animal shall allow his or her pet or animal to become a public disturbance.

- (P) No person shall keep animals in confinement that is too small either for the animal's size or for the number of animals.
- (Q) No owner shall fail to provide humane care and treatment to pets or animals.

SECTION THREE
INOCULATION AGAINST RABIES

No person shall own, keep, or harbor any dog or cat within Berkeley County where such dog or cat is older than three (3) months of age unless such animal has been inoculated against rabies as provided herein. A person shall have ten (10) days from the time they acquire a dog or cat three (3) months of age or older to obtain the necessary rabies inoculation.

- (A) The owner of a dog or cat must have it inoculated against rabies at a frequency to provide continuous protection of the animal from rabies using a vaccine approved by the Department of Health and Environmental Control and licensed by the United States Department of Agriculture – Veterinary Biologics Division. Evidence of rabies inoculation is a certificate signed by a licensed veterinarian.
- (B) This Certificate shall be in a form approved by the Department of Health and Environmental Control and will be issued by a licensed veterinarian for each animal stating the name and address of the owner, the name, breed, color and markings, age, sex of animal, the veterinary or pharmaceutical control number of the vaccine, and the name and address of the licensed veterinarian administering the vaccination.
- (C) Coincident with the issuance of the certificate, the licensed veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate with the name and telephone number of the veterinarian, veterinary hospital, or practice. The metal license tag shall at all times be attached to a collar or harness worn by the animal for which the certificate and tag has been issued.
- (D) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.
- (E) In the event that a rabies tag is lost, the owner shall obtain a duplicate tag from the issuing veterinarian within ten (10) days from the date of the loss.
- (F) If there is a change in ownership of a dog or cat during the valid period of immunization, the new owner must have the current certificate of immunization transferred to his or her name.
- (G) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than one (1) year old.

- (H) An animal found running at large or having no valid rabies inoculation tag shall be impounded by the Animal Control Officer and disposed of after remaining unclaimed for five (5) days, in accordance with the provisions of this ordinance. Animals so impounded may be redeemed only after showing proof of current rabies inoculation or payment for rabies inoculation, and payment for daily boarding costs as provided for below.

SECTION FOUR RESTRAINT

- (A) It shall be unlawful for any owner or custodian of any pet or animal to permit same to run at large at any time upon any street or highway or other property within the County, except property owned or rented by the owner or custodian. Such owner or custodian shall comply with the definition of "under restraint" as defined above.
- (B) No pet or animal shall be permitted to be on school grounds or in a shopping area or similar public places unless on a leash at all times, even if the animal responds to strict voice control.
- (C) The owner shall confine, within a building or secure enclosure, any and all pets or animals that meet the definition of "dangerous animals" and shall not take such pet or animal out of such building or enclosure unless the pet or animal is securely muzzled and under restraint. It shall be further unlawful to keep a dangerous animal in any manner not allowed under Section 47-3-710, et seq., of the Code of Laws of South Carolina Code, 1976, as amended.
- (D) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (E) Exempt dogs. No hunting dog is required to be constrained by a leash while it is actually engaged in hunting game during hunting season and while under supervision. As used in this section, "supervision" means that the owner of the hunting dog or his designee is either in the vicinity of the hunting dog or in the process of trying to retrieve the hunting dog.
- (F) Police Dogs: All police dogs and all dogs being trained as police dogs shall be exempt from all provisions of this ordinance, with the exception of Section Three (Inoculation Against Rabies). If a police dog is required by Section Ten (Rabies Control) to be quarantined, such dog will be remanded to the control of its handler. Police dogs so controlled may be used in the line of duty.

SECTION FIVE WILD ANIMALS

- (A) No person shall harbor or own any wild animal within any residential area.

- (B) All residents of Berkeley County who harbor or own wild animals outside of a residential area must also own an area surrounding the animal's cage, shelter, enclosure or facility defined by this ordinance as the buffer zone.
- (C) The following are exempt from the restrictions of subsection (g) above:
- (1) Any facility accredited by the Association of Zoos and Aquariums (AZA);
 - (2) Any research medical institution licensed or accredited by a recognized authority;
 - (3) Educational institutions licensed or accredited by a recognized authority;
 - (4) Clinics operated by licensed veterinarians;
 - (5) Traveling circuses or carnivals;
 - (6) Persons temporarily transporting wild animals through the county provided that the transit time shall not be more than three (3) days;
 - (7) Any facility licensed by the United States Department of Agriculture (USDA) under the Animal Welfare Act; and
 - (8) The Berkeley County Animal Shelter;
 - (9) Cypress Gardens; and
 - (10) Any facility expressly exempted by resolution by Berkeley County Council.
- (D) Any person violating the wild animal provisions of this ordinance is responsible for paying any costs incurred by the Animal Shelter or the Animal Control Department to impound, remove, transport, handle, or house any wild animal owned or harbored in violation of this ordinance.

SECTION SIX **ENFORCEMENT**

- (A) The Animal Control Officers shall respond to complaints regarding pets or animals. Any Animal Control Officer may lawfully take charge of any animal found abandoned, neglected, or cruelly treated or unfit for use. Animal Control Officers are authorized and empowered to follow and/or enter upon any enclosure or lot, public or private, within the county in the quest to seize or impound any animal which the officer has reasonable cause to believe is rabid, abused, neglected or dangerous and to take custody of the animal to achieve the purposes of this ordinance. In the case of an emergency, the Sheriff of the County and/or his deputies shall respond if necessary. The complaint of three (3) or more persons is prima facie evidence that a violation has occurred under this Ordinance.
- (B) When a pet or animal is found in a condition that evidences a violation of any paragraph of this Ordinance, The Animal Control Officer shall issue either a "Notice of Violation" or a "Summons" to its owner, if known. The

Animal Control Officer shall determine whether to issue a "Notice of Violation" or a "Summons" depending on the severity of the violation of this ordinance and the condition of the animal at the time. If issued a "Notice of Violation", the owner shall then have twenty-four (24) hours to correct the violation. If the same violation occurs a second or subsequent time, or if the owner does not correct or remedy the violation within twenty-four (24) hours to the satisfaction of the Animal Control Officer, or if the violation is severe enough, then the Animal Control Officer shall issue a "Summons" to such person and the matter shall be heard before the Magistrate. However, nothing in this paragraph shall limit an Animal Control Officer from taking immediate action as described in paragraph (C) below when it is deemed to be in the best interest of the pet or animal.

- (C) If the owner does not give permission, the Animal Control Officers may obtain a search warrant to enter any premises upon which it is suspected a violation of this Ordinance exists. Once upon the premises, the officers may examine such pet or animal and may take immediate custody of the pet or animal when, in their opinion, it requires removal from the premises. The Animal Control Officer shall thereafter petition the appropriate Magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The Animal Control Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal was found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Control Officer shall post a copy of the notice at the property where the animal was seized. The Magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Berkeley County Animal Shelter or to another appropriate entity, whereby the animal may be put up for adoption or destroyed. The pet or animal shall remain in the custody and care of the Animal Shelter or other appropriate entity until such matter is heard before the Magistrate. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition. If the Magistrate orders the return of the animal to its owner, the Animal Shelter or other entity shall release the animal upon receipt from the owner of all redemption fees. If the owner does not pay the redemption fees within five (5) days of the Magistrate's Order, the

- animal shall become the property of the Animal Control Shelter or other appropriate entity and may be placed for adoption or euthanized.
- (D) No person shall interfere with, hinder, or molest the Animal Control Officers in the execution of their duties, or seek to release any pet or animal in the custody of the Animal Control Officers except as provided herein. No person shall disturb, tease, or remove any pet or animal from any humane trap set by the Animal Control Department. Any animal in a trap must be reported to the Animal Control Department immediately.
 - (E) An Animal Control Officer shall respond to the complaint of any property owner that a feral animal is trespassing upon his or her property, or to the complaint of any person that a feral animal presents a threat to the public's health and/or safety, and to attempt to capture such animal. If the Animal Control Officer is unable to capture the feral animal or if the animal poses an immediate threat to the safety of a person or domestic animal, the Animal Control Director or his designated agent may humanely dispose of the feral animal.
 - (F) Nothing under this Ordinance shall be construed to limit any person from bringing a private cause of action against the owner of a pet or animal for a violation under the Ordinance.
 - (G) When an animal is found running at large and its ownership is known to an Animal Control Officer, such animal need not be impounded but can be returned to the owner, and the officer may issue a notice of violation or a summons to the owner of such animal to appear before a county magistrate to answer the charges of violation of this article. Upon the seizure of any animal found running at large with a rabies tag or other identification tag, the County Animal Shelter personnel or the Animal Control Officer will attempt to notify the owner or custodian by written notice and/or telephone that the animal is being held at the shelter for disposition. All attempts, and their outcomes, will be recorded on the animal's record card.
 - (H) It shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise, any animal that does not belong to him or her unless they have, within twenty-four (24) hours from the time such animal came into his possession, notified the Animal Control department. Upon receiving such notice, the Animal Control Officer shall take such animal and place it in the animal shelter and shall deal with it as provided in Section Seven of this ordinance. It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Control Officer, any authorized member of the department or the authorized representative thereof, upon demand of such person.
 - (I) Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal or an animal identified as carrying or having an infectious or contagious condition or disease or any unidentified animal

deemed to represent a physical danger to the public, Animal Control, Shelter Staff, or other impounded animals may be humanely euthanized upon agreement by animal control and shelter staff.

- (J) Whenever the Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the Animal Control Officer may impound such animal until reclaimed by its owner. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the division. Any animal that has been impounded and not reclaimed for forty-eight (48) hours after the circumstances causing the impoundment have ceased to exist may be disposed of by the animal shelter pursuant to Section Seven. In no event shall the animal shelter be required to board an animal for more than ten (10) days. At such time the animal may be disposed of by the animal shelter pursuant to Section Seven.

SECTION SEVEN

IMPOUNDMENT OF PETS OR DOMESTIC ANIMALS RUNNING AT LARGE

- (A) Any pet or domestic animal running at large or any animal determined to be abandoned may be picked up or trapped, in a humane manner, by an Animal Control Officer and transported to the Berkeley County Animal Shelter and there confined until redeemed or disposed of as hereinafter provided.
- (B) It shall be the duty of the Director of the Berkeley County Animal Shelter to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody. Such records must be kept a minimum of two (2) years.
- (C) Within twenty-four (24) hours after impounding any animal, the Animal Control Officer and/or Animal Shelter personnel shall make a reasonable effort to locate and notify the owner of its impoundment and to inform the owner of the conditions whereby he or she can regain custody of the animal. The Animal Control Officers and/or Animal Shelter personnel shall keep a record of their efforts to locate the owner and of their success or lack thereof in locating same, or shall document the reasons why a search was not made for the owner.
- (D) The Animal Control Officer and/or Animal Shelter personnel may authorize that a rabies vaccine inoculation be administered to any impounded pet that is not wearing a current and valid rabies identification tag at the time of impoundment.
- (E) Any pet or animal impounded with a severe, contagious or life-threatening medical condition may be isolated, treated by a veterinarian, or

immediately euthanized at the discretion of the Animal Shelter Director, and such medical condition shall be clearly and fully documented in the Animal Shelter's records. In making this decision, the Animal Shelter Director shall take into consideration such factors as: whether an owner will likely be identified for the animal, the value of the animal, the age of the animal, and the cost of providing veterinary care for the animal.

- (F) Pets or animals not redeemed by their owners within fourteen (14) days after notification, or before the expiration of five (5) days in the event of a non-owner identified animal, shall become the property of the Berkeley County Animal Shelter and may be placed for adoption or euthanized at the discretion of Animal Shelter personnel. However, Animal Shelter personnel shall not euthanize any positively identifiable dog, as established by Section 47-3-510 et seq. of the Code of Laws of South Carolina, 1976, as amended, until compliance with Section 47-3-540 has been achieved. For the purposes of this subsection (F), it shall be deemed that the owner is notified when the Animal Control Officer and/or the Animal Shelter personnel sends written notice, postage prepaid, to the best known address of the owner, whether or not the owner actually receives the notice, or when the Animal Control Officer and/or the Animal Shelter personnel makes telephone contact with the owner. Such notification shall at a minimum identify the animal and shall advise the owner that he or she has fourteen (14) days from the date of notification to pay all redemption fees and redeem the animal or the animal shall become the property of the Berkeley County Animal Shelter.
- (G) The only means of disposing of or euthanising an impounded pet or animal shall be by methods set forth in Section 47-3-420 of the Code of Laws of South Carolina, 1976, as amended.
- (H) Animals held pending disposition of a criminal or civil trial or held under quarantine for rabies are not subject to subsection (F) of this Section.

SECTION EIGHT **REDEMPTION**

The owner shall be entitled to resume possession of a positively identifiable impounded pet or animal upon compliance within fourteen (14) days, from the time of notification as set forth in Section Seven, paragraph (F), of all requirements set forth below. If all such requirements are not met within the fourteen (14) day period, the pet or animal shall immediately become the property of the Berkeley County Animal Shelter.

- (A) The owner of an impounded pet or animal must apply for the redemption of the animal by completing a "Redemption Request" form at the Berkeley County Animal Shelter.
- (B) The owner must then identify the animal to the satisfaction of the Director of the Animal Shelter. Identification may be accomplished by giving a

- detailed verbal, written, photographic, or other appropriate description of the animal to the Animal Shelter Staff or by physically viewing the animal.
- (C) If applicable, the owner must further submit proof that the animal has had a current rabies vaccination as required in Section Three or must procure a rabies inoculation from the animal shelter.
- (D) The owner shall pay the redemption fees as set forth by the Berkeley County Supervisor prior to the return of the animal to the owner's custody, including:
- 1) A redemption fee. For each animal that is impounded more than one time within a twelve (12) month period, the redemption fee shall be increased by fifty (50) per cent from the previous redemption fee.
 - 2) A boarding fee. This fee will be charged for each day of impoundment.
 - 3) Rabies inoculation cost. This cost must be paid if an animal was not wearing a current rabies vaccination tag at the time of impoundment and the Animal Control Officer authorized the inoculation of the animal prior to redemption or if the owner cannot show proof of current rabies inoculation.
 - 4) Veterinary costs and/or medically necessary grooming costs if the Animal Shelter incurred any expenses for the medical care of the animal while it was impounded in the custody of the Animal Shelter.
- (E) The animal shall not be released from the Berkeley County Animal Shelter unless authorized by the Animal Control Officer and/or the Director of the Animal Shelter with assurance from the owner that proper care and custody will be maintained.

SECTION NINE

ADOPTION

Any pet or animal impounded under the provisions of this Ordinance shall, at the end of the legal detention period as defined in Section Seven, paragraph (F), shall become the property of the Berkeley County Animal Control, which shall attempt to adopt out the pet or animal to a responsible new owner. The new owner must agree to comply with the provisions of this Ordinance and with any regulations promulgated by the organization charged with operating the Berkeley County Animal Shelter and must pay all required fees at the time of adoption.

SECTION TEN
INJURED OR DEAD ANIMALS

- (A) Anyone who strikes a pet or domestic animal with a motor vehicle or bicycle and injures or kills the animal must immediately notify the Animal Control Department by calling 911 and reporting the accident. The Animal Control Department shall then take the necessary steps to provide for the proper treatment or disposal of the animal.
- (B) The Berkeley County Supervisor is authorized to enter into agreements with licensed veterinarians for the care of such injured pets or domestic animals. If the owner cannot be located, Berkeley County will pay for reasonable expenses incurred.
- (C) Any pet or animal received by a veterinarian or the Animal Shelter in critical condition from wounds, injuries, or disease, may be euthanized at the veterinarian's or Animal Shelter Director's discretion if the owner cannot be contacted within six (6) hours. If the animal is suffering great pain, it may be euthanized immediately.
- (D) The owner of any pet or animal that dies shall immediately provide for its burial, cremation, or other appropriate disposal if he or she knows of its death and the location of its remains. If the owner fails to do so within eight (8) hours, or if the owner cannot be found within eight (8) hours of the animal's death, the owner of the property wherein the animal's remains are first located shall properly dispose of the animal.
- (E) The Berkeley County Animal Control Officers shall collect or cause to be collected all dead domestic animals found on County property or on County roads. If the animal is identifiable, the Animal Control Officers shall attempt to notify the owner of the animal as soon as practical.

SECTION ELEVEN
RABIES CONTROL

- (A) Whenever a pet or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the Animal Control Officer and the County Health Department stating precisely where the animal may be found.
- (B) The Animal Control Officer, in conjunction with the County Health Department, shall arrange for the supervised confinement of any pet or other animal that has bitten a person. Such confinement may be on the premises of the owner if the owner will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement may be at the Berkeley County Animal Shelter, a private animal shelter, or a veterinary hospital at the owner's option and expense.

- (C) Any pet or other animal that has attacked or bitten a person must be confined for a period of at least ten (10) days. The County Health Department or the Animal Control Officer shall determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the Animal Control Officer or the County Health Department in making such examination.
- (D) The County Health Department shall serve notice in writing upon the owner of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine such animal for a period of not less than six (6) months, or such animal may be euthanized; except that animals properly treated with anti-rabies vaccine shall be confined for a period of not less than three (3) months.
- (E) No person shall kill or cause to be killed any rabid pet or other rabid animal, or one suspected of having been exposed to rabies or one which has bitten a person, nor remove such pet or animal from the jurisdiction of the County without written permission of the County Health Department. An exception to the preceding requirement is in the event of the possibility of the animal's escape, or if the animal displays aggressive behavior, in which case the animal may be killed (without damaging the head) and the County Health Department shall be notified immediately.
- (F) In the event a suspect non-owner identified animal has bitten a person, the animal shall be seized and the County Health Department contacted for necessary forms and processing. Thereafter, control of this animal shall be the responsibility of the County Health Department, who shall follow State guidelines regulating rabies control.
- (G) Any animal under ten (10) day quarantine for rabies at the Berkeley County Animal Shelter shall not be released unless authorized by the County Health Department.
- (H) Any animal under quarantine is the direct responsibility of the County Health Department unless there is an immediate threat to human health or safety. In such cases, Animal Control Officers shall pick up the animal and quarantine it at the Berkeley County Animal Shelter.
- (I) It shall be the duty of every physician or other practitioner to report to the county public health department or an authorized agent the names and addresses of persons treated for bites inflicted by animals together with such information as will be helpful in rabies control. Any person bitten by an animal must report the bite to the county health department within 24 hours of the incident.
- (J) It shall be the duty of the Animal Control Department to forward a copy of each report involving an animal bite to the county health department within 24 hours of receipt of such report.
- (K) Any animal running at large that has bitten a person shall be picked up by the Animal Control Department and impounded at the Berkeley County

Animal Shelter. The animal will stay in quarantine at the shelter until such time as the County Health Department determines whether to allow the owner, if known, to home quarantine his or her animal. The owner must then comply with Section Seven of this Ordinance.

- (L) Animals that have not been inoculated against rabies shall not be held to be property in any of the courts of the county. This article requires that the metal license tag issued at the time of rabies inoculation of the animal be attached to a collar or harness and worn by the animal at all times. An animal not displaying such a tag shall not be held to be property in any of the courts of the county and may be seized and processed for determination of rabies contamination as prescribed by the health department or county animal control and state law.

SECTION TWELVE PENALTIES

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars and/or imprisoned for not more than thirty (30) days for each such violation. Each day's violation of any provision of this Ordinance shall constitute a separate offense.

SECTION THIRTEEN SEVERABILITY

A determination that any portion of this Ordinance is invalid or unenforceable shall not affect the remaining portions.

SECTION FOURTEEN REPEALER

Ordinances 93-11-26, 98-3-21, and 02-08-36 are hereby repealed in their entirety.

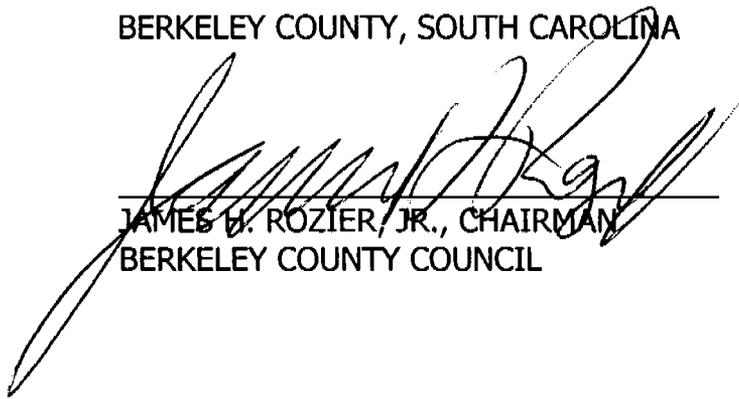
SECTION FOURTEEN EFFECTIVE DATE

This ordinance shall become effective upon ratification by Council.

ADOPTED this 23rd day of May 2005.

BERKELEY COUNTY, SOUTH CAROLINA

(SEAL)



A large, stylized handwritten signature in black ink, which appears to read "James H. Rozier, Jr.", is written over a horizontal line.

JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

ATTEST:


Barbara B. Austin
Clerk of County Council

FIRST READING: May 17, 2004
SECOND READING: June 21, 2004
PUBLIC HEARING: July 26, 2004
THIRD READING: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Excused 5-23-05
JUDY C. MIMS Voting _____

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Excused 5-23-05
STEVE C. DAVIS Voting _____

ORDINANCE NO. 05 - 05 - 21

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #233-06-00-005 (1 lot).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

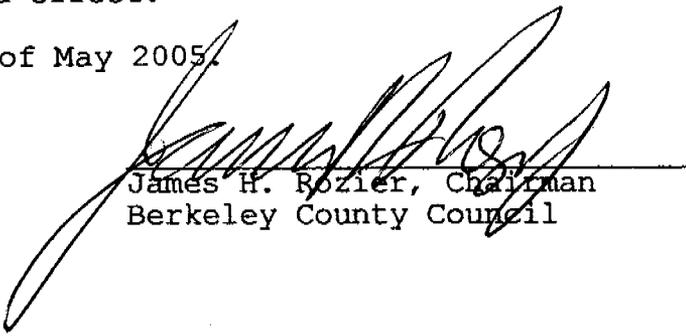
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 4 and designated on Zoning Panel 16 which contains that property identified as TMS#233-06-00-005 (1 lot) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-2, Manufactured District, and will hereafter upon approval of this ordinance be reclassified as GC, General Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005.



James H. Rozier, Chairman
Berkeley County Council

ATTEST:



Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: February 28, 2005
Second Reading: March 28, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

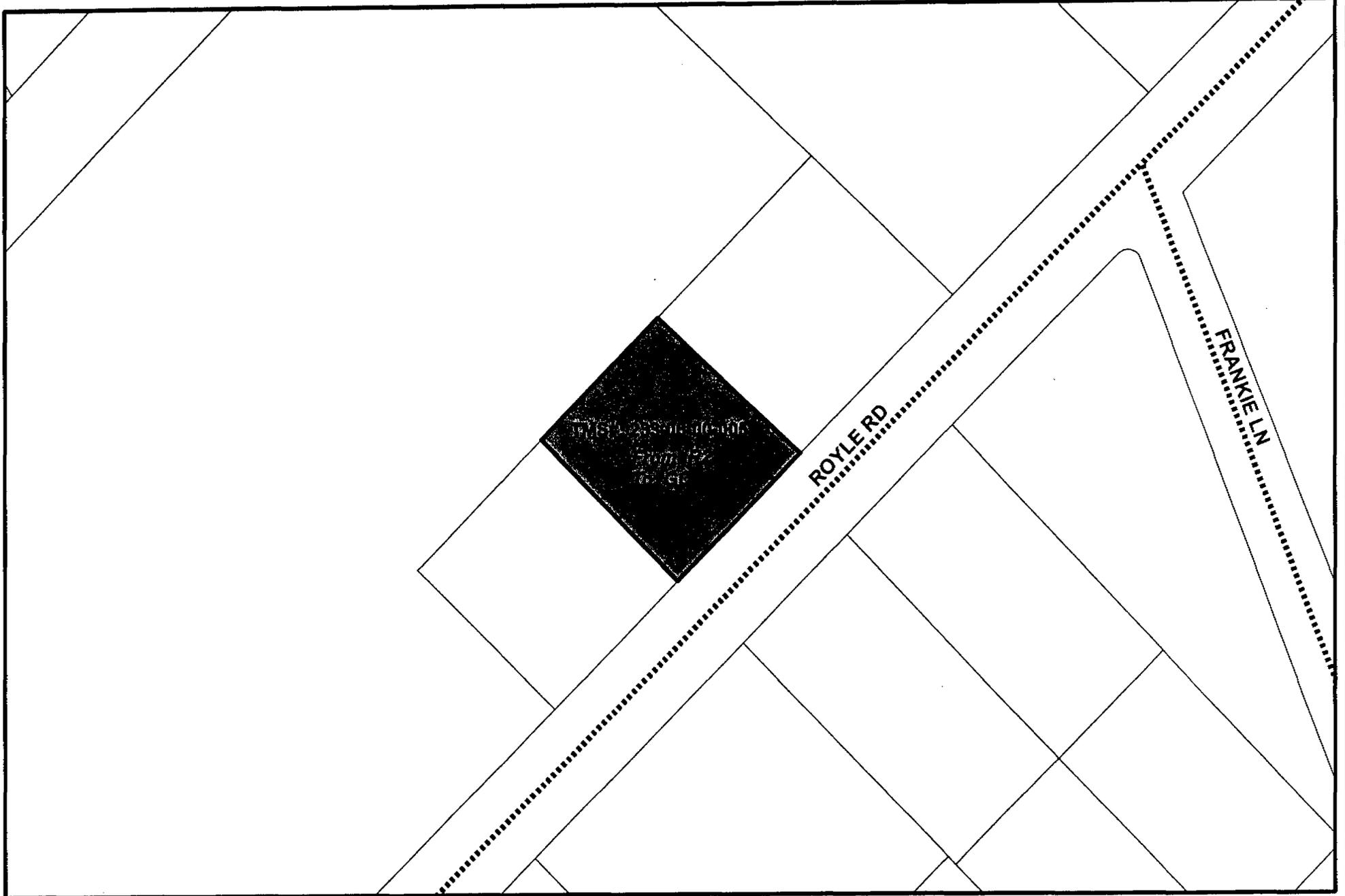
Charles E. Davis

CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

05-06-21



Berkeley County GIS Department
 223 N. Live Oak Drive
 Moncks Corner, SC 29461
 (843) 719-4038 | fax (843) 719-4190
 Email: rhauck@co.berkeley.sc.us
 Online: <http://gis.co.berkeley.sc.us>
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THE COUNTY OF BERKELEY AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.

ORDINANCE NO. 05 - 05 - 22

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #222-00-00-130 (12 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

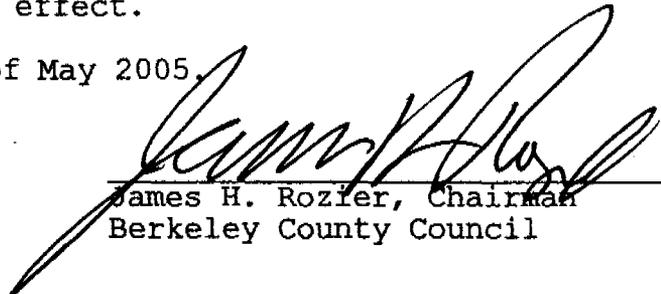
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 4 and designated on Zoning Panel 16 which contains that property identified as TMS#222-00-00-130 (12 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as PDMU, Planned Development Mixed Use District and will hereafter upon approval of this ordinance be reclassified as GC, General Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005.


James H. Rozier, Chairman
Berkeley County Council

ATTEST:

Barbara B. Austin /PRD
Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
Second Reading: April 25, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Philip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

TMS#: 222-00-00-130

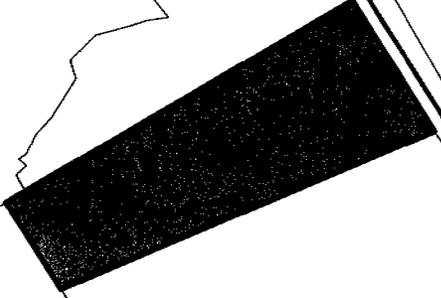


05-05-22

N MAIN ST

ST JAMES AV

DUNNING RD



Berkeley County GIS Department
223 N. Live Oak Drive
Moncks Corner, SC 29461
(843) 719-4038 | fax (843) 719-4190
e-mail: rhauck@co.berkeley.sc.us
BCC online: <http://gis.co.berkeley.sc.us>
5/25



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ORDINANCE NO. 05 - 05 - 23

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #211-00-02-109 (204.89 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

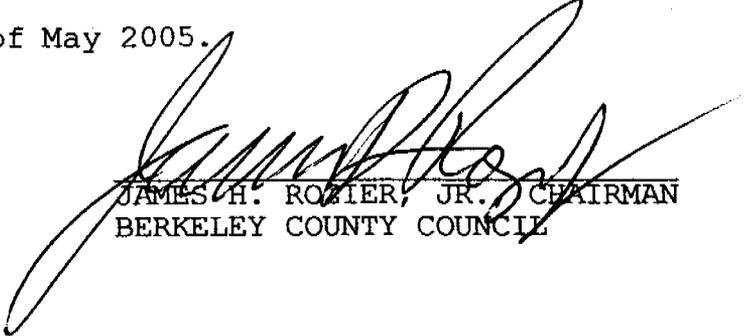
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 99-4-19 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 3 and designated on Zoning Panels 17 which contains that property identified as TMS#211-00-02-109 (204.89 acres), as is more clearly shown in the "Planned Development Submittal - Fairmont South Tract", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-1, Single Family Residential, R-4 Multi-family Residential (Small Scale) and GC, General Commercial District and will hereafter upon approval of this ordinance be reclassified as PDMU, Planned Development Mixed Use District and will conform to the attached "Planned Development Submittal - Fairmont South Tract".

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005.


 JAMES H. ROZIER, JR., CHAIRMAN
 BERKELEY COUNTY COUNCIL

ATTEST:


 Barbara B. Austin
 CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
 Second Reading: April 25, 2005
 Public Hearing: May 23, 2005
 Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

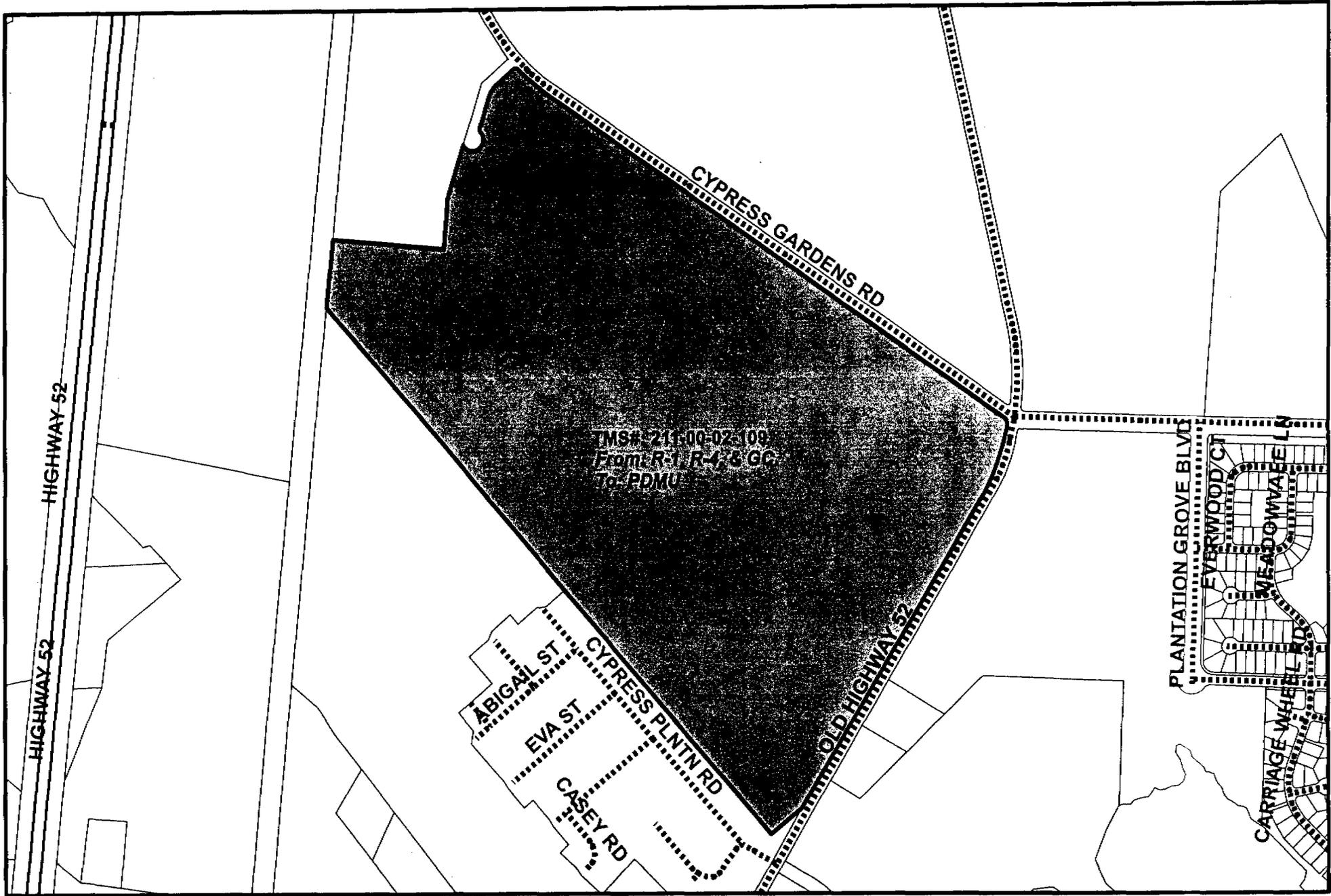
CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____



05-05-23

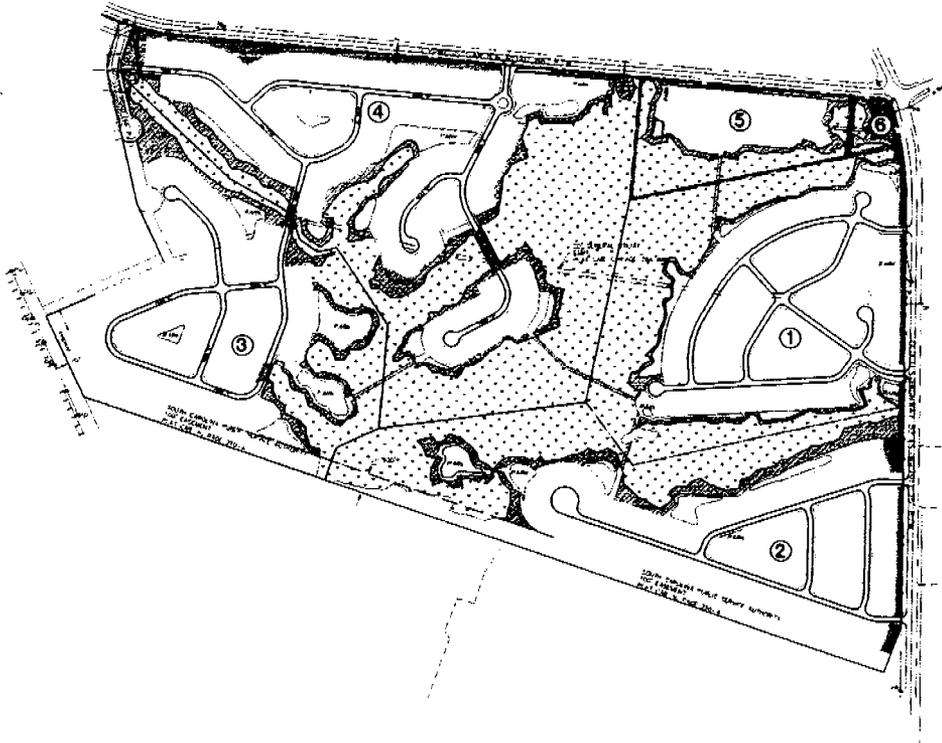


Berkeley County GIS Department
 223 N. Live Oak Drive
 Moncks Corner, SC 29461
 (843) 719-4038 | fax (843) 719-4190
 Email: rhauck@co.berkeley.sc.us
 Online: <http://gis.co.berkeley.sc.us>
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FAIRMONT SOUTH TRACT



**PLANNED DEVELOPMENT – MIXED USE
(PD-MU)
GUIDELINES
May 23, 2005**

Fairmont South Tract Table of Contents

Background	1
Statement of Intent	1
 District Regulations:	
Site Area	1
Minimum Lot Area	2
Approximate Square Footage of Non Residential Use	2
Minimum Lot Width, Yards & Setbacks	2
Maximum Structure Height	2
Off-Street Parking and Loading Requirements	2
Buffers	3
Signs	3
Road Standards	3
 Descriptive Statements:	
Area and Allowed uses of the site	3
Number and Density of Dwelling Units by type	4
Description of Open Space Locations and Proposed dedication of Public Space	4
Ownership and Maintenance of Streets and Proposed Dedication to public	4
Cultural and Natural Resources	4
Methods for dealing with parking and the impact of project traffic	4
Landscape Regulations	5
Project Schedule and Phasing	5
Utilities	5
Lighting Standards	5
Homeowners Association	6
Restrictive Covenants	6
Regulatory Agencies Approvals	6
Ordinance Note	6

Coordination Letters:

Fire Marshal
Water and Sewer
Electrical
OCRM
SCDOT

Exhibits:

Project Plat	Exhibit A
Current Project Zoning	Exhibit B
Land Use and PD-MU Plan	Exhibit C
Draft Drainage Plan	Exhibit D
Location Maps from Archeological Survey	Exhibits E-F

**Fairmont South Tract
Planned Development-Mixed Use
(PD-MU)
May 23, 2005**

05 - 05 - 23

Background

The proposed Planned Development Mixed Use (PD-MU) is located southwest of the intersection of Old US Highway 52 (S-8-791) and Cypress Garden Road (S-8-9) in Berkeley County (See Figure 1). The property for this development was subdivided from a larger parcel resulting in a 205.451 Acre (Ac) tract. Mr. George R. Herrin currently owns the tract.

The total tract, as mentioned, consists of 204.89 acres (Ac) that is comprised of 142 Ac of highland and 62.89 Ac of wetlands. The site also contains the remnants of Redheimer's or Mile Twenty Three Tavern (Please see attached exhibits from the archeological report). The sites predominate use has been commercial timbering; currently the site is vacant.

The property in question has undergone a comprehensive planning and zoning effort over the past several years. The planning staff, Planning Commission and County Council, have reviewed this property and its current zoning and planned uses all of which received approval from these entities as recently as 2004. The proposed PD-MU intends to maintain the zoning uses as currently approved.

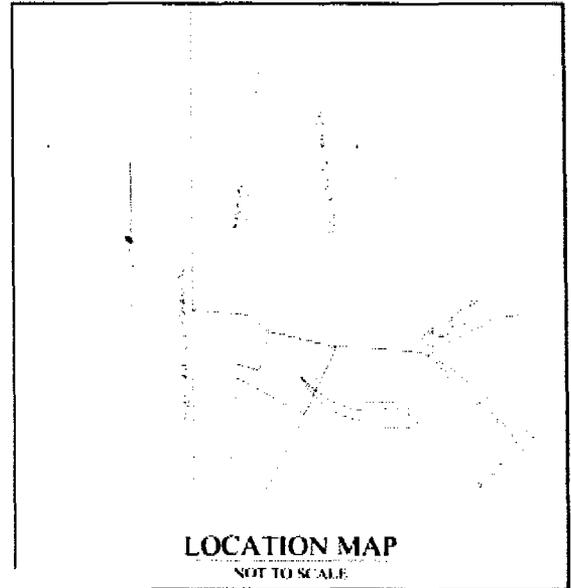


Figure 1

Statement of Intent

This PD-MU Community will consist of Single Family detached homes (SFD), Single Family attached units (SFA) and a commercial development (CD). The applicants: Mr. George R. Herrin, Mr. William Barnwell, and Associated Developers Incorporated (ADI) intend to develop the property with the uses allowed by the current zonings (Please see exhibit B for the proposed uses and their locations.) This proposed development will have a total density of less than the allowed 3 dwelling units per acre (Du/ac) and will provide at least an average of 50% of the total tracts acreage for open space. This meets or exceeds the zoning requirements for the allowed uses under the current zoning per the current Berkeley County Zoning and Development Standards Ordinance (see note on page six {6} for definition) This PD-MU zoning is being requested to allow the proposed development to continue to progress using the standards that were used in the planning efforts that established the current master plan, densities, and open space. For the most part these standards meet the current development ordinance, with a few exceptions that are outlined in the following section.

District Regulations.

District Regulations:

- a. **Total Tract Area: 205.451 Acres**
Total Highland: 142 Acres
Total Marsh: 63.451 Acres
TMS#: 211-00-02-009(Parent Tract TMS#) – 204.89 Ac.
The total parcel is further subdivided as Follows:

Tract 1: 42.64 Acres
 Tract 2: 47.101 Acres
 Tract 3: 65.77 Acres
 Tract 4: 37.66 Acres
 Tract 5: 10.87 Acres
 Tract 6: 1.43 Acres

05-05-23

b. Minimum Lot Area:

Residential:

- The Minimum Lot areas for Tracts 1-4 is 55'x110'= 6050 sf
- Tract 5 is planned to be a Condominium Development as such the entire parcel will constitute a single lot

Commercial:

- Tract 6 will contain the Commercial portion of the PD-MU and will not be further subdivided

c. Approximate Square Footage of Non Residential Use

- The non residential use provide as part of this project shall be governed by the allowable square footage under the current ordinance

d. Minimum Lot Width, Yards, Setbacks:

- As stated the minimum lot size for residential lots is 55'x110'
- PD-MU R-1 use lot setbacks

Parcel Size	Front	Sides	Rear	2 nd Street Front	Open Drainage	Ingress / Egress Easement
6,001 to 9,999 sf lots	20'	7.5'	20'	7.5	20'	Min required for front side or rear

e. Maximum Structure Height:

Residential Use:

- Tracts 1-4 will meet the Maximum Height Requirement of the current Berkeley County Zoning and Development Standards Ordinance for the R-1 zoning district.
- Structures on Tract 5 will be less than Forty-Five (45') feet from the Base Flood Elevation (BFE) to the eave of the structure providing the entity providing Fire Service Certifies either:
 - That it can provide adequate fire protection service to a taller structure at the site in question, or
 - The certification will state the maximum height to which adequate fire protection is available and the structure may be built to this height; provided that the entity providing fire protection service shall not certify any extension in allowable height that will adversely affect the entity's or the County's ISO fire rating.

Commercial:

- Tract 6 will meet the Maximum Height Requirement of the current Berkeley County Zoning and Development Standards of the current ordinance for the General Commercial (GC) zoning district

e. Off-Street Parking and Loading Requirements:

- All tracts shall meet the parking and loading Requirement of the current Berkeley County Zoning and Development Standards Ordinance (see note on page 6) for their Zoning type and/or use

f. Buffers:

- 30' Minimum undisturbed buffer between Residential type zoning (R-x) uses and exterior roads.
- GC (General Commercial) uses will meet the current ordinance requirements
- The 30' buffers for the R-x uses will remain undisturbed and any areas the do not provide adequate screening upon inspection by county staff will be augmented with additional plants. A tree survey of hardwood trees above ten inches (10") will be required in these buffers to represent available material.
- Buffer reduction:
Based on section 17.6.4.d buffer yard standards: optional reduction of buffer yards
Alternative 4:
No internal buffers are required between uses since the property lines are located in the wetlands. The buffers between internal uses will not be require due to the existing vegetation and greater proved separation due to the area of the wetlands and its required buffers than is requirement by the current ordinance
Furthermore no buffer will be required between the PD-MU and the current Santee River facility due to the existence of the platted 50' natural buffer on the adjacent property.

g. Signs:

- All tracts shall meet the signage ordinance of the current Berkeley County Zoning and Development Standards Ordinance for their Zoning types and/or use.

h. Road Standards:

- All streets shall intersect as nearly at right angles as possible. Subject to variations approved by the administrative officer upon evidence of good cause; provided however, no street shall make a direct intersection with an angle of less than seventy-five degrees (75°)(Figure 2). If streets intersect at a traffic circle (traffic round) the streets may have an angle more acute than seventy-five degrees (75°) but not more acute than sixty-five degrees (65°) (See Figure 3)
- Otherwise all Roads shall meet the engineering and development requirements and standards of the approving agencies

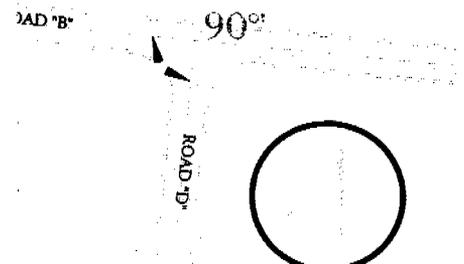


Figure 2

Descriptive Statements:**1. Areas and Allowed uses of the site:**

Tracts 1-4: R-1 Type uses: all allowed and accessory uses under the current ordinance.

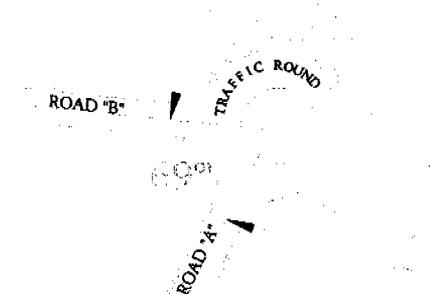


Figure 3

Tract 5: R-4 Type uses: all allowed and accessory uses under the current ordinance.

Tract 6: GC Type uses: all allowed and accessory uses under the current ordinance.

All Conditional, Special Exception, and Prohibited use are as described in the current ordinance and the PD-MU defaults to the ordinance for the administration of those uses.

2. Number and Density of Dwelling Units by type:

Tracts 1-4 shall not exceed 3 Du/ac as defined by the current ordinance

Tract 5 shall not exceed 3 buildings per acre, which is depending on market studies and environment at the time of the final development, shall contain between 40 and 135 units.

Tract 6 shall meet the requirements of the current ordinance.

3. Description of Open Space Locations.

- Open Space shall be considered all areas not used for lots, roads or road rights of way including but not limited to: easements, drainage and ponds, parks, buffers, wetlands, etc.

4. Ownership and Maintenance of Streets and Proposed Dedication to public:

- All roads in Tracts 1-4 will be designed to meet the standards required to dedicating the roads as public roads. Tract 5 will be served by a condominium road system that will be maintained by the Home Owners Association (HOA, POA, Etc.) entity, but the developer reserves the right to design the roads to the proper standard and ask that the roads be dedicated as public roads if tract 5 is subdivided in to lots at a later date. If the plan for Tract 5 changes to be a subdivision then the County's engineering department will be contacted from the start for oversight of the design and construction of the road system. Tract 6 is not intended to contain any public roads at this time. These roads will be constructed as required by the schedule of the tracts development.

5. Cultural and Natural Resources:

- Natural Resources: as stated above the site contains 62.89 Ac of jurisdictional wetlands. Any requests for impacts and improvements near these wetlands will be designed and permitted according to the appropriate state and federal standards (see letters of coordination).
- Cultural Resources: as noted the site contains the remains of a Tavern once located on the site (see exhibits section for location maps). No other historical properties are located with in one (1) mile of this project. Preservation of this historic site will be as required and the area around the site has been set-aside for that purpose. An archeological report is available regarding this location.

6. Methods for dealing with parking and the impact of project traffic:

- **Parking:**
All parking for all tracts shall meet the requirements of the current ordinance.
- **Traffic Impact**
The entrances for Tract 1 are designed to line up with the entrances of Spring Grove Plantation directly across Old US Highway 52 to match up with the traffic pattern of that

development. South Carolina Department of Transportation (SCDOT) has been contacted about this development (Please see letters of coordination) and discussions are ongoing.

7. Landscaping Regulations:

- The project will provide an attractive landscape package that will enhance the high quality of the development. All landscaping in the common areas of the developments will be maintained by the development's HOA.
- All buffers between the development and the exterior roads will be undisturbed beyond underbrushing, and the removal of dead and/or diseased material.
- If the buffers do not provide adequate screening upon inspection by county staff additional material will be provided to augment the existing vegetation.
- All park areas will be maintained by the developments HOA. Park areas can be used for required drainage and storage. All ponds and lagoons will be maintained by the community's HOA.
- The project will meet all required Landscape standards of the current ordinance unless exempted from such by this document.

8. Project Schedule and Phasing:

- Tracts 1-4 will be completely developed within five (5) to seven (7) years from the final approval of this PD-MU.
- Tracts 5-6 will be developed within 10years after the completion of the earlier phases.
- All of these project schedules are contingent upon market forces that may require changes to this development plan.

9. Utilities:

- The site currently contains a sanitary sewer force main that crosses the site in an easement from Old US 52 across to the west that ends just east of the current Santee River facility. This sewer main will be progressively abandoned and removed as development of the tracts that it crosses occurs. This sanitary system will be replaced by a new system that will serve this PD-MU. The Berkeley County Water and Sanitation Authority (BCWSA) has been contacted and discussions are ongoing regarding this sanitary sewer improvement as well as water service to the site. All new sanitary sewer and water utility improvements will be designed to meet the requirements of the governing agency and the current ordinance. Final approval of these utilities improvements shall be by the governing agency.
- Berkeley Electric has also been contacted regarding this project and discussions are ongoing. All necessary improvements and installations will occur to provide electrical power for a project of this nature and scope. These improvements will be constructed as required by the construction schedule. Final approval of these utilities improvements shall be by governing agency.
- All other necessary utilities shall be provided to the project as required and approved by the governing agency prior to construction.

10. Lighting Standards:

- Lighting design and standards shall meet the requirements of the current Berkeley County ordinance. If the current ordinance does not address lighting standards then such standards will be the solely decided by the developers of the individual parcels.

11. Homeowners Association:

- Homeowner's Associations (HOA, POA) shall govern and maintain all common property with in the individual developments. Also the HOA shall enforce, maintain and amend any covenants and restriction regarding the individual communities.

12. Restrictive Covenants:

- Final Restrictive covenants for the individual developments shall be issued by the HOA or POA for those developments and shall be part of those development's guidelines.

13. Regulatory Agencies Approvals:

- Berkeley County shall have approval authority over all final site development and improvement plans per the outline procedures of the current ordinance. This document, as well as, the current ordinance shall be used as part of these approvals. If changes to the ordinance are not outlined as part of the final approved version of this document then the current county ordinance shall apply.
- This document does not exempt the developments in this PD-MU from any local, state, and federal approvals and requirements that may apply

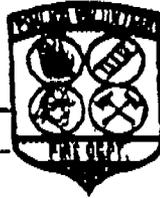
Note:

The current Berkeley County ordinance in this document is defined as Berkeley County Zoning and Development Standards Ordinance No. 01-08-35 as amended by 02-08-33, 02-12-58, 04-11-68. This is ordinance that is in place at the time the PD-MU was proposed and adopted.

Coordination Letters

05-05-23

PIMLICO RURAL



VOL. FIRE DEPT.

1607 PIMLICO BLVD.

MONCKS CORNER, SC 29461-7110

TELEPHONE
(843) 761-3232

February 7, 2005

Att: Andy Smith

Your tract of Property is located in the District of Pimlico Rural Volunteer Fire Department. Our response time to your location would be a minimum amount of time. You are located in the center of our District with boundaries of the Cooper River in Pimlico, Cypress Garden Boat Landing on Cypress Garden Road, across Old 52 to the Railroad Crossing on Cypress Garden, New 52 in Strawberry, and Berkeley County Maintenance Building on Old 52.

Should We have a situation where we need Assistance from other Fire Departments, We have a Mutual Aid Contract with Goose Creek Rural Fire Department, Whiteville Fire Department and Moncks Corner Rural Fire Department. With Assistance from all the above Fire Departments we will be able to cover your needs quiet well.

Assistance Chief

John Dick
John Dick



05-05-23

BERKELEY COUNTY WATER AND SANITATION AUTHORITY

2111 Red Bank Road
P.O. Box 1090
Goose Creek, South Carolina 29445
email: bcwsa@bcwsa.com

(843) 572-4400
(843) 761-8817
(843) 567-2061
Fax: (843) 569-5309

March 9, 2005

Ms. Madelyn H. Robinson, AICP
Berkeley County Planning and Zoning
223 N. Live Oak Drive
Moncks Corner, SC 29461

Re: Fairmont South Tract PDMU

Dear Ms. Robinson:

The engineering department at Berkeley County Water & Sanitation Authority is aware of the plans for development of the above referenced project. The final design of the water and sewer systems to serve the Fairmont South Tract has not been completed; therefore, we can offer no other comments at this time.

Should you have any questions or comments, please do not hesitate to contact our office at 572-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "BK Bonge Jr.", written over a horizontal line.

B.K. Bonge Jr., E.I.T.
Engineer I

"Service is our Business"

Printed on recycled paper

**BERKELEY
ELECTRIC COOPERATIVE, INC.**Your Touchstone Energy Partner 

05-05-23

January 28, 2005

Mr. David Lycke
HLA, Inc.
29 Leinbach Drive, Building A
Charleston, SC 29407-6988

RE: Power Availability South Fairmont Property Portion of
TMS #211-00-02-009, Berkeley County, SC

Dear David:

I have reviewed the site location of the proposed development at the intersection of Old US 52 and Cypress Gardens Road. Berkeley Electric Cooperative, Inc. is willing and able to supply the energy requirements to the development.

We will provide service as governed by the current edition of our Service Rules and Regulations.

If you have any questions, please do not hesitate to give me a call.

Sincerely,



Richard L. Walker
Superintendent of Field Engineering

RLW/rj

C: Thomas O. Myers, Jr., P.E. - Vice President, Engineering

RLW/rj

Post Office Box 1234
Moncks Corner, SC 29461
(843) 761-8200
(843) 525-3383
Fax (843) 572-1280

Post Office Box 128
Johns Island, SC 29457
(843) 559-2458
Fax (843) 559-3576

Post Office Box 1549
Goose Creek, SC 29445
(843) 553-5020
Fax (843) 553-6761

3745 N. Highway 17
Awendaw, SC 29429
(843) 884-7525
Fax (843) 884-3044

RECEIVED SEP 17 2005 - 05 - 23



Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 744-5838 FAX (843) 744-5847

February 14, 2005

Andy Smith
HLA, Inc.
29 Leinbach Drive
Building A-2
Charleston, SC 29407-6988

Re: Fairmont South Tract PD-MU
Berkeley County

Andy Smith:

The above referenced project may need several permits and certifications from DHEC-OCRM. If the site contain wetlands; a wetland delineation will be required. Also, DHEC-OCRM must issue a Stormwater Management and Sediment Control permit prior to any land disturbing activity on the site.

I am available to review more detailed plans of the project as it progresses. Presently, it appears you are aware of the various requirements relating to DHEC-OCRM approval of the project.

Sincerely,



Richard V. Geer
Engineer Associate
Regulatory Programs Division



associated developers incorporated
land development, management, planning, & investment

February 16, 2005

SCDOT
Brian Webb
Traffic Engineer Charleston District Six
6355-C Fain Boulevard
North Charleston, South Carolina 29406

Dear Brian,

I am sending this letter as a follow-up to a meeting we had several months ago regarding a project off of Cypress Gardens Road and Old US Highway 52. In our preliminary discussion, you informed us that a traffic study would not be necessary for us to proceed with our project.

Should you have any additional comments or questions please do not hesitate to call. I can be reached at 843-568-8487. Thank you very much.

Sincerely,

Chris K. Phillips, Jr.
Associated Developers, Inc.

Cc: Barry Whelan

5300 Mercury Boulevard
Drawer 18 Parkview Station
Newport News, VA 23605
Phone: (757) 838-2739
Fax: (757) 838-6337

759 Johnnie Dodds Blvd., Suite B
Mt. Pleasant, SC 29464
Phone: (843) 971-9558
Fax: (843) 971-4918

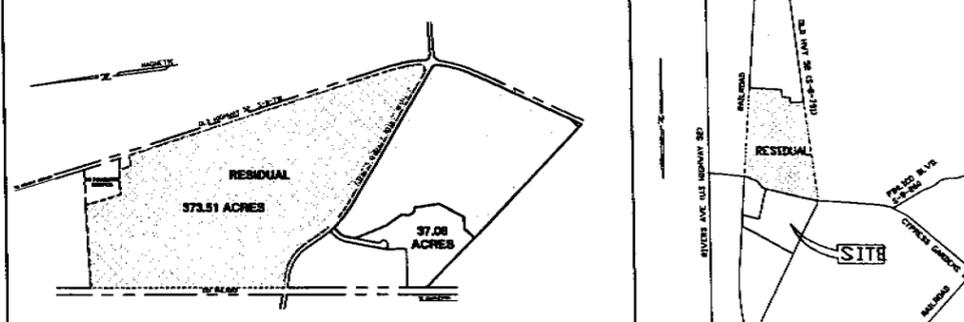
NOTES

- 1) TMS NO 211-00-02-009
- 2) AREA DETERMINED BY COORDINATE METHOD
- 3) PROPERTY IS LOCATED IN FLOOD ZONE X AS PER COMMUNITY PANEL NO 450029 0285 C & 450029 0295 C, REVISED MAY 6, 1996

LEGEND

- IPS — BOUNDARY LINE & CORNER SET (5/8" REBAR)
- IPF — BOUNDARY LINE & CORNER FND. AS DESCRIBED
- - - ADJACENT BOUNDARY LINE
- - - RIGHT OF WAY LINE
- OHE — OVERHEAD POWER LINE
- GV — GUY WIRE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD
C1	1201.71	335.78	16°00'34"	168.99	S45°45'32"E 334.69
C2	25.00	38.14	87°25'07"	23.90	N05°57'03"E 34.55
C3	240.00	131.10	31°17'56"	67.23	S34°00'25"W 129.48
C4	63.00	12.97	11°47'54"	6.51	S12°27'37"W 12.95
C5	1382.36	462.24	19°09'32"	233.30	N22°41'53"E 460.09
C6	50.00	58.37	68°53'06"	33.02	S20°19'21"E 55.11



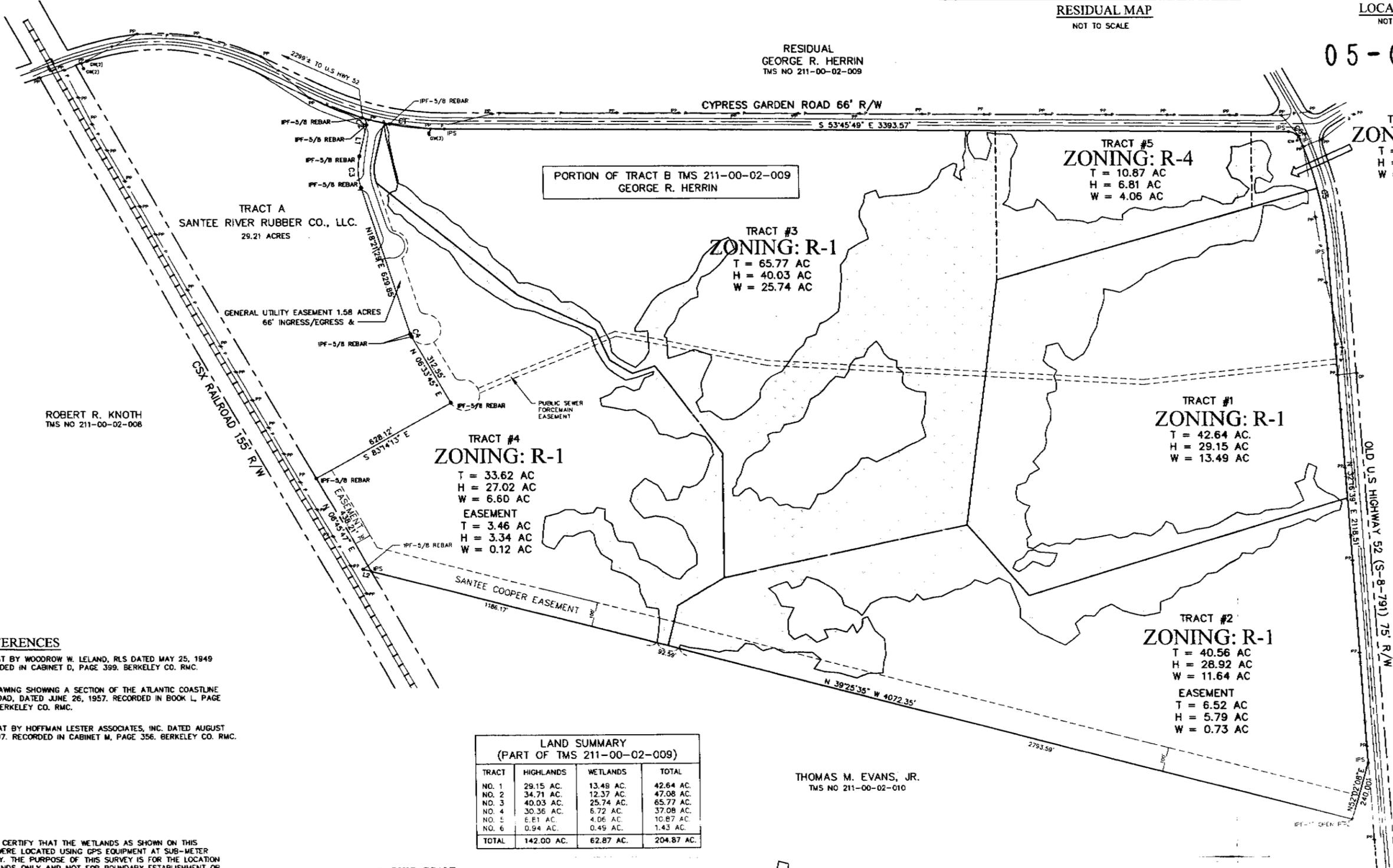
RESIDUAL MAP
NOT TO SCALE

LOCATION MAP
NOT TO SCALE

HIA
SURVEYING
LAND PLANNING
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING

29 Leinbach Drive, A2
Charleston, SC 29407-6988
tel 843.763.1166
fax 843.763.1909
www.hlainc.com

05-05-23



PORTION OF TRACT B TMS 211-00-02-009
GEORGE R. HERRIN

TRACT #5
ZONING: R-4
T = 10.87 AC
H = 6.81 AC
W = 4.06 AC

TRACT #6
ZONING: GC
T = 1.43 AC
H = 0.94 AC
W = 0.49 AC

TRACT #3
ZONING: R-1
T = 65.77 AC
H = 40.03 AC
W = 25.74 AC

TRACT #1
ZONING: R-1
T = 42.64 AC
H = 29.15 AC
W = 13.49 AC

TRACT #4
ZONING: R-1
T = 33.62 AC
H = 27.02 AC
W = 6.60 AC
EASEMENT
T = 3.46 AC
H = 3.34 AC
W = 0.12 AC

TRACT #2
ZONING: R-1
T = 40.56 AC
H = 28.92 AC
W = 11.64 AC
EASEMENT
T = 6.52 AC
H = 5.79 AC
W = 0.73 AC

ROBERT R. KNOTH
TMS NO 211-00-02-008

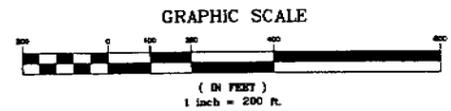
THOMAS M. EVANS, JR.
TMS NO 211-00-02-010

REFERENCES

- 1) PLAT BY WOODROW W. LELAND, RLS DATED MAY 25, 1949 RECORDED IN CABINET D, PAGE 399. BERKELEY CO. RMC.
- 2) DRAWING SHOWING A SECTION OF THE ATLANTIC COASTLINE RAILROAD, DATED JUNE 26, 1957. RECORDED IN BOOK L, PAGE 112. BERKELEY CO. RMC.
- 3) PLAT BY HOFFMAN LESTER ASSOCIATES, INC. DATED AUGUST 7, 1997. RECORDED IN CABINET M, PAGE 356. BERKELEY CO. RMC.

LAND SUMMARY (PART OF TMS 211-00-02-009)			
TRACT	HIGHLANDS	WETLANDS	TOTAL
NO. 1	29.15 AC.	13.48 AC.	42.64 AC.
NO. 2	34.71 AC.	12.37 AC.	47.08 AC.
NO. 3	40.03 AC.	25.74 AC.	65.77 AC.
NO. 4	30.36 AC.	6.72 AC.	37.08 AC.
NO. 5	6.81 AC.	4.06 AC.	10.87 AC.
NO. 6	0.94 AC.	0.49 AC.	1.43 AC.
TOTAL	142.00 AC.	62.87 AC.	204.87 AC.

I HEREBY CERTIFY THAT THE WETLANDS AS SHOWN ON THIS SURVEY WERE LOCATED USING GPS EQUIPMENT AT SUB-METER ACCURACY. THE PURPOSE OF THIS SURVEY IS FOR THE LOCATION OF WETLANDS ONLY AND NOT FOR BOUNDARY ESTABLISHMENT OR PROPERTY CONVEYANCE.

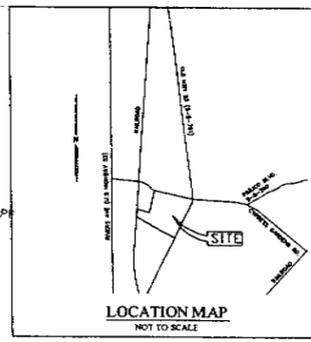
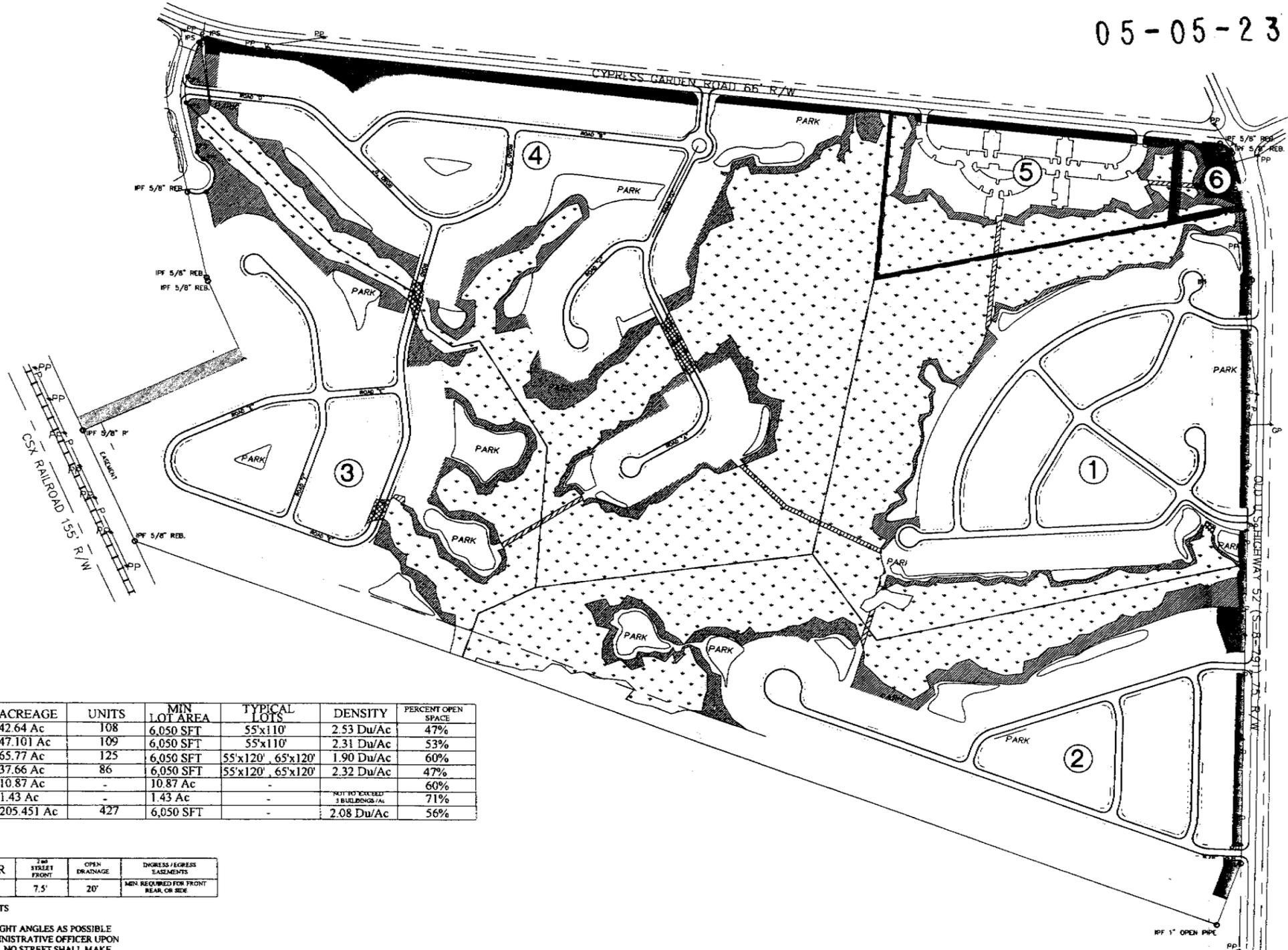


LAND SUMMARY EXHIBIT
FAIRMONT TRACT - SOUTH
BERKELEY COUNTY, SOUTH CAROLINA

PROJECT #	03246.00
DATE:	2-6-03
SCALE:	1" = 200'
DESIGN:	
DRAWN:	DRC
CHECK:	

REVISIONS	
SHEET	1 of 1

05-05-23



HLA INC
 LAND PLANNING
 LANDSCAPE ARCHITECTURE
 CIVIL ENGINEERING
 SURVEYING

29 Leinbach Drive, A2
 Charleston, SC 29407-6988
 tel 843.763.1166
 fax 843.763.1909
 www.hlainc.com



AREA	ZONING	USE	ACREAGE	UNITS	MIN LOT AREA	TYPICAL LOTS	DENSITY	PERCENT OPEN SPACE		
1	R-1	SINGLE FAMILY DETACHED	42.64 Ac	108	6,050 SFT	55'x110'	2.53 Du/Ac	47%		
2	R-1	SINGLE FAMILY DETACHED	47.101 Ac	109	6,050 SFT	55'x110'	2.31 Du/Ac	53%		
3	R-1	SINGLE FAMILY DETACHED	65.77 Ac	125	6,050 SFT	55'x120', 65'x120'	1.90 Du/Ac	60%		
4	R-1	SINGLE FAMILY DETACHED	37.66 Ac	86	6,050 SFT	55'x120', 65'x120'	2.32 Du/Ac	47%		
5	R-4	SINGLE FAMILY ATTACHED	10.87 Ac	-	10.87 Ac	-	-	60%		
6	COMMERCIAL	COMMERCIAL	1.43 Ac	-	1.43 Ac	-	NOT TO EXCEED 3 BUILDINGS/AC	71%		
TOTALS/AVERAGES			PD-MU	MIXED USE	205.451 Ac	427	6,050 SFT	-	2.08 Du/Ac	56%

PD-MU R-x USES SETBACKS

PARCEL SIZE	FRONT	SIDES	REAR	2nd STREET FRONT	OPEN DRAINAGE	INGRESS / EGRESS EASEMENTS
6,001 SF TO 9,999 SF LOTS	20'	7.5'	20'	7.5'	20'	MIN. REQUIRED FOR FRONT REAR, OR SIDE

ARTICLE VII DESIGN STANDARDS AND IMPROVEMENTS
B. STREETS

1. ALL STREETS SHALL INTERSECT AS NEARLY AT RIGHT ANGLES AS POSSIBLE SUBJECT TO VARIATIONS APPROVED BY THE ADMINISTRATIVE OFFICER UPON EVIDENCE OF GOOD CAUSE; PROVIDED HOWEVER, NO STREET SHALL MAKE A DIRECT INTERSECTION WITH AN ANGLE OF LESS THAN SEVENTY-FIVE DEGREES (75°). IF STREETS INTERSECT AT A TRAFFIC CIRCLE (TRAFFIC ROUND) THE STREETS MAY HAVE AN ANGLE MORE ACUTE THAN SEVENTY-FIVE DEGREES (75°) BUT NOT MORE ACUTE THAN SIXTY-FIVE DEGREES (65°)

MAXIMUM ALLOWED HEIGHT:

THE HEIGHT OF ALL R-1 AND GC USES SHALL MEET THE REQUIREMENTS OF THE BERKELEY COUNTY ZONING AND DEVELOPMENT ORDINANCE ADOPTED AUGUST 27, 2001 AND AMENDED NOVEMBER 28, 2004 KNOWN AS ORDINANCE Nos 01-8-25, 04-11-67, 04-11-68 RESPECTIVELY.
 THE R-4 USES WILL HAVE A MAXIMUM ALLOWED HEIGHT OF 45' ABOVE BASE FLOOD ELEVATION TO THE EAVES OF THE BUILDINGS

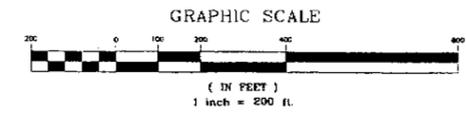
BUFFERS

(30' MINIMUM BETWEEN R-4 USES AND EXTERIOR ROADS)
 (GC USES WILL MEET ORDINANCE REQUIREMENTS) (THE 30' BUFFERS FOR THE R-4 USES WILL REMAIN UNDISTURBED AND ANY AREAS THAT DO NOT PROVIDE ADEQUATE SCREENING FROM INSPECTION SHALL BE ADORNED WITH ADDITIONAL PLANTS

BUFFER REDUCTION:

BASED ON SECTION 17.6.4.D BUFFER YARD STANDARDS: OPTIONAL REDUCTION OF BUFFER YARDS ALTERNATIVE 4:

WAIVER OR REDUCTION OF BUFFER REQUIREMENTS DUE TO THE FACT THAT THE INTERNAL PROPERTY LINES ARE LOCATED IN THE WETLANDS WE ARE ASKING FOR A WAIVER OF THE BUFFERS DUE TO THE EXISTING VEGETATION AND GREATER SEPARATION DUE TO THE AREA OF THE WETLANDS THAN THE REQUIREMENTS OF THE BUFFERS AND WE ARE ALSO ASKING FOR A WAIVER FROM THE BUFFER BETWEEN AREA 3 AND THE SANTEE RIVER FACILITY DUE TO THE EXISTENCE OF THE PLATTED 50' NATURAL BUFFER ON THE ADJACENT PROPERTY.



SUBJECT TO REGULATORY AGENCY REVIEW AND APPROVAL

PD-MU MASTER PLAN
FAIRMONT SOUTH
 BERKELEY COUNTY, SOUTH CAROLINA

PROJECT #
03246.00

DATE: 05/23/05
 SCALE: 1"=200'
 DESIGN: JAS
 DRAWN: JAS
 CHECK:

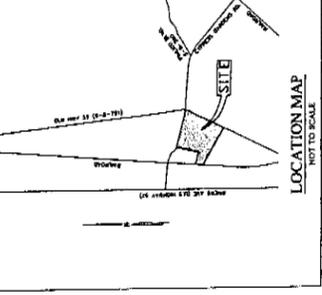
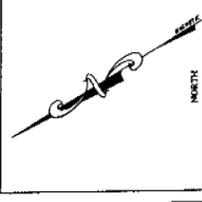
REVISIONS

SHEET
1 of 1

05-05-23

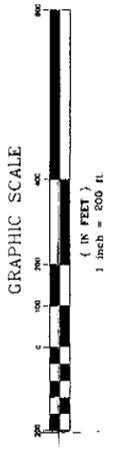
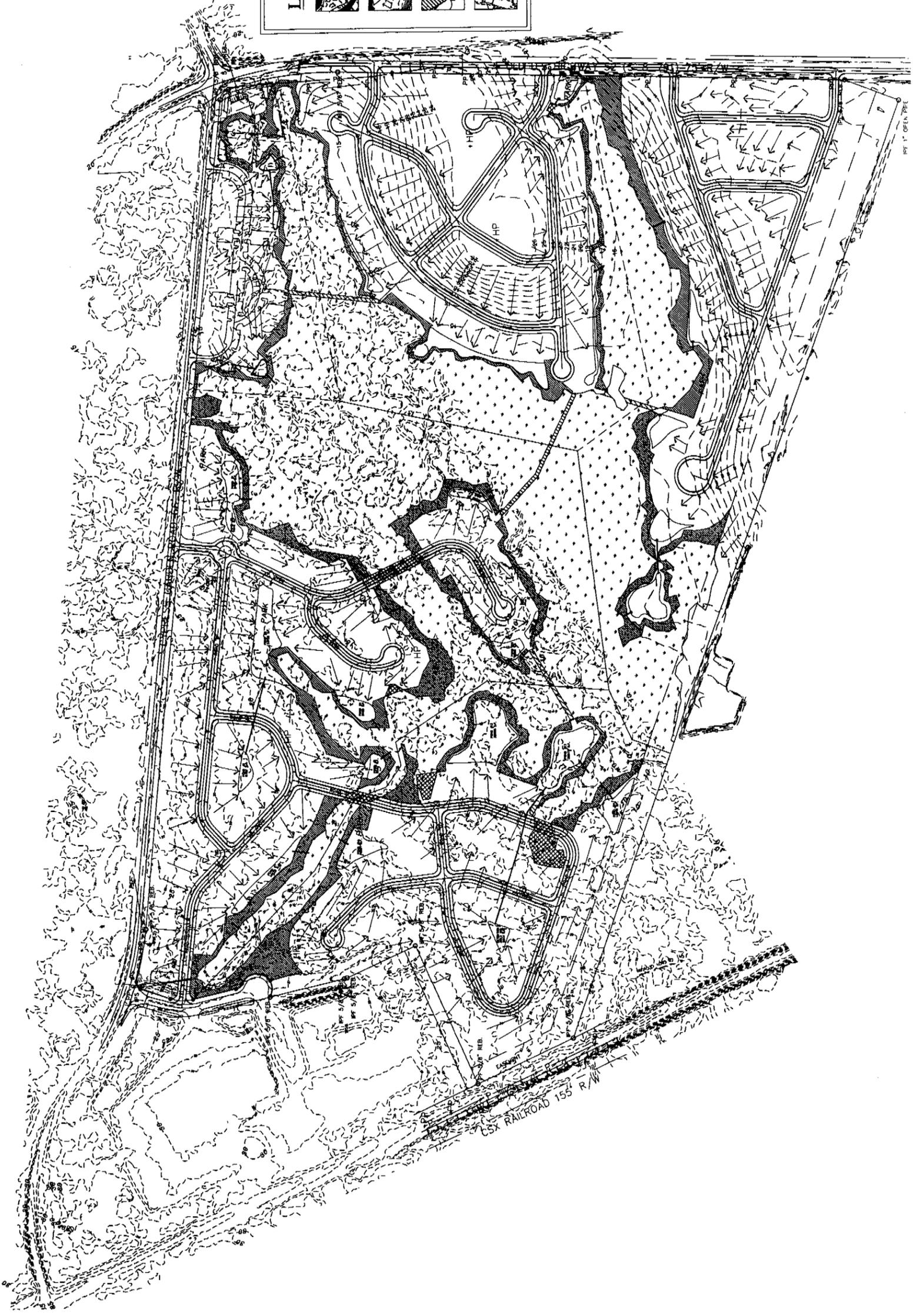
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tel 843.763.1166
fax 843.763.1909
www.hlainc.com



LEGEND

- POND
- FLOW ARROWS
- OUTFALL
- POND CONNECTION



PD-MU DRAFT DRAINAGE PLAN
FAIRMONT SOUTH
BERKELEY COUNTY, SOUTH CAROLINA

PROJECT #
03246.00

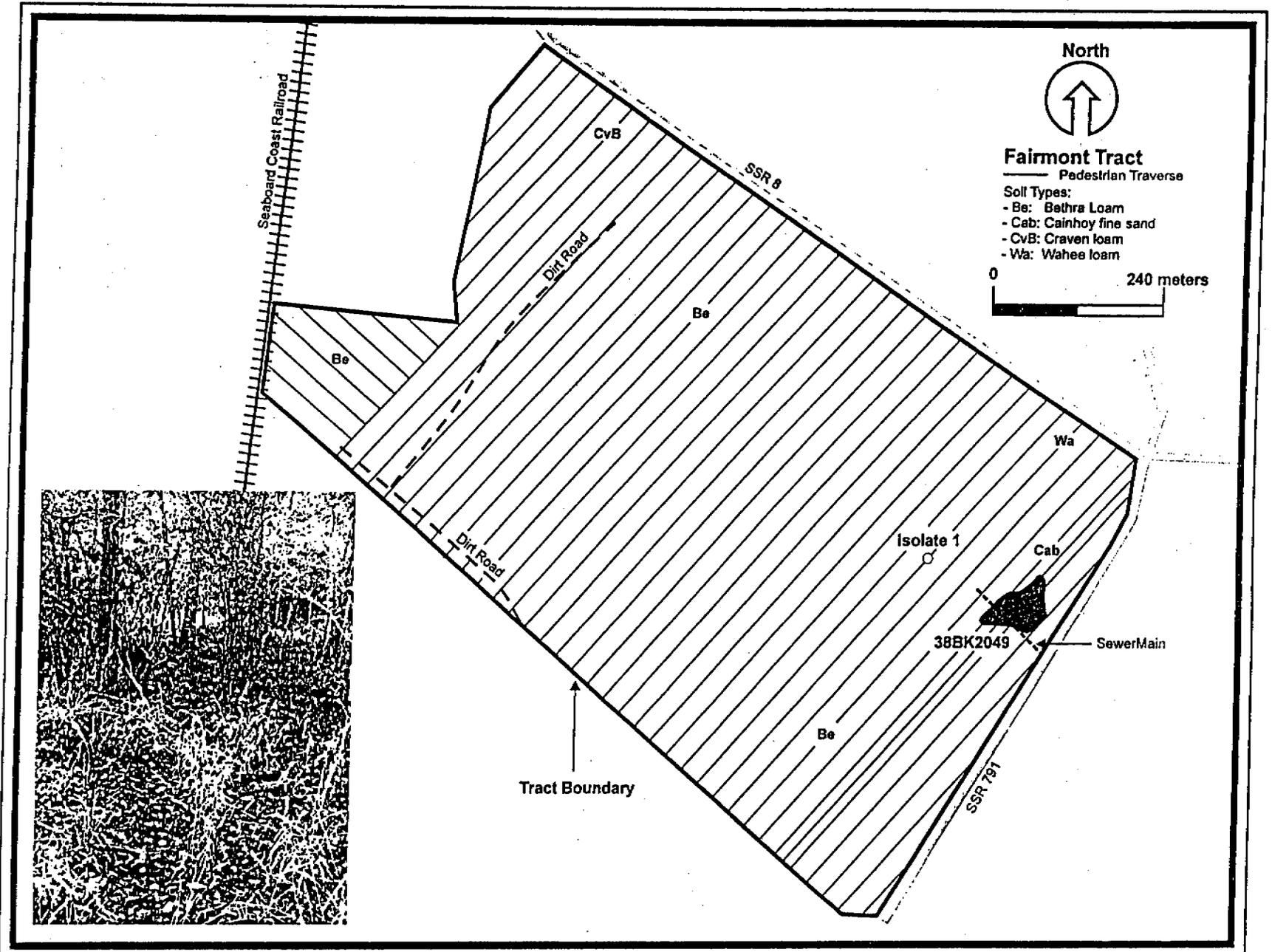
DATE: 03/11/05
SCALE: 1"=200'
DESIGN: JAS
DRAWN: JAS
CHECK:

REVISIONS

NO.	DATE	DESCRIPTION

SHEET
1 of 1

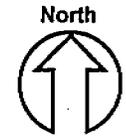
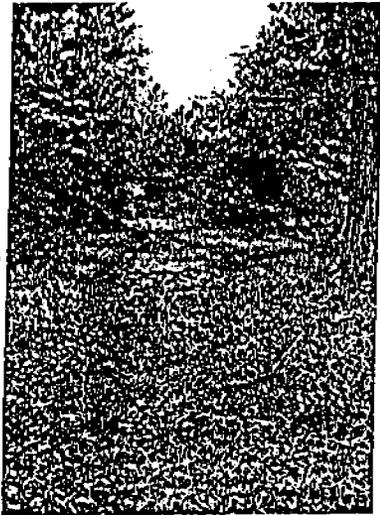
SUBJECT TO REGULATORY AGENCY REVIEW AND APPROVAL



40

Figure 5. Plan of pedestrian transects across the project tract.

05-05-23



38BK2049

- Positive Shovel Test
- Negative Shovel Test

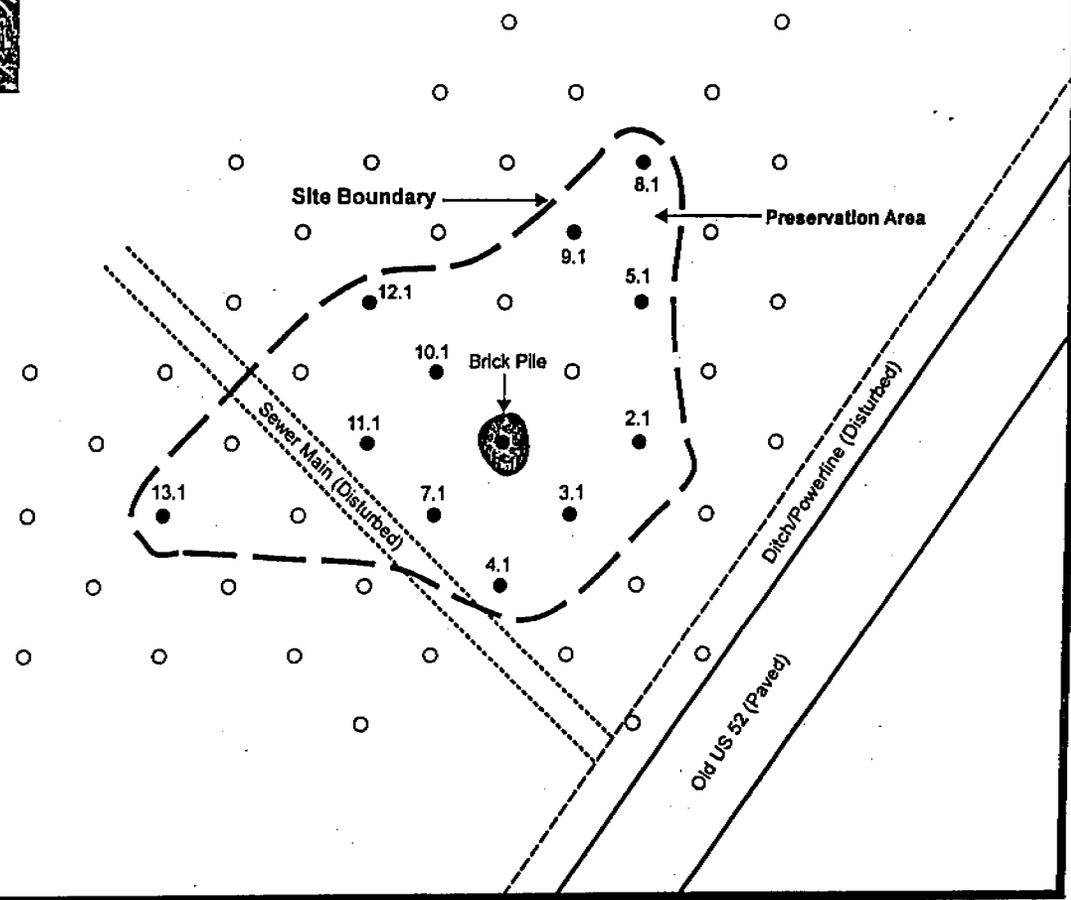
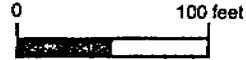


Figure 6. Plan and views of 38BK2049.

ORDINANCE NO. 05 - 05 - 24

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #180-00-03-072 (2.354 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

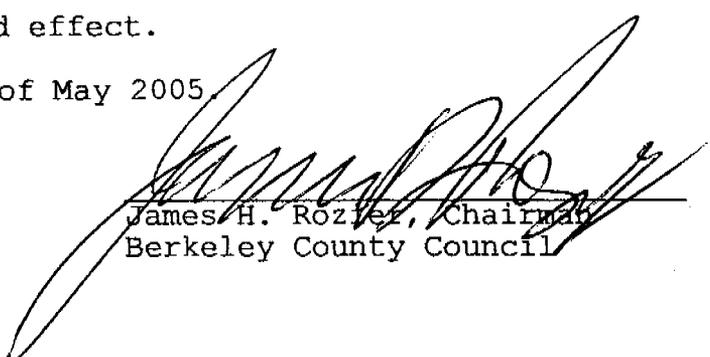
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 6 and designated on Zoning Panel 11 which contains that property identified as TMS#180-00-03-072 (2.354 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-2, Manufactured District, and will hereafter upon approval of this ordinance be reclassified as GC, General Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005


James H. Rozler, Chairman
Berkeley County Council

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
Second Reading: April 25, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

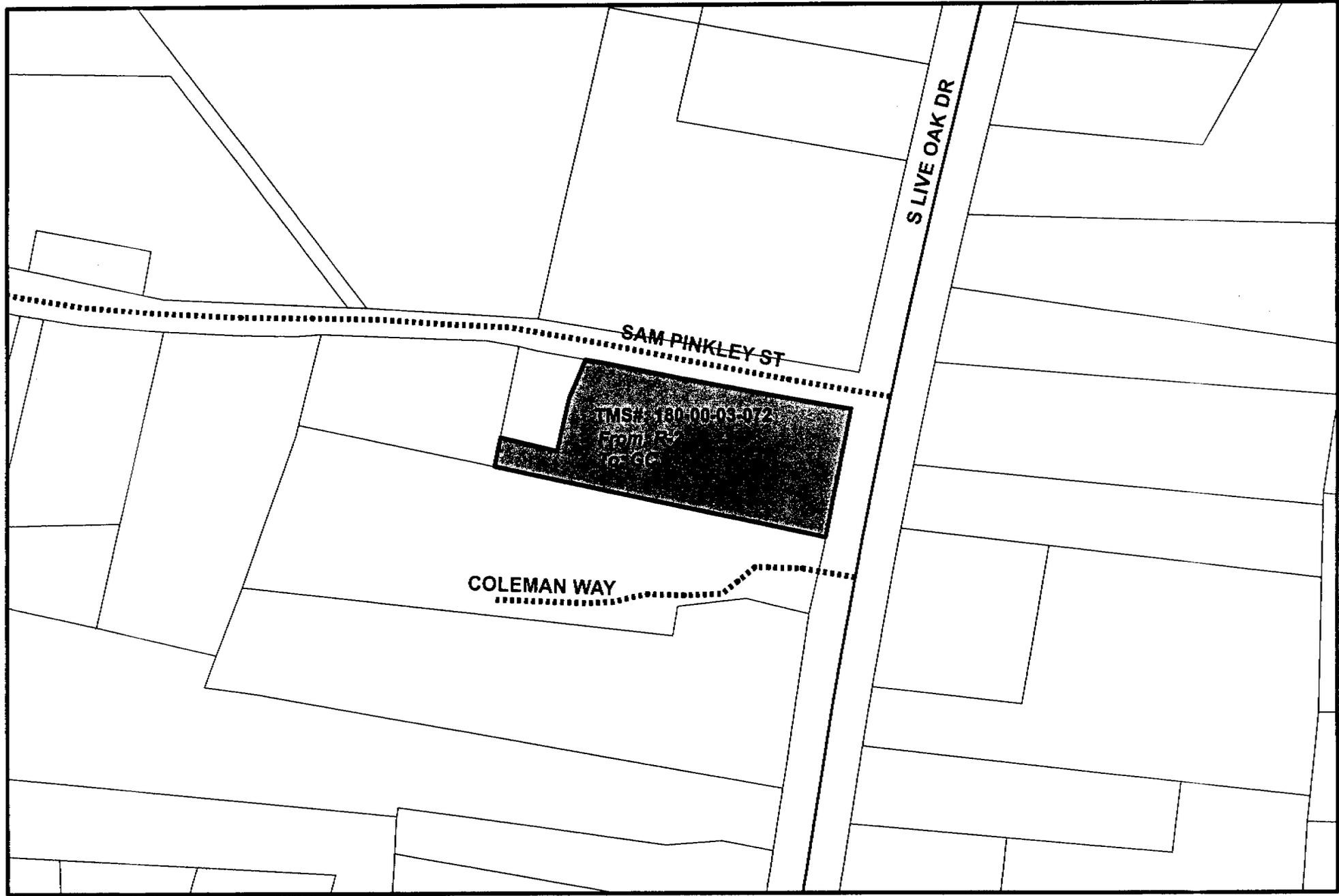
Excused 5-23-05

STEVE C. DAVIS Voting _____



Bill NO. 05-18

05-05-24



Berkeley County GIS Department
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Moncks Corner, SC 29461
(843) 719-4038 | fax (843) 719-4190
e-mail: rhauck@co.berkeley.sc.us
GIS Online: <http://gis.co.berkeley.sc.us>
005



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ORDINANCE NO. 05 - 05 . - 25

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #161-11-00-058 (3.87 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

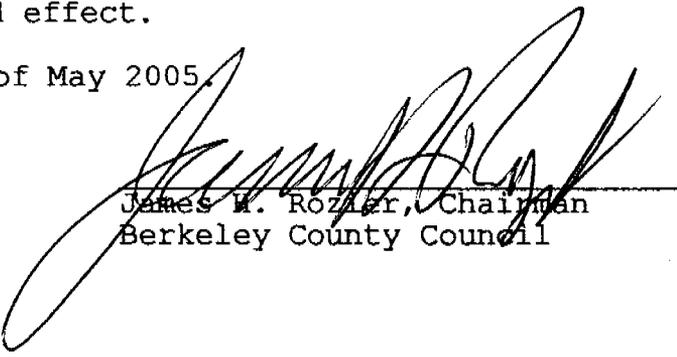
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 6 and designated on Zoning Panel 12 which contains that property identified as TMS#161-11-00-058 (3.87 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as GC, General Commercial District and F-1, Agricultural District and will hereafter upon approval of this ordinance be reclassified as GC, General Commercial District.

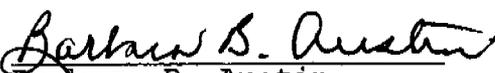
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005.



James W. Rozler, Chairman
Berkeley County Council

ATTEST:



Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
Second Reading: April 25, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

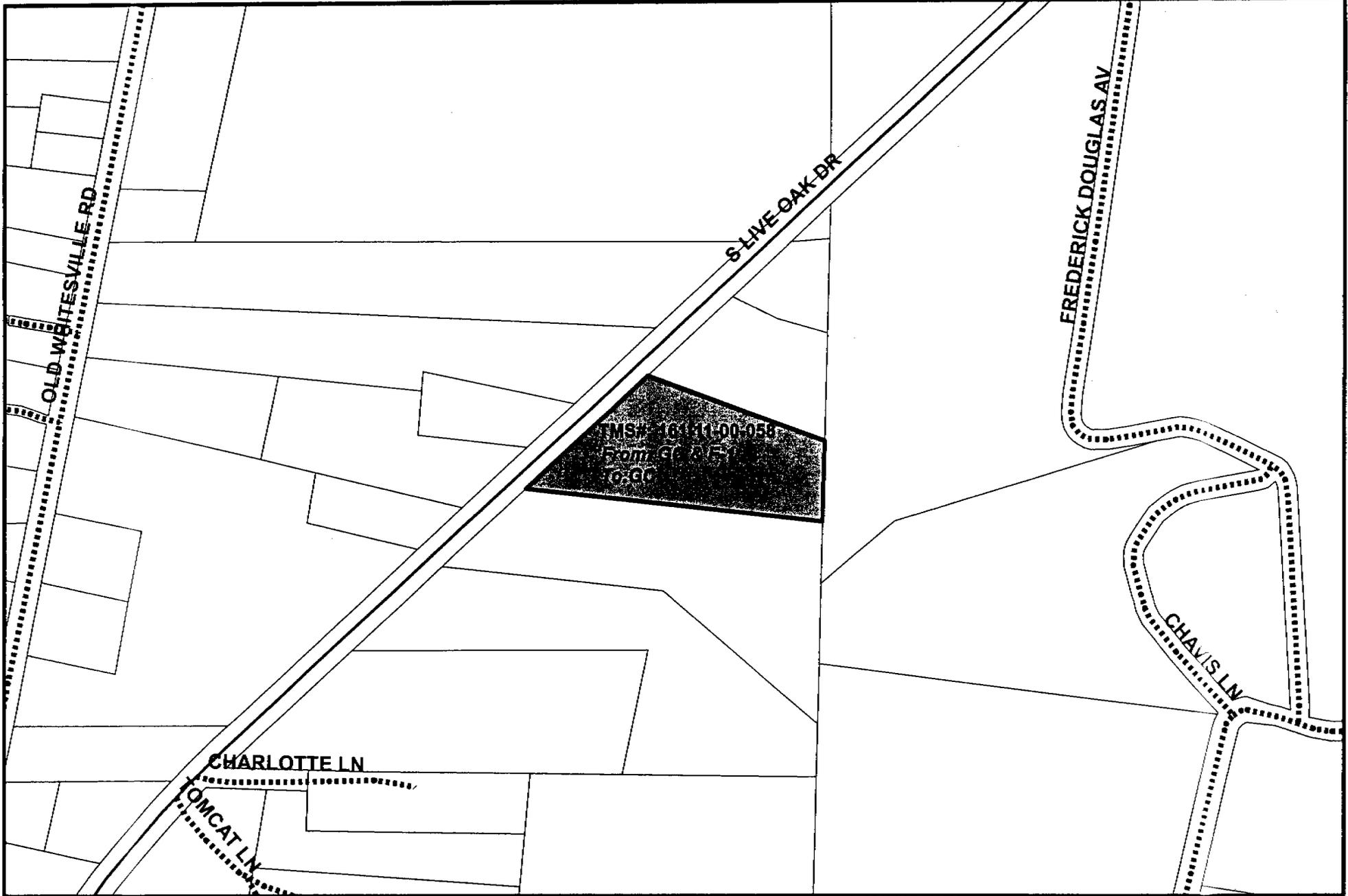
CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____



05-05-25



Berkeley County GIS Department
223 N. Live Oak Drive
Moncks Corner, SC 29461
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Online: <http://gis.co.berkeley.sc.us>
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ORDINANCE NO. 05 - 05 - 26

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #156-00-02-048 (portion of 2.29 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

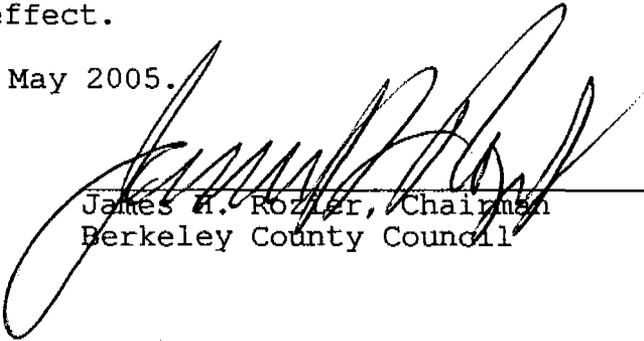
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 7 and designated on Zoning Panel 10 which contains that property identified as TMS#156-00-02-048 (portion of 2.29 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as GC, General Commercial District and will hereafter upon approval of this ordinance be reclassified as F-1, Agricultural District.

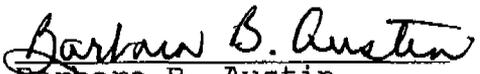
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005.



James H. Rozler, Chairman
Berkeley County Council

ATTEST:



Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
Second Reading: April 25, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

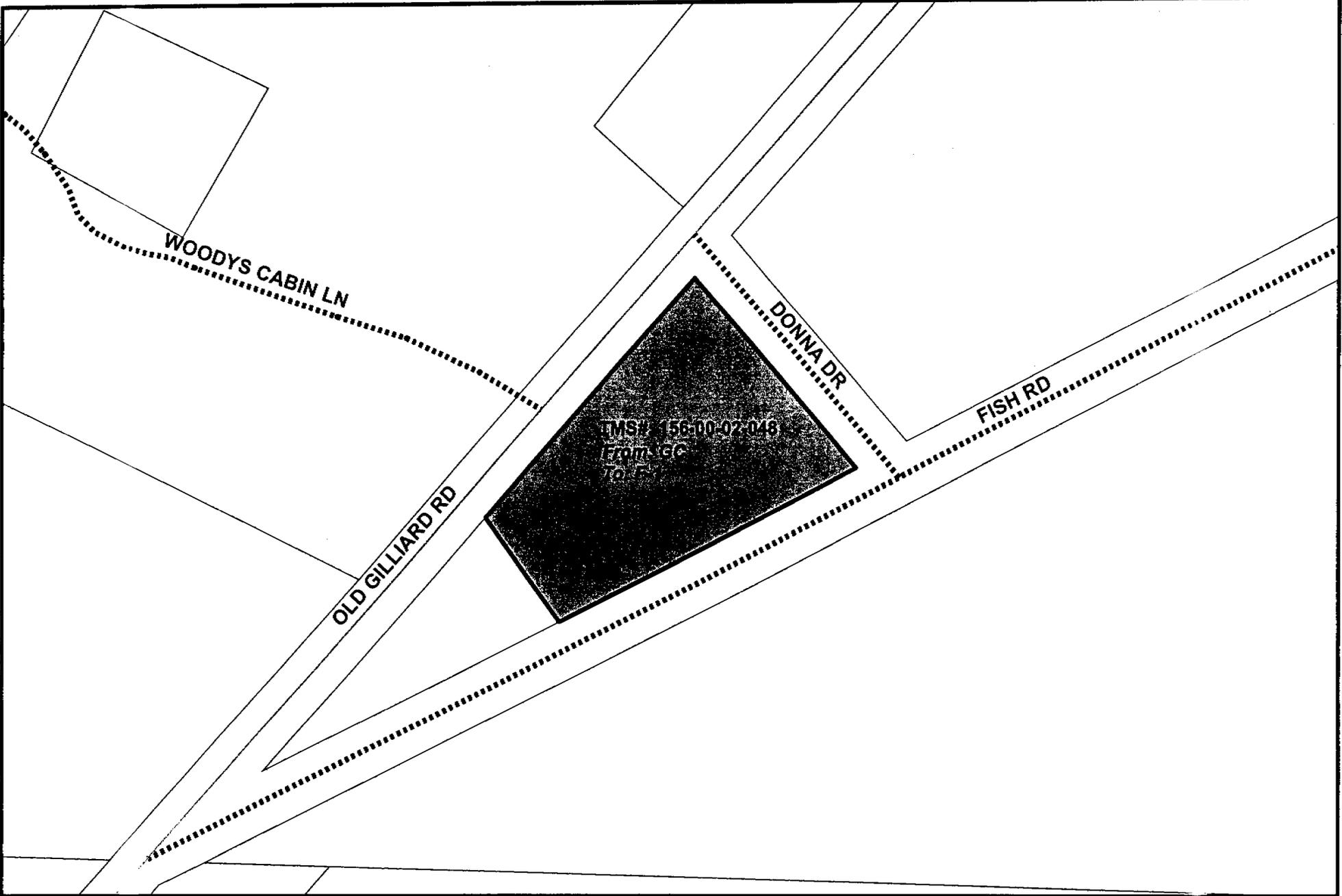
Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

97-00-00



Berkeley County GIS Department
 223 N. Live Oak Drive
 Moncks Corner, SC 29461
 (843) 719-4038 | fax (843) 719-4190
 e-mail: rhauck@co.berkeley.sc.us
 Online: <http://gis.co.berkeley.sc.us>
 2005



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ORDINANCE NO. 05 - 05 - 27

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #041-00-02-049 (.32 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

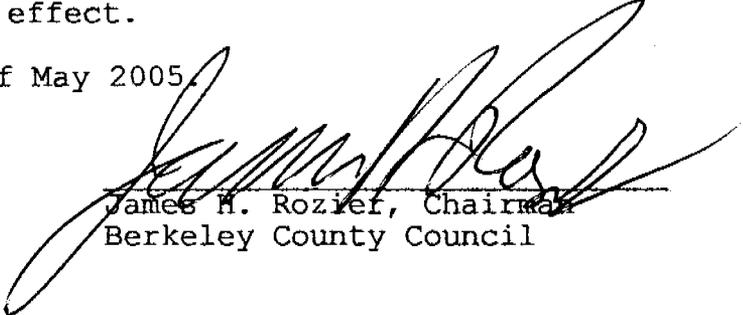
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

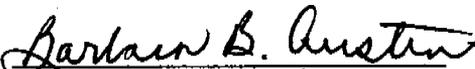
That portion of the official Zoning and Development Standards Maps adopted for Council District 7 and designated on Zoning Panel 5 which contains that property identified as TMS#041-00-02-049 (.32 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as F-1, Agricultural District and will hereafter upon approval of this ordinance be reclassified as RNC, Rural Neighborhood Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005.


James H. Rozier, Chairman
Berkeley County Council

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
Second Reading: April 25, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

05-05-27




Berkeley County GIS Department
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 Moncks Corner, SC 29461
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 e-mail: rhauck@co.berkeley.sc.us
 Online: <http://gis.co.berkeley.sc.us>
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ORDINANCE NO. 05 - 05 - 28

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #161-14-00-033 (1.90 acres).

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

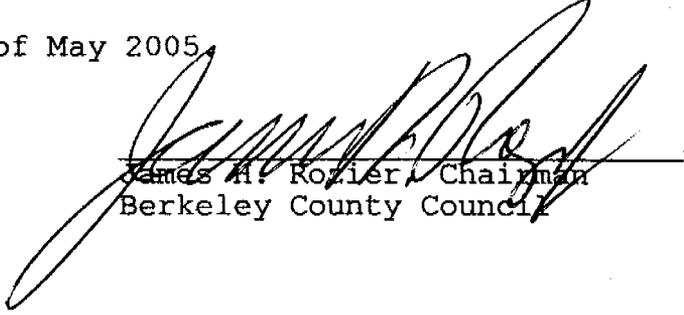
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

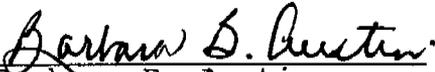
That portion of the official Zoning and Development Standards Maps adopted for Council District 6 and designated on Zoning Panel 11 which contains that property identified as TMS#161-14-00-033 (1.90 acres) as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as F-1, Agricultural District and will hereafter upon approval of this ordinance be reclassified as RNC, Rural Neighborhood Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 23rd of May 2005


~~James H. Rozier, Chairman~~
Berkeley County Council

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: March 28, 2005
Second Reading: April 25, 2005
Public Hearing: May 23, 2005
Third Reading: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby
WILLIAM E. CROSBY Voting Yes ^{WEC}

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

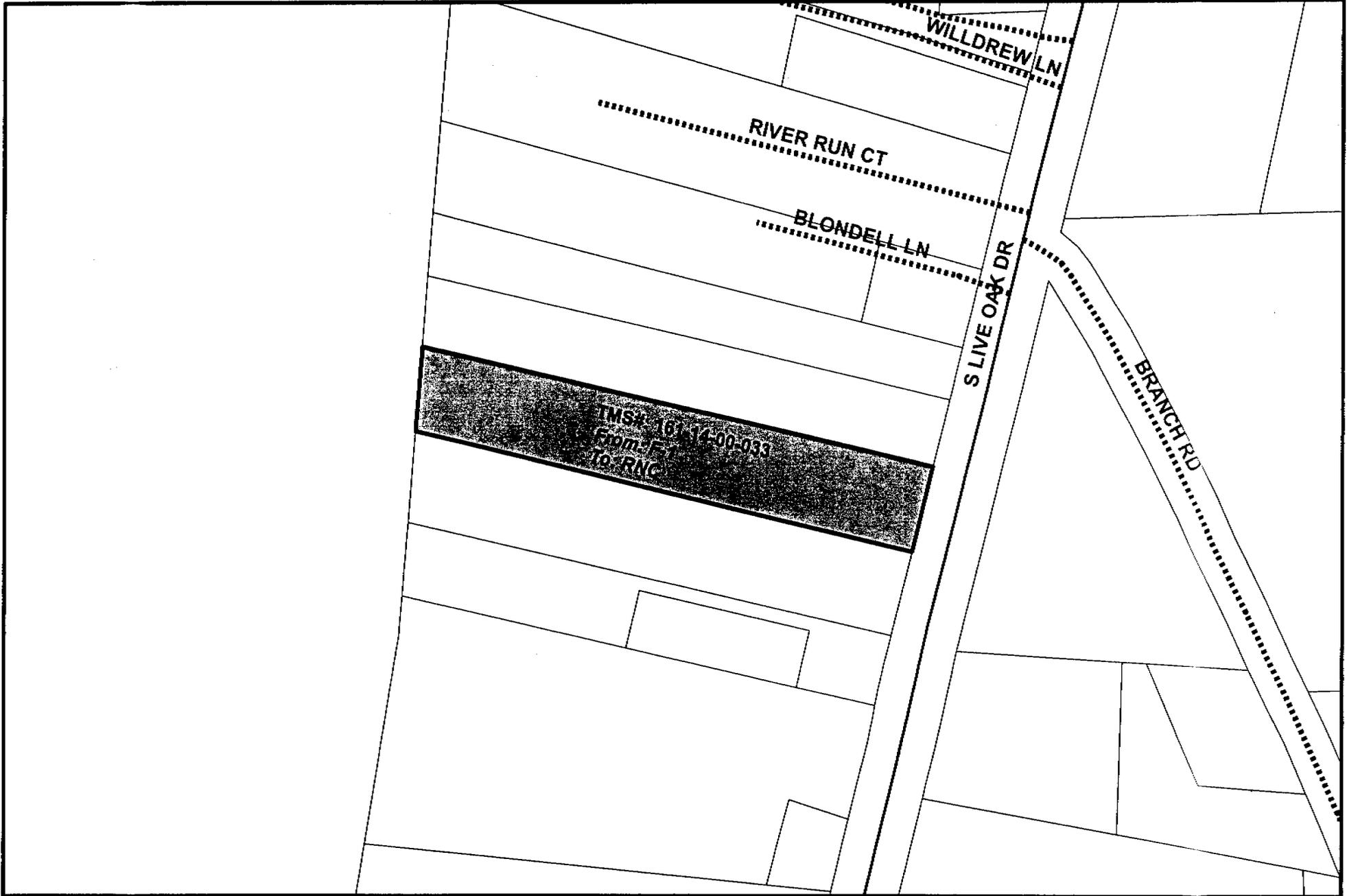
CHARLES E. DAVIS Voting YES

Excused 5-23-05

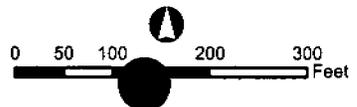
STEVE C. DAVIS Voting _____



05-05-28



Berkeley County GIS Department
 223 N. Live Oak Drive
 Moncks Corner, SC 29461
 (843) 719-4038 | fax (843) 719-4190
 e-mail: rhauck@co.berkeley.sc.us
 GIS Online: <http://gis.co.berkeley.sc.us>
 005



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RESOLUTION

R 05-26

PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2004-2005 BUDGET FOR BERKELEY COUNTY FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET

WHEREAS, Section 4-9-140 of the 1976 South Carolina Code of Laws, as amended, provides in part that upon approval of Council, funds appropriated in the annual budget may be transferred for purposes other than as specified in such budget; and

WHEREAS, the need has arisen which necessitates a transfer of funds appropriated in the annual budget for Berkeley County for other purposes;

NOW, THEREFORE, BE IT RESOLVED:

SECTION ONE

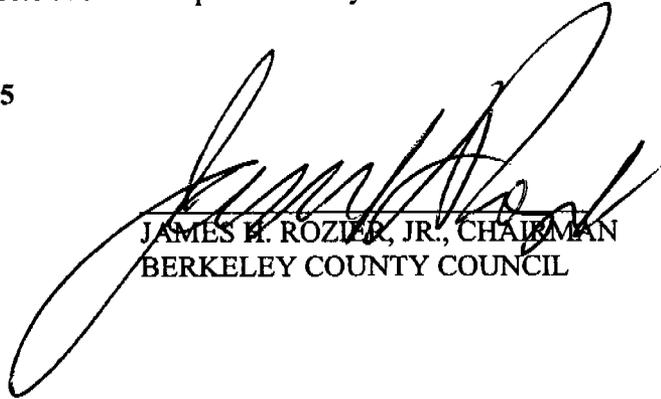
There is hereby transferred from budget line items designated in the 2004-2005 Berkeley County Budget the sum of **ONE HUNDRED NINETEEN THOUSAND ONE HUNDRED TWENTY ONE DOLLARS AND NO/100 (\$ 119,121.00)** as set forth in Exhibit "A" attached hereto and made a part hereof by this reference.

SECTION TWO

This sum shall be allocated to budget line items designated in the 2004-2005 Berkeley County Budget as set forth in Exhibit "A" attached hereto and made a part hereof by this reference.

ADOPTED this 23rd day of May 2005

(SEAL)


JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

ATTEST:


Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

TRANSFER FROM:

47010	Contingency Fund (5106-Student Interns)	\$710	*
	Contingency Fund (5109-Workers' Comp Insurance)	\$4	*
	Contingency Fund (5110-Retirement Contrib.-Regular)	\$49	*
	Contingency Fund (5112-FICA taxes)	\$54	*
	41506 Auditor		\$817 *
47010	Contingency Fund (5102-Overtime)	\$21,000	*
	Contingency Fund (5109-Workers' Comp Insurance)	\$106	*
	Contingency Fund (5110-Retirement Contrib.-Regular)	\$1,439	*
	Contingency Fund (5112-FICA taxes)	\$1,607	*
	42103 Communications		\$24,152 *
47010	Contingency Fund (5102-Overtime)	\$40,000	*
	Contingency Fund (5109-Workers' Comp Insurance)	\$2,255	*
	Contingency Fund (5110-Retirement Contrib.-Regular)	\$913	*
	Contingency Fund (5111-Retirement Contrib.-Police)	\$3,180	*
	Contingency Fund (5112-FICA taxes)	\$3,060	*
	42301 Detention Center		\$49,408 *
47010	Contingency Fund (5102-Overtime)	\$800	*
	Contingency Fund (5109-Workers' Comp Insurance)	\$108	*
	Contingency Fund (5110-Retirement Contrib.-Regular)	\$55	*
	Contingency Fund (5112-FICA taxes)	\$61	*
	Contingency Fund (5328-Chemicals)	\$20,100	*
	Contingency Fund (5510-Small Equipment)	\$4,720	*
	Contingency Fund (6106-Capital Outlay-Vehicles)	\$18,900	*
	44103 Mosquito Abatement		\$44,744 *
TOTAL TRANSFERRED FROM:			\$119,121

TRANSFER TO:

41506 Auditor			
5106 Student Interns	\$710		*
5109 Workers Compensation	\$4		*
5110 Retirement Contributions-Regular	\$49		*
5112 FICA Taxes	\$54		*
Total to Auditor		\$817	*
42103 Communications			
5102 Overtime	\$21,000		*
5109 Workers Compensation	\$106		*
5110 Retirement Contributions-Regular	\$1,439		*
5112 FICA Taxes	\$1,607		*
Total to Communications		\$24,152	*
42301 Detention Center			
5106 Student Interns	\$40,000		*
5109 Workers Compensation	\$2,255		*
5110 Retirement Contributions-Regular	\$913		*
5110 Retirement Contributions-PORS	\$3,180		*
5112 FICA Taxes	\$3,060		*
Total to Detention Center		\$49,408	*
44103 Mosquito Abatement			
5102 Overtime	\$800		*
5109 Workers Compensation	\$108		*
5110 Retirement Contributions-Regular	\$55		*
5112 FICA Taxes	\$61		*
5328 Chemicals	\$20,100		*
5510 Small Equipment	\$4,720		*
6106 Capital Outlay-Vehicles	\$18,900		*
Total to Mosquito Abatement		\$44,744	*
TOTAL TRANSFERRED TO:		\$119,121	

* Note: County Council approved the above items to be retained in Contingency until actually needed in the line items and department. The actual amounts transferred are not to exceed the amounts indicated above.

RESOLUTION

PROCLAIMING MAY 2005 AS MENTAL HEALTH
AWARENESS MONTH

WHEREAS, the mental health of our citizens is vital to the well being and vitality of our families, businesses and community: and

WHEREAS, mental illness affects one of every five South Carolinians: and

WHEREAS, seven to nine percent of children between the ages of 9 and 17 have serious emotional disturbances but nearly two-thirds of these children are not receiving treatment; and

WHEREAS, the World Health Organization has found that when compared with all other diseases, mental illness ranks first in terms of causing disability in the United States, Canada, and Western Europe; and

WHEREAS, the Berkeley Community Mental Health Center works to help people in our areas through times of difficult emotional and mental distress, serving 3,000 citizens last year; and

WHEREAS, people struggling with mental illnesses and their families need services in the community and public understanding; and

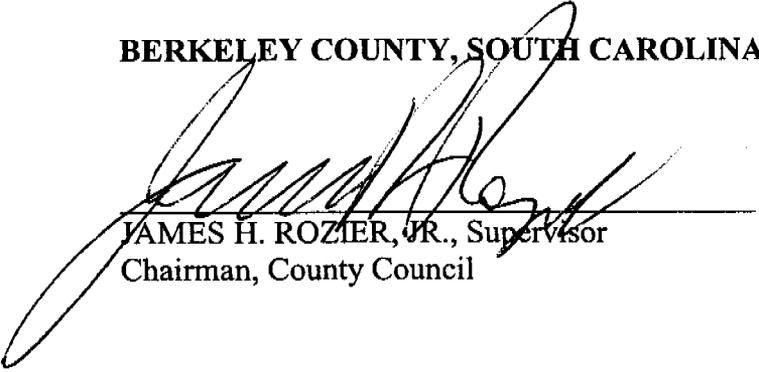
WHEREAS, stigma has been identified as a leading factor in keeping people from seeking the treatment they need:

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

BERKELEY COUNTY COUNCIL does hereby show its support of the efforts to erase the stigma surrounding mental illnesses by **PROCLAIMING MAY 2005 AS MENTAL HEALTH AWARENESS MONTH**.

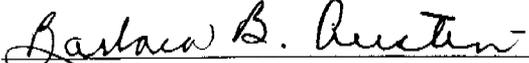
ADOPTED this 23rd day of May 2005

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., Supervisor
Chairman, County Council

ATTEST:



Barbara B. Austin, Clerk of County Council
Berkeley County, South Carolina

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

RESOLUTION

Designating Surplus Vehicles of Berkeley County Water and Sanitation Authority and Authorizing the Sale or Disposal of the Surplus Vehicles.

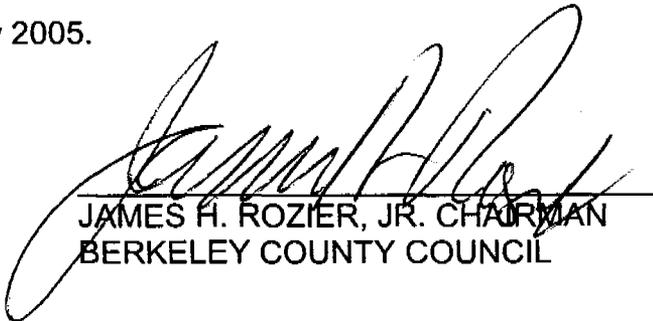
WHEREAS, Berkeley County Council, pursuant to the authority granted in Section 4-9-30(2) and Section 4-9-160 of the Codes of Laws of South Carolina, 1976, as amended, has created by virtue of Ordinance No. 92-11-26 a Procurement Ordinance, which establishes in part a method of managing supplies of Berkeley County Water and Sanitation Authority (hereafter the "Authority") and;

WHEREAS, it has been brought to the attention of Berkeley County Council that there exist certain "surplus vehicles" owned by the Authority, which are no longer of any use to the Authority and the County; and

WHEREAS, Berkeley County Council has determined it to be in the best interest of the County to dispose of these "surplus vehicles";

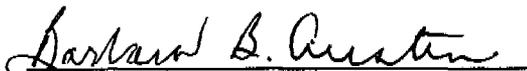
NOW, THEREFORE, BE IT RESOLVED, that Berkeley County Council hereby declares this property, as set out in EXHIBIT A attached hereto and by this reference is made a part hereof, to be "surplus vehicles" to the Authority and to be sold by sealed bids or at a public auction, which shall be held as soon as practicable, or according to the guidelines set by the said Procurement Ordinance and Regulations.

ADOPTED this 23rd Day of May 2005.


JAMES F. ROZIER, JR. CHAIRMAN
BERKELEY COUNTY COUNCIL

(SEAL)

ATTEST:


BARBARA B. AUSTIN
CLERK OF COUNTY COUNCIL

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

R 05-28

BERKELEY COUNTY WATER & SANITATION AUTHORITY
SURPLUS VEHICLES AND EQUIPMENT
April-05

NUMBER	DESCRIPTION	MODEL/MAKE	SERIAL NUMBER
1	1999 PLYMOUTH BREEZE (83,373 Miles)	PLYMOUTH	1P3EJ46C1XN633342
2	SKID MOUNTED PORTABLE GENERATOR		6115 66 AOK 0111

RESOLUTION

A RESOLUTION EXTENDING THE TIME PERIOD FOR THE BERKELEY COUNTY PLANNING COMMISSION TO CONDUCT STUDIES AND TO DEVELOP AND MAKE RECOMMENDATIONS FOR A CAPITAL IMPROVEMENTS PLAN AND IMPACT FEE ORDINANCE, IN ACCORDANCE WITH, THE SOUTH CAROLINA DEVELOPMENT FEE ACT, S.C. CODE OF LAW §§ 6-1-910, *et seq.*

WHEREAS, on February 28, 2004, Berkeley County Council adopted a resolution directing the Berkeley County Planning Commission to conduct certain studies and to make recommendations regarding impact fees; and

WHEREAS, the Resolution specified that the Planning Commission must complete its studies and make its recommendations within ninety (90) days; and

WHEREAS, the Planning Commission has indicated that more time is necessary in order to complete said studies and make said recommendations and has requested that the time period be extended; and

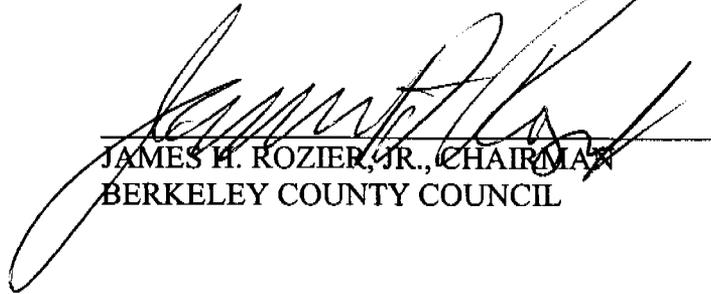
WHEREAS, Berkeley County Council finds that it is appropriate to extend said time period.

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that the time period for the Planning Commission to conduct studies and to make recommendations for a capital improvements plan and impact fees, pursuant to S.C. Code of Laws §6-1-950 (1976, as amended), shall be extended until December 31, 2005.

DONE this 23rd day of May 2005.

(SEAL)

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

ATTEST:



Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 5-23-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Excused 5-23-05

STEVE C. DAVIS Voting _____

NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. James H. Rozier, Jr., Supervisor
Vice Chairman: Mr. William E. Crosby, District No. 3

Members: Mr. Phillip Farley, District No. 1
Mrs. Judith K. Spooner, District No. 2
Mr. Charles E. Davis, District No. 4
Mr. Dennis L. Fish, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

There will be a **Special Meeting** of **BERKELEY COUNTY COUNCIL** on **Monday June 13, 2005**, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, at **6:00 p.m.**

CALL TO ORDER

PUBLIC DISCUSSION – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the County; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

RESOLUTION:

Resolution to override the statutory millage rate limitation and to increase the millage rate in order to adjust the prospective millage rate such that the overall new millage rate will result in a decrease thereto from the prior fiscal year.

UNFINISHED BUSINESS

NEW BUSINESS

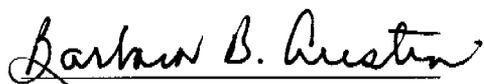
ANNOUNCEMENTS

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

June 8, 2005


Barbara B. Austin, CCC
Clerk of County Council

SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. James H. Rozier, Jr., Supervisor
Vice Chairman: Mr. William E. Crosby, District No. 3

The first of two **SPECIAL MEETINGS OF BERKELEY COUNTY COUNCIL** was held on **Monday, June 13, 2005**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:03 p.m.

PRESENT: Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No 8; Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mrs. Judy C. Mims, Council Member District No. 6, was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

CALL TO ORDER

Chairman Rozier called the meeting to order. Council Member Spooner led in the Invocation, and Council Member Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

EXECUTIVE SESSION

It was moved by Council Member Crosby and seconded by Council Member Fish to enter into Executive Session to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the County; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney/client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

Council entered into Executive Session at 6:05 p.m., and returned to Special Session at 6:38 p.m.

Mr. D. Mark Stokes, County Attorney, reported that Council entered into Executive Session for reasons stated in the motion. No formal action was taken.

PUBLIC DISCUSSION – None

CHAIRMAN OF COUNTY COUNCIL

RESOLUTION:

“RESOLUTION TO OVERRIDE THE STATUTORY MILLAGE RATE LIMITATION AND TO INCREASE THE MILLAGE RATE IN ORDER TO ADJUST THE PROSPECTIVE MILLAGE RATE SUCH THAT THE OVERALL NEW MILLAGE RATE WILL RESULT IN A DECREASE THERETO FROM THE PRIOR FISCAL YEAR.”

Chairman Rozier stated that when the proposed budget for Berkeley County was presented last month, the millage rate reflected a decrease of 2.5 mills for operations. Statutory mills would change to 42.5. Special Revenue Funding Accounts would add 2.5 mills into the budget, creating a reduction from the current 49.5 mills to 47.0 mills. Special Revenue Funds include such accounts as the Library and EMS, which have been external from the County’s budget since their inception. Auditing has recommended that these accounts be included within the budget, because GASB (Governmental Accounting Standards Board) has created new regulations requiring these accounts to be included in a guaranteed funding source, and that is what millage is.

It was moved by Council Member Crosby and seconded by Council Member Farley to approve the **Resolution** adjusting the prospective **millage rate** such that the overall new millage rate would result in a **decrease**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-30 is attached to these minutes.)

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS – none

ADJOURNMENT

It was moved by Council Member Spooner and seconded by Council Member Farley to adjourn the Special Meeting of County Council. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Mr. Neil Robinson, Esquire, representing the Charleston Trident Homebuilders Association, addressed Council and stated concerns relating to the proposed 2005/2006 budget for the Berkeley County Water and Sewer Authority (BCWSA), as follows:

- In 2003, there were some significant increases (i.e., water capacity fees increased approximately 300 percent, and sewer capacity fees increased approximately 115 percent).
- Due to new needs of the County, brought about by development in recent years, more capacity is being required, and substantial bond issues are imminent.
- The pending BCWSA budget, particularly, with respect to water and sewer capacity reservation fees, would generate more revenue than that budget reflects a need for when calculating the proposed increases of 41 percent for water and 114 percent for sewer.
- The proposed budget reflects water capacity reservation fees generating \$400,000, but if the new rate is applied to expected tap-in fees, it will generate over \$600,000.
- The proposed budget reflects sewer capacity reservation fees generating \$1,400,000, but if the new rate is applied, it will generate over \$1,900,000.

In conclusion, Mr. Robinson asked Council to review and reconsider the proposed increases, in order to provide some relieve to homebuilders in the area.

Chairman Rozier recommended that Council Member Spooner and Council Member Fish meet with Marc Hehn and Lee Moulder to review the BCWSA proposed budget increases.

Public Discussion concluded at 6:47 p.m.



Barbara B. Austin
Clerk of County Council

July 25, 2005
Date Approved

RESOLUTION NO. 05-30

A RESOLUTION AUTHORIZING THE OVERRIDE OF THE ROLLBACK MILLAGE RATE LIMITATION AND THE INCREASE OF THE MILLAGE RATE IN ORDER TO ADJUST THE PROSPECTIVE MILLAGE RATE SUCH THAT THE OVERALL NEW MILLAGE RATE IS DECREASED

WHEREAS, although the statutory authority found in S.C. Code of Law §6-1-320(A) permits a local governing body to increase the millage rate each year by the consumer price index, Berkeley County has never increased the millage rate by the consumer price index; and

WHEREAS, in prior years, the County has used reserve funds in order to meet expenditures. In order to avoid depleting the fund balance, it is necessary to increase the millage rate as mandated by S.C. Code of Law §6-1-320(B)(2) (1976, as amended); and

WHEREAS, generally accepted accounting principles recommend that a fund balance be carried over from year to year and that expenditures not be budgeted from the fund balance; and

WHEREAS, pursuant to S.C. Code of Laws §6-1-320(C) (1976, as amended), the statutory millage rate limitation may be overridden and the millage rate further increased upon a positive majority vote of council; and

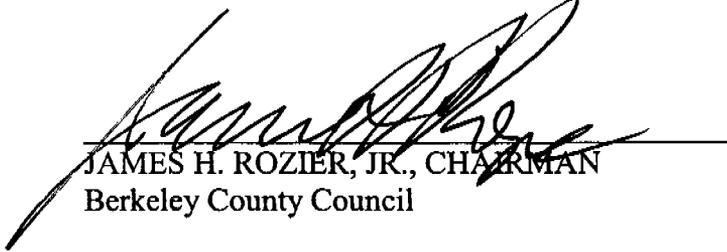
WHEREAS, Berkeley County Council now finds it is in the best interest of the citizens of Berkeley County to adjust the millage rate in accordance with the statutory provisions noted above, while still effectuating an overall decrease in the millage rate;

NOW, THEREFORE, BE IT RESOLVED by the Berkeley County Council, in a meeting duly assembled, that it authorizes the override of the rollback millage rate limitation and the increase of the millage rate in order to adjust the prospective millage rate such that the overall new millage rate is decreased.

R 05-30

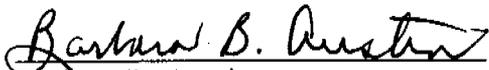
DONE this 13th day of June, 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
Berkeley County Council

ATTEST:



Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Excused 6-13-05

JUDY C. MIMS Voting _____

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes