

Charleston, SC
September 13, 2011

A regular meeting of County Council of Charleston County was held on the 13th day of September, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Rev. Robert Reid gave the invocation. Deputy Clerk Kristen L. Salisbury led in the pledge to the flag.

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

Ms. Johnson moved approval of the County Council minutes of August 13, 2011, seconded by Mr. Rawl, and carried.

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Trident Literacy Association Executive Director Eileen Chepenik requesting that Council adopt a resolution proclaiming September 2011 Literacy Month in Charleston County.

Literacy Month

Request
Resolution

Committee recommended that Council adopt the requested resolution. Ms. Condon moved approval of the Committee recommendation, seconded by Mr. Summey, and carried. The Chairman asked Ms. Chepenik and the staff and volunteers of Trident Literacy Association to come forward to receive the resolution. The resolution is as follows:

A RESOLUTION OF CHARLESTON COUNTY COUNCIL

WHEREAS, the need for a highly literate citizenry increases as our community moves toward an increasingly technological future; **and,**

WHEREAS, more than 30,000 adults in Charleston County do not have a high school credential and 10,000 have less than a ninth grade education, which negatively affects their ability to become employed and to participate full as citizens; **and**

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WHEREAS, Trident Literacy Association provides self-paced, individualized instruction in basic literacy, GED preparation, English as a Second Language, WorkKeys Career Readiness and basic computer skills to more than 1,000 adults in Charleston County annually; **and,**

WHEREAS, the United States Congress has declared the week of September 12 as **National Adult Education and Family Literacy Week;** **and,**

WHEREAS, Charleston County Council deems it important to recognize and highlight the economic and societal importance of literacy.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that Charleston County Council does hereby proclaim September 2011 as Literacy Month in Charleston County, South Carolina, and urges its citizens to learn more about the importance of literacy and to become involved with literacy in our community.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
September 13, 2011

An Ordinance approving and authorizing the grant of a utility easement to AT&T on a portion of the County-owned property known as the Charleston County Metro Compound was given third reading by title only.

AN ORDINANCE
 APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT
 TO AT&T ON A PORTION OF COUNTY PROPERTY KNOWN AS THE
 CHARLESTON COUNTY METRO COMPOUND

WHEREAS, the AT&T has requested the grant of an easement of twenty (20) feet by twenty (20) feet across a portion of Charleston County's real property identified by parcel identification number 412-00-00-019 known as the Charleston County Metro Compound, located at 3891 Bridge View Drive, in North Charleston, South Carolina, to allow AT&T to locate Subscriber Loop Carrier Remote Terminals; and

WHEREAS, AT&T will pay for all costs associated with the easement including Twelve Thousand Five Hundred (\$12,500) Dollars for the easement; and

WHEREAS, Charleston County Council finds that granting the easement is an appropriate public use for this property; and

WHEREAS, Charleston County Council also finds that the easement will be a benefit to County communications and other businesses in the area, and it consents to AT&T having an easement across the property owned by the County; and

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

AT&T
 Easement –
 Charleston
 County Metro
 Compound

Ordinance 3rd
 Reading

SECTION I. FINDINGS INCORPORATED

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

SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants an easement of twenty feet by twenty feet across a portion of Charleston County's real property identified by parcel identification number 412-00-00-019 known as the Charleston County Metro Compound, located at 3891 Bridge View Drive, in North Charleston, South Carolina, to allow AT&T to locate Subscriber Loop Carrier Remote Terminals. AT&T will be responsible for all costs associated with the easement, including a payment to the County for the easement in the amount of Twelve Thousand Five Hundred (\$12,500) Dollars. The location of the easement is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 13th day of September, 2011

CHARLESTON COUNTY COUNCIL

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

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

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The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed third reading.

An Ordinance approving and authorizing the grant of a utility easement to AT&T on a portion of the County-owned property known as the Lonnie Hamilton, III, Public Services Building was given third reading by title only.

**AT&T
Easement –
Public
Services
Building**

**Ordinance 3rd
Reading**

**AN ORDINANCE
APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT
TO AT&T ON A PORTION OF COUNTY PROPERTY KNOWN AS THE LONNIE
HAMILTON, III, PUBLIC SERVICES BUILDING**

WHEREAS, the AT&T has requested the grant of an easement of twenty (20) feet by twenty (20) feet across a portion of Charleston County's real property identified by parcel identification number 412-00-00-020 known as the Lonnie Hamilton, III, Public Services Building, located at 4045 Bridge View Drive, in North Charleston, South Carolina, to allow AT&T to locate Subscriber Loop Carrier Remote Terminals; and

WHEREAS, AT&T will pay for all costs associated with the easement including Twelve Thousand Five Hundred (\$12,500) Dollars for the easement; and

WHEREAS, Charleston County Council finds that granting the easement is an appropriate public use for this property; and

WHEREAS, Charleston County Council also finds that the easement will be a benefit to County communications and other businesses in the area, and it consents to AT&T having an easement across the property owned by the County; and

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

SECTION I. FINDINGS INCORPORATED

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

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B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed third reading.

An Ordinance to amend the fiscal year 2010-2011 Charleston County Park and Recreation budget ordinance number 1643 was given second reading by title only.

FY 2011 PRC
Budget
Amendment

Ordinance 2nd
Reading

AN ORDINANCE

TO AMEND THE FISCAL YEAR 2010-2011 BUDGET ORDINANCE NO. 1643 TO PROVIDE FOR THE INCREASE OF THE CHARLESTON COUNTY PARK AND RECREATION COMMISSION'S OPERATING BUDGET FROM \$12,910,381 TO \$14,890,381 FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, HEREINAFTER REFERRED TO AS FISCAL YEAR 2011; AND OTHER MATTERS RELATED THERETO

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed second reading.

An Ordinance authorizing Charleston County to convey the County's interest, if any, in property identified as TMS# 343-07-00-058 to Louie Garvin, Jr., by Quit Claim Deed was given second reading by title only.

**Quit Claim
Deed**

**Ordinance 2nd
Reading**

AN ORDINANCE

AUTHORIZING CHARLESTON COUNTY COUNCIL TO CONVEY CHARLESTON COUNTY'S INTEREST, IF ANY, IN REAL PROPERTY IDENTIFIED AS TAX MAP PARCEL NUMBER 343-07-00-058 BY QUITCLAIM DEED TO LOUIE F. GARVIN, JR.

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

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed second reading.

An Ordinance authorizing a fee in lieu of tax arrangement by and between Project Aether and Charleston County was given second reading by title only.

**Project Aether
FILOT**

**Ordinance 2nd
Reading**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND PROJECT AETHER; AND

**OTHER MATTERS RELATING THERETO INCLUDING,
WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU
OF TAXES**

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

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed second reading.

An Ordinance authorizing the granting of certain special source credits by Charleston County to Project Aether was given second reading by title only.

**Project Aether
Special
Source Credit**

**Ordinance 2nd
Reading**

**AN ORDINANCE AUTHORIZING THE
GRANTING OF CERTAIN SPECIAL SOURCE
CREDITS BY CHARLESTON COUNTY, SOUTH
CAROLINA TO PROJECT AETHER**

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

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared that the ordinance had passed second reading.

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Council Member Colleen Condon and Kristen Salisbury, Deputy Clerk of Council, regarding Ms. Condon's desire to recommend Brady Quirk-Garvan to the Greenbelt Advisory Board.

**Greenbelt
Advisory
Board**

Committee recommended that Council appoint Brady Quirk-Garvan to the Greenbelt Advisory Board for a term to run co-terminus with Council Member Condon's term on County Council.

**Appointment
(1)**

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

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Council Member Dickie Schweers and Kristen Salisbury, Deputy Clerk of Council, regarding Mr. Schweers's desire to recommend Theresa Craven for appointment to the Charleston County Board of Zoning Appeals.

**Board of
Zoning
Appeals**

**Appointment
(1)**

Committee recommended that Council appoint Theresa Craven to the Charleston County Board of Zoning Appeals for a term to expire December 31, 2014.

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

**Business
License/User
Fee Appeals
Board**

**Appointments
(4)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make appointments to the Business License/User Fee Appeals Board. It was stated that an application for reappointment was received from Robert Moise and that applications for appointment were received from Leonard Thomas Gantler, Jason Scott Luck, and Jeffrey S. Tibbals, Sr., and that following these appointments there will remain one vacancy on the Business License/User Fee Appeals Board.

The Business License/User Fee Appeals Board is a six member board that is charged by County Council to receive testimony and make written determinations concerning appeals of citizens and the business community aggrieved by any action taken by the Business License/User Fee Department. Half of the members of this board must be either CPAs or attorneys and other applicants are encouraged to have a strong legal and/or financial background. Meetings are scheduled in the evenings, after normal working hours, on an as-needed basis. All determinations made by this Board are final unless the decision of the Board is appealed to Council within ten days after service of the Board's decision. Terms of the Business License/User Fee Appeals Board are for four years.

Committee recommended that Council:

1. reappoint Robert Moise to the Business License/User Fee Appeals Board for a term to expire in September 2015.
2. appoint Jason Scott Luck to replace J. Wayne Harris on the Business License/User Fee Appeals Board for a term to expire in September 2015
3. appoint Leonard Thomas Gantler and Jeffrey S. Tibbals, Sr. to vacant seats on the Business License/User Fee Appeals Board for terms to expire in September 2014.

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

**Awendaw
Consolidated
Advisory
Board**

**Appointment
(1)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make an appointment to the Awendaw Consolidated Advisory Board. It was stated that an application for appointment was received from Harry Naylor, and that following these appointments there will remain three vacancies on the Awendaw Consolidated Fire District Advisory Board.

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

Committee recommended that Council appoint Harry Naylor to the Awendaw Consolidated Advisory Board for a term to expire in April 2013.

Mr. Pryor moved committee recommendation, seconded by Mr. Summey, and carried.

**BCD Council
of
Governments**

**Appointment
(1)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make an appointment to the Berkeley Charleston Dorchester Council of Governments Board of Directors. It was stated that an application for reappointment was received from Earl Mitchell.

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

Berkeley-Charleston-Dorchester Council of Governments meets at least four (4) times per year.

Committee recommended that Council reappoint Earl Mitchell to the Berkeley-Charleston-Dorchester Council of Governments for a term to expire in January 2013.

Mr. Pryor moved committee recommendation, seconded by Mr. Summey, and carried.

**Community
Development
Advisory
Board**

**Appointment
(1)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make an appointment representing the construction sector to the Community Development Advisory Board. It was stated that an application for appointment was received from Amy Hill.

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

Committee recommended that Council appoint Amy Hill to the Community Development Advisory Board representing the construction sector for a term to expire in April 2013.

Mr. Pryor moved committee recommendation, seconded by Mr. Summey, and carried.

**Procurement
Appeals Board**

**Appointments
(2)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make appointments to the Procurement Appeals Board. It was stated that applications for appointment were received from Jason Scott Luck and John W. Zinsser. Following these appointments there will remain two vacancies on the Procurement Appeals Board.

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

Committee recommended that Council appoint Jason Scott Luck and John W. Zinsser to the Procurement Appeals Board for terms to expire in June 2014.

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

**Construction
Board of
Adjustment
and Appeals**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make appointments to the Construction Board of Adjustment and Appeals for one residential homebuilder, one civil engineer, one structural engineer.

**Appointments
(3)**

Applications for reappointment were received from Douglas James, a residential homebuilder; Matthew Hunt, a civil engineer; and Stevenson Kemp, a structural engineer. Following these appointments there will remain one vacancy for a mechanical engineer.

The Construction Board of Assessment and Appeals is charged with determining grounds for revocation and re-issuance of general contracting licenses, hearing charges and making decisions on those charges, determining probationary offenses, and reviewing responsibilities of Code updates. The eleven member board shall be composed of two architects, two civil engineers, one structural engineer, general contractor, one mechanical or plumbing contractor, one electrical contractor, one residential homebuilder, one mechanical engineer, and one resident state fire marshal. Initial member terms are staggered and subsequent terms are for four years.

Committee recommended that Council reappoint Douglas James, a residential homebuilder; Matthew Hunt, a civil engineer; and Stevenson Kemp, a structural engineer for terms to expire in July 2015.

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

**Weed and
Trash
Abatement
Hearing Board**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to make an appointment to the Weed and Trash Abatement Hearing Board.

**Appointment
(1)**

An application for appointment was received from Michael McCurdy. Following this appointment there will remain one vacancy on the Weed and Trash Abatement Hearing Board.

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

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Board is appealed to Council within ten days after service of the Board's decision. Terms of the Weed & Trash Abatement Hearing Board are for three years.

Committee recommended that Council appoint Michael McCurdy to the Weed and Trash Abatement Hearing Board for a term to expire in March 2013.

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

**Forestry
Board**

**Appointment
(1)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the State Forester make an appointment to the Charleston County Forestry Board.

An application for appointment was received from John Marcoux.

The five members of the Charleston County Forestry Board shall assist in the general conduct of the forestry program in the County. The Board shall review, revise, and adopt the annual forest fire protection plan. Members of the Board shall reside in Charleston County. Appointments are made by the State Forester upon recommendation of County Council. Terms are for five years.

Committee recommended that Council recommend that the State Forester appoint John Marcoux to the Charleston County Forestry Board for a term to expire in June 2016.

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

**St. Andrews
Parks and
Playground
Commission**

**Appointments
(2)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the Governor make appointments to the Saint Andrews Parks and Playground Commission.

An application for reappointment was received from Carol Etheridge. An application for appointment was received from Mark Alan Jeffcoat.

The St. Andrews Parks and Playground Commission is a Public Service District formed by the state legislature and is composed of five volunteer citizens that live within the Public Service District. The Commission is appointed by the Governor, upon recommendation of Charleston County Council for a term of three years. The duties of the Commission include preparing an annual budget to be approved by Charleston County Council and making and maintaining policy for the Agency. The staff of St. Andrews Parks and Playground report to the Executive Director who in turn reports directly to the Commission.

Committee recommended that Council recommend that the Governor:

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1. reappoint Carol Etheridge to the Saint Andrews Parks and Playground Commission for a term to expire in July 2014
2. appoint Mark Alan Jeffcoat to replace Susan Mayo on the Saint Andrews Parks and Playground Commission for a term to expire in July 2014.

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

**Disabilities
and Special
Needs Board**

**Appointments
(4)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the Governor make appointments to the Disabilities and Special Needs Board.

Applications for reappointment were received from P. Cooper Coker, IV; Geoffrey Lewis Groat, Jr.; and Dr. Elizabeth Pilcher. An application for appointment was received from Elizabeth Lee. Following these appointments there will remain two vacancies on the Disabilities and Special Needs Board of Charleston County.

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

Committee recommended that Council recommend that the Governor:

1. reappoint P. Cooper Coker, IV; Geoffrey Lewis Groat, Jr.; and Dr. Elizabeth Pilcher to the Disabilities and Special Needs Board for terms to expire in September 2015
2. appoint Elizabeth Lee to replace Leo Fetter on the Disabilities and Special Needs Board for a term to expire in September 2015.

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

**Park and
Recreation
Commission**

**Appointments
(4)**

A report was read from the Administration Policy/Rules Committee under date of September 8, 2011, that it considered the information furnished by Kristen Salisbury, Deputy Clerk of Council, regarding the need to recommend that the Governor make four appointments to the Charleston County Parks and Recreation Commission. It was stated that the terms of Ravi Sanyal, Matthew Yelverton, Rosemarie West, and Benjy Cooke expired in June 2011. It was shown that applications for reappointment were received from Ravi Sanyal, Matthew Yelverton, and Benjy Cooke, and that applications for appointment were received from Cantrell Belcher, Jonathan Chalfie, James Howard Chalmers, III; Wilmot Fraser, Jeff Gladwell, Ronald Gold, Debbie

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Jones, Ruth Jordan, Alan Laughlin, Mattese Lecque, Paul Levy, Joe Lysaght, J. Warren Sloan, Jr.; Andy Thomas, and Fred Wichmann.

Committee recommended that Council recommend that the Governor:

1. reappoint Benjy Cooke and Ravi Sanyal to the Charleston County Park and Recreation Commission for terms to expire in June 2013.
2. appoint Mattese Lecque to replace Rosemarie West on the Charleston County Park and Recreation Commission for a term to expire in June 2013.
3. appoint Andy Thomas to replace Matthew Yelverton on the Charleston County Park and Recreation Commission for a term to expire in June 2013.

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

A report was read from the Planning/Public Works Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Neal, Public Works Director, regarding a request received from the Town of Ravenel to amend the County's 208 Designated Management Agency Service Area to allow the Town of Ravenel to provide wastewater service to the MeadWestvaco East Edisto property in the proposed business park area and in the proposed Spring Grove mixed use development area.

It was shown that the East Edisto Development Agreement Review Team had considered this request and unanimously recommended approval, contingent upon County Council's approval of the East Edisto Development Agreement.

Committee recommended that Council approve the Town of Ravenel's request without the zoning contingency recommended by the East Edisto Development Agreement Review Team.

Mr. Summey moved approval of Committee recommendation, seconded by Mr. Rawl.

Ms. Johnson stated that she needed more information regarding the County's 208 Designated Management Agency Plan before she would be prepared to vote on this item. County Administrator Allen O'Neal responded that if this matter were to be tabled by Council, staff would be prepared to make a comprehensive presentation on the County's 208 Designated Management Agency Plan at the September 22, 2011 Planning/Public Works Committee.

Mr. Summey stated that he wanted to move forward with the motion.

Mr. Schweers asked County Attorney Joe Dawson what would happen if Council voted against the request. Mr. Dawson responded that if Council voted against the request, it would in effect die.

Mr. Summey stated that while he understood that angst associated with moving forward, the timing was right to move forward. He stated that if Council waited to

**208
Designated
Management
Area
Amendment/
Town of
Ravenel**

**Request to
Approve**

approve the amendment to the Designated Management Agency Service Area until after the East Edisto Development Agreement is completed that process could take up to a year. In the meantime, the Town of Ravenel supports amending the plan, Charleston Water System supports amending the plan, and the developer supports amending the plan. He stated that the pipes are in place, the pump is in the ground, and it is just a matter of turning on the valve. He remarked that the Town of Ravenel had invested a considerable amount of funds in order to make sure that the infrastructure is in place and is in need of being reimbursed, but cannot access the reimbursement funding until Charleston County approves the amendment to the 208 service area. He also stated that he believed that the move to delay was an attempt to control development through access to utilities, that this piece of property is zoned properly for use as an industrial park.

Mr. Schweers asked staff if the infrastructure was in place. Andrea Pietras, a planner with the Charleston County Zoning and Planning Department, stated that the Town of Ravenel had installed a new pump station. Mac Baughman, with Mead Westvaco, stated that there are no lines running into the industrial park area, but the pump station has been upsized and the lines running out of the pump station have been upsized.

Mr. Rawl stated that prior to Charleston County becoming a 208 Designated Management Agency the Town of Ravenel had been negotiating with Charleston Water System to provide wastewater. He stated that requiring that the development agreement be in place before approving the requested amendment would be preventing the opportunity for a seriously economically blighted area of our county to receive water and sewer service in the near future. He stated that the Town of Ravenel is not going to annex the industrial park area. Mead Westvaco does not want to annex into Ravenel and Ravenel is not large or complex enough to handle the development.

Mr. Schweers stated that he supports the Mead Westvaco concept, but thinks the amendment is premature.

Ms. Johnson stated that she is in support of the economic development aspect of the project, but needs more of a big picture understanding of the 208 program and how it ties in with this project before she can vote to move forward.

Chairman Pryor asked staff if Parkers Ferry, Adams Run, and Willtown would be under the Town of Ravenel's Designated Management Area if the amendment goes through. Jim Neal, Public Works Director, stated that under the 208 program the only area that will fall under the Town of Ravenel's Designated Management Area Service Plan would be the surveyed portion that is the exact location of the business park and the area across the street. He also mentioned that the County does not provide sewer service and that under the County's Comprehensive Plan the only approved wastewater under our Designated Management Area is septic tanks so without the amendment, the industrial park area would have to be serviced by septic tanks.

September 13, 2011

Mr. Summey withdrew his motion to approve and asked to table the matter, but requested that it be on the September 27 County Council agenda. The motion was seconded by Mr. Rawl, and carried.

ZREZ-5-11-11193, 8895 University Boulevard

**A) Request to Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Planning Director Dan Pennick regarding Zoning Change Case ZREZ-5-11-11193, 8895 University Boulevard. It was stated that the request is to rezone the property from Single Family Residential 4 (R-4) to Residential Office (OR). It was shown that staff and Planning Commission recommended approval of the requested change.

Committee recommended that Council approve the requested zoning change and give first reading to an ordinance authorizing the change.

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

An Ordinance rezoning 8895 University Boulevard was given first reading by title only.

**AN ORDINANCE
REZONING THE REAL PROPERTY LOCATED AT 8895
UNIVERSITY BOULEVARD, TAX MAP PARCEL IDENTIFICATION
NUMBER 486-11-00-008, FROM THE (R-4) SINGLE FAMILY
RESIDENTIAL 4 DISTRICT TO THE (OR) RESIDENTIAL OFFICE
DISTRICT.**

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

**Comp Plan Amendments
Section 3.1.7, Future Land Use, Section C
Planned Developments**

**A) Request to Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Planning Director Dan Pennick regarding proposed changes to Comprehensive Plan Section 3.1.7, Future Land Use Recommendations, Section C. Planned Developments. It was stated that the purpose of the proposed amendments is to clarify requirements for open space conservation and affordable housing planned development density bonuses.

It was shown that staff and Planning Commission recommended approval of the proposed amendment.

Committee recommended that Council approve the proposed change and give first reading to an ordinance adopting the change.

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

An Ordinance amending the Charleston County Comprehensive Plan was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY COMPREHENSIVE PLAN
ORDINANCE, NUMBER 1095, AS AMENDED, CHAPTER 3.1 LAND USE
ELEMENT, SECTION 3.1.7: FUTURE LAND USE RECOMMENDATIONS,
SUBSECTION C. PLANNED DEVELOPMENTS**

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

A report was read from the Planning/Public Works Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Planning Director Dan Pennick regarding proposed amendments to Article 4.27, Planned Development Zoning District of the Zoning and Land Development Regulations Ordinance. It was stated that the purpose of the proposed amendments is to implement the Comprehensive Plan amendments adopted on December 22, 2009, and clarify requirements for open space conservation and affordable housing planned development density bonuses.

It was shown that staff and Planning Commission approved the proposed amendments.

Committee recommended that Council approve the proposed amendments and give first reading to an Ordinance adopting the amendments.

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

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

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
AMENDED, CHAPTER 4 , BASE ZONING DISTRICTS, ARTICLE
4.27, PD, PLANNED DEVELOPMENT ZONING DISTRICT.**

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

A report was read from the Planning/Public Works Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Planning Director Dan Pennick regarding proposed amendments to the Zoning and Land Development Regulations Ordinance, Article 8.15, Conservation Subdivisions and Chapter 12, Definitions. It was stated that the purpose of the proposed amendments is to allow conservation subdivisions in the

**ZLDR Text
Change Article
4.27, Planned
Development
Zoning District**

**A) Request to
Approve
B) Ordinance
1st Reading**

RR-3 Zoning District to implement the Comprehensive Plan Rural Area recommendations to permanently protect open spaces and agricultural land.

It was shown that staff and Planning Commission recommended approval of the proposed amendments.

**ZLDR Text
Amendment
Article 8.15,
Conservation
Subdivisions
and Chapter
12, Definitions**

Committee recommended that Council approve the proposed amendments to the Zoning and Land Development Regulations Ordinance and give first reading to an ordinance adopting the amendments.

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

**A) Request to
Approve
B) Ordinance
1st Reading**

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

AN ORDINANCE

**AMENDING THE CHARLESTON COUNTY ZONING AND LAND
DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS
AMENDED, CHAPTER 8, SUBDIVISION REGULATIONS, AND
CHAPTER 12, DEFINITIONS.**

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

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

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

The Consent agenda is as follows:

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Daniel Chandler, Director of Facilities, regarding renewal of Land Lease Agreement. It was stated that the County entered into a Land Lease Agreement with BellSouth Mobility (now New Cingular Wireless, PCS, LLC) on September 1, 1996, for New Cingular Wireless, PCS, LLC to lease property located at 4850 River Road, Johns Island, S.C. to build a tower and equipment building. It was shown that the lease was for five years with the option to renew for four, five year periods with automatic extensions through August 31, 2021. It was further stated that New Singular Wireless has requested to extend the lease agreement for an additional ten year period, which will extend the lease through August 31, 2031 since customers view sites with leases for ten years or less as "at risk" sites. It was further shown that New Cingular Wireless will increase the annual rental from \$11,675 to \$18,000 beginning September 1, 2011, and increased annually by the CPI with no negative

**Consent
Agenda –
Cingular
Wireless
Johns Island
Tower Lease**

adjustments, and has also requested the option to lease an additional 400 square feet of land at the market rental rate at the time the option is exercised.

Committee recommended that Council authorize the Chairman of County Council, after Legal Department approval, to execute a ten year lease extension with New Cingular Wireless, PCS, LLC, for property located at 4850 River Road, Johns Island, S.C. beginning September 1, 2011, for the sum of \$18,000 per year to be increased by the CPI with no negative adjustments and with authority for the County Administrator to approve the exercise of future options upon approval of the Legal Department.

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Ninth Circuit Solicitor Scarlett Wilson regarding an Edward Byrne Memorial Justice Assistance Grant (JAG) Program. It was stated that this is a direct allocation grant funding program which must be used only for criminal justice initiatives, and the award for the City of North Charleston for 2011 is \$114,007, with the Solicitor's portion of this allocation for 2011 being \$20,000. It was further stated that the Solicitor's Office is requesting to use \$20,000 to fund a General Prosecutor for a limited amount of months, with the number of months to be funded to be dependent upon the salary of the chosen prosecutor. It was shown that the grant period will run from October 1, 2011 until September 30, 2012; that there is no match required and that there is a 1.0 grant-funded FTE requested in this grant, for a portion of a year. It was further shown that the City of North Charleston will be serving as the fiscal agent for the award.

Committee recommended that Council approve the Solicitor's acceptance of \$20,000 from the City of North Charleston's 2011 Edward Byrne Memorial Justice Assistance (JAG) Grant Program allocation, through the U.S. Department of Justice to fund a General Prosecutor for a limited amount of months, with the understanding that :

- A) There is no match required.
- B) The grant period will run from October 1, 2011 until September 30, 2012.
- C) There is a 1.0 grant-funded FTE requested in this grant, for a portion of a year and the FTE position will be dissolved if no further grant or other funding is available, the County is under no obligation for the continuation of the services provided by this grant.

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett Tolbert, Director of Procurement, regarding bids received for two drainage projects in the City of Isle of Palms. It was stated that The Sparrow Drive Drainage Improvement project will consist of installing approximately 506 feet of pipe and associated appurtenances along Sparrow Drive, and the Lauden Street Drainage Improvement project will consist of installing approximately 320 feet of pipe along the west side of 30th Avenue between Waterway Boulevard and Lauden Street. It was shown that work shall include clearing, storm drainage improvements, paving, erosion

**Consent
Agenda –
2011 Edward
Byrne
Justice
Assistance
Program
(Solicitor)**

**Consent
Agenda –
Sparrow
Drive and
Lauden Drive
Drainage
Improvement
Projects**

and sedimentation control, and traffic control during construction. It was stated that eight bids were received and that two of the bids were non responsive.

Committee recommended that Council authorize award of a contract for Sparrow Drive and Lauden Street Drainage Improvements to B&C Utilities, Inc., the lowest responsive and responsible bidder, in the amount of \$233,106.50, with the understanding that funding is available through the Transportation Sales Tax.

**Consent
Agenda –
Two Roll-Off
Container
Trucks**

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett Tolbert, Director of Procurement, regarding sealed bids received for the purchase of two new roll-off container trucks to be utilized by the Environmental Management Department's Containerization Division throughout the County. It was stated that the roll-off container trucks are critical machines needed to ensure and maintain continual processing and to mitigate potential daily fines by SCDHEC. It was shown that due to their urgent need, the end user requested that a required delivery time of ninety (90) days be included in the bid package. It was further shown that these trucks were approved as replacement equipment by Council in the FY12 Environmental Management budget. The IFB No. 4534-11J solicitation process was ultimately rejected due to the requirements not being met and the need for changes in the specifications.

Committee recommended that Council authorize award of bid for the purchase of two new roll-off trucks to the lowest responsive and responsible bidder meeting the County's required ninety (90) day delivery timeframe, Carolina International Trucks, Inc., in the amount of \$318,454.74, with the understanding that these trucks will be utilized by the Environmental Management Department's Containerization Division throughout the County and that funds are available in the Environmental Management budget.

**Consent
Agenda –
Avista
Solutions
Infrastructure
Assistance
Incentives**

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Steve Dykes, Economic Development Director, regarding a request by Avista Solutions, a local firm which develops software for the banking industry, with an opportunity for relocation and expansion. It was stated that the company was planning to relocate its offices from Daniel Island to downtown Charleston, expanding its current workforce of 40 employees to 60, which would increase its annual payroll by \$1.8 million. It was shown that beyond the benefits of new job creation, the move into Charleston County by Avista Solutions will also result in the creation of new property tax revenues (approximately \$12,000-15,000 annually). It was further shown that In order to facilitate this competitive expansion, the Economic Development Director committed to the use of a utility infrastructure grant of up to \$5,000 to be drawn from the Economic Development Fund (EDF). This funding will be made available to the company on a reimbursement basis to offset expenses incurred in establishment and enhancement of telecommunications infrastructure. It was further stated that the Economic Development Fund was established in 1994 by County Council to be utilized in selective cases in support of recruitment and

expansion projects where due diligence, infrastructure, and relocation expenses were impediments to new business for the County.

Committee recommended that Council approve use of the Economic Development Fund to extend an infrastructure grant of up to \$5,000 to Avista Solutions in support of their relocation and expansion into downtown Charleston, with the understanding that funds will be provided on a reimbursable basis to the company by the Economic Development Department upon provision of proper documentation.

**Consent
Agenda – 2006
Port Security
Grant Program**

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and J. Alton Cannon, Sheriff of Charleston County, regarding the 2006 Port Security Grant Program. It was stated that this is a funding program administered by the U.S. Department of Homeland Security which provides funding for transportation infrastructure security activities to implement Area Maritime Transportation Security Plans, and that the funding is dispersed among port authorities, state and local government agencies. It was shown that the 2006 Port Security Grant Program has awarded funding in the amount of \$8,722,766 to the South Carolina State Ports Authority for infrastructure security, and that due to special circumstances the South Carolina Ports Authority is unable to utilize all of their allotted grant funding and must return all uncommitted funds to the grant provider. It was further shown that the U.S. Department of Homeland Security has authorized the South Carolina Ports Authority to establish a sub-grantee partnership with the Charleston County Sheriff's Office to fund marine equipment and the Charleston County Sheriff's Office has been awarded funding in the amount of \$66,920.00. The grant program requires a 25% cash match which the Sheriff's Office is providing in the amount of \$16,730.00. It was stated that the original grant period was for 30 months and several extensions were granted and the U.S. Department of Homeland Security has issued the date of October 31, 2011 as the official closing date of this opportunity and the Sheriff's Office is requesting to use this funding to purchase boat engines, a boat trailer and vessel electronics and no FTE's are requested in this grant.

Committee recommended that Council allow the Sheriff's Office to accept funds in the amount of \$66,920.00 from the 2006 Port Security Grant Program through the U.S. Department of Homeland Security as a sub-grantee of the South Carolina State Ports Authority, with the understanding that:

1. No FTE's are requested.
2. A 25% cash match in the amount of \$16,730.00 will be provided by the Sheriff's Office.
3. Funding will be for the purchase of marine related equipment.
4. The grant period will end October 31, 2011.

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Barrett J. Tolbert, Director of Procurement, regarding bids received for Bees Ferry Road Widening Project. It was stated that this project is approximately 4.5 miles long with a terminus from a relocated intersection with Savannah Highway (US

**Consent
Agenda –
Bees Ferry
Road
Widening
Project**

Route 17) to Ashley River Road. It was shown that the existing roadway would widen to a four lane divided/five lane section with a multi-use bicycle/pedestrian pathway and a sidewalk. It was further shown that this project would include a new pedestrian bridge a Bear Swamp Creek; a bridge replacement at the branch of Church Creek and would also connect to the West Ashley Traffic Circle. It was further stated that signal light upgrades will be made on bees Ferry Road at the Intersection with Ashley River Road, Glenn McConnell Parkway and West Ashley Traffic Circle.

Committee recommended that Council:

1. Authorize award of a the contract for Bees Ferry Road Widening to Banks Construction Company of North Charleston in the amount of \$32,511, 252.31, the most responsive and responsible bidder meeting specifications
2. Authorize acceptance of reimbursement from the South Carolina Department of Transportation up to \$15,000,000.00 using CHATS Guideshares and up to \$7,000,000.00 using FY2011 Federal Math Program Funds.
3. Authorize acceptance of reimbursement from the Commissioners of Public Works for relocation of water and sewer lines.
4. Authorize acceptance of reimbursement from Charleston County Environmental Management in the amount of \$581,196.92 for the proposed Bees Ferry Landfill entrancement improvements.
5. Authorize remaining balance of funding to be provided by Transportation Sales Tax bond proceeds.

A report was read from Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Budget Director, regarding Council Member Darby's request to evaluate various options for Cost of Living Adjustments (COLA) or pay increases, annual cost information is provided:

**Cost of Living
Adjustment**

**A) Request to
Approve
B) Ordinance
1st Reading**

Alternative	General Fund	Other Funds	Total
1.0% *	1,315,000	150,000	1,465,000
1.5% *	1,975,000	225,000	2,200,000
2.0% *	2,630,000	300,000	2,930,000
2.5% *	3,290,000	375,000	3,665,000
3.0% *	3,945,000	450,000	4,395,000
\$2,000 per FTE	5,515,000	1,400,000	6,915,000

*Note: includes increase for temporary employees

It was stated that Charleston County had a practice of awarding a COLA based on the last completed calendar year's Urban Consumer Price Index (South Region), and that due to the economic recession and the slow recovery, the County Administrator recommended that Council stop awarding COLAs beginning in FY 2010.

It was shown that although the closeout and audit of FY 2011 is still in progress, improvements in recurring revenues are estimated at this point to be adequate and sustainable to add additional costs, and that these improvements in recurring revenues are sufficient to fund a 2% COLA in FY 2012, but the revenue improvement is not sufficient to fund a 2.5% or 3.0% COLA in FY 2012. It was further shown that in addition, the County appears to have sufficient recurring revenues in FY 2013 to sustain the 2% COLA, continue the longevity program, and address increasing fringe benefit costs.

Committee recommended that Council:

1. Approve a 2% Cost of Living Adjustment for the pay period beginning October 7, 2011.
2. Appropriate Two Million-Two-Hundred Seventeen-Thousand-Twenty-Three Dollars (\$2,217,023) for the Cost of Living Adjustment by amending the FY 2012 County Budget Ordinance; and include the employees normally exempt pursuant to Charleston County Personnel Policies and Procedure Manual 5.20, Section J, with the exception of County Council Members
3. Give first reading to an Ordinance amending the FY 2012 budget ordinance to appropriate \$2,217,023 for the General Fund and Other Funds in the FY 2012 budget to fund the Cost of Living Adjustment and salary increase for temporary employees.

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

Mr. Sass said that he had missed the Finance Committee when this item was discussed, but that he had talked with Assistant Administrator for Finance Keith Bustra in the meantime and is concerned that last year's finances have not been finalized.

Mr. Schweers stated that while he thinks the world of the County's employees, he wasn't sure the timing is right for the increase.

Mr. Qualey stated that there is a time for everything and that perhaps there were more pressing issues that deserved funding. Mr. Qualey was also concerned that the money just appeared when Council had worked so hard to balance this year's budget.

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

Condon	- aye
Darby	- absent
Johnson	- aye
Qualey	- nay
Rawl	- aye
Sass	- nay
Schweers	- nay

Summey - aye
Pryor - aye

The vote being five (5) ayes, three (3) nays, and one (1) absent, the Chairman declared that the motion had passed.

An ordinance amending the FY 2011-2012 County Budget was given first reading by title only.

AN ORDINANCE TO AMEND THE 2011-2012 BUDGET ORDINANCE NO. 1684, TO PROVIDE FOR THE INCREASE OF CHARLESTON COUNTY'S OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$2,217,023 FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012, HEREINAFTER REFERRED TO AS FISCAL YEAR 2012; TO PROVIDE FOR BUDGETARY CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR AND OTHER MATTERS RELATED THERETO.

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

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Budget Director, regarding appropriations of the Local Accommodations Tax for future allocation to agencies. Council has committed \$162,500 in the Fiscal Year 2012 budget toward the accommodations tax allocation. It was stated that as requested by Council in August 2008, the Convention and Visitors Bureau (CVB), in conjunction with the College of Charleston's Office of Tourism Analysis, continues to assist the County with the applications review and to provide economic impact data for Council's consideration on the applications. The original applications from these agencies and the CVB's analysis were distributed to Council by the CVB. It was further stated that In addition, the Budget Office has provided a summary of the agency requests and their compliance with Council's policy.

Committee recommended that Council approve \$162,500 of accommodations tax allocations as follows:

Applicant Name	Allocated Amount
Actors' Theatre of SC	\$3,770
Black Pages	4,131
Charleston Golf, Inc.	7,766
Charleston Metro Sports Council	7,969
Charleston Stage	4,180
Charleston Symphony Orchestra	3,249
Charleston Wine + Food Festival	8,346
Children's Museum of the Low Country	5,232
City of Charleston Cultural Affairs (New Year)	3,071

City of Charleston Cultural Affairs (MOJA Arts Festival)	4,708
City of Charleston Cultural Affairs (Piccolo Spoleto)	5,671
Drayton Hall	8,331
Footlight Players	3,684
Fort Sumter-Fort Moultrie Trust	6,395
Gibbes Museum of Art	7,044
League of Charleston Theatres	3,309
Patriots Point Development Authority	19,069
Project LOVE	3,236
SC Aquarium	19,020
SC Maritime Foundation (Harbor Fest)	7,167
SEWE	11,810
Spoleto Festival USA	11,641
Student Transportation of America Foundation	3,700
Total	\$162,500

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

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, Assistant County Attorney Ed Kniseley, and Walter Smalls, Assistant Administrator for General Services, regarding general noise and livability issues. It was stated that Council Members Colleen Condon and Vic Rawl met with County Staff to address barking dogs and general noise and/or livability complaints from several constituents within their districts. They requested that County Staff:

- 1) Survey County departments involved with nuisance and livability issues to get their feedback on nuisance complaints and livability issues that County ordinances do not currently address.
- 2) Look at new ways of improving the complaint process for Charleston County Citizens and tracking those complaints.
- 3) Draft a new nuisance or livability ordinance for Council's review.

It was further stated that the request of Council Members Condon and Rawl, a new Livability Ordinance was prepared by the Legal Department for Council's review. It was shown that this new proposed Ordinance which includes several provisions for technical corrections and necessary improvements to several other existing County Ordinances, as well as the repeal of several Ordinances which are in conflict with State or Federal Law and are unnecessary.

Committee recommended that Council repeal Ordinances 875 of 1993 and 1138 of 2000, and approve and give first reading to an Ordinance approving the proposed Livability Ordinance in their place.

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

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

Livability Issues

A) Request to Approve B) Ordinance 1st Reading

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

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

A report was read from the Finance Committee under date of September 8, 2011, that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Armstrong, Director of the Transportation Department, regarding Mount Pleasant's mobility study in 2006, in which the consultants recommended closing the Johnnie Dodds Boulevard-Magrath Darby intersection as a full-service intersection because of the potential for northbound traffic to back up onto the Ravenel Bridge when signals were activated to allow for southbound left turns. It was stated that after the County began the project following the 2006 sales tax bond referendum, the SCDOT, FHWA and our consultants reaffirmed the intent to prohibit left turns. It was shown that Mount Pleasant Town Council approved the design of the project, which included this intersection. It was further shown that Business owners appeared at the public hearings for the project, but there was little opposition and traffic studies showed little impact on the hotels, due to the availability of alternate access.

It was further stated that subsequently, a group of hotel owners and landowners in that area came forward to insist the left turn be reinstated and their principal argument was that there was a significant amount of impulse-driven traffic to their hotels and that they would lose a great deal of business if the left turn option was taken away. Staff offered to put signage on Johnnie Dodds Boulevard directing persons to the businesses in that area through using Houston Northcutt Blvd, and also offered to contact the GPS manufacturers, internet mapping services and the like to ensure that directions to those businesses via Houston Northcutt were clearly given.

Staff further stated that upon further review, the Town requested that the County seek the design changes, and after significant efforts on the part of staff and County consultants, the SCDOT has now conditionally agreed to allow the change. It was shown that the original concern about backing up traffic onto the Ravenel Bridge will be mitigated by signal timing, so the engineers, the Town and SCDOT are satisfied on that issue.

Additionally Staff has received a price from the Design-Build team to change the existing design and install the additional items for this work in the amount of \$304,981.40. It was also shown that due to the Town's recent acceptance of a change in guardrail specifications for the project, a credit in the amount of \$261,736.50 has been received, and there are sufficient contingency funds in the project to make up the difference. It was stated that as a rule, Transportation Development staff opposes significant and costly changes to road projects whenever they can be avoided; however, in this case, the benefit to commerce and the strong support of the Town mitigate in favor of this proposal.

Committee recommended that Council authorize the addition of a Southbound left turn lane from Johnnie Dodds Boulevard onto Magrath Darby Boulevard, along with associated improvements, into the Johnnie Dodds Boulevard Improvements project scope of work.

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

Ms. Marybeth Barre, 1104 Harbor View Road, stated that she had obtained 1,334 signatures on a petition opposing the design for the Harbor View Road widening project. She thanked Mr. Schweers for meeting with a group of citizens about the issue and said that she would love to meet with the other members of Council, as well.

Mr. Bob Hawes, 765 Whispering Marsh Drive and a director of Stiles Point Home Owners Association, spoke against the Harbor View Road project. He stated that he didn't believe the project as proposed would solve the problem of congestion on Harbor View Road and that he is specifically against the multi-use path.

Ms. Sandra Bregman, 1175 Quick Rabbit Loop, thanked staff and Council, particularly Mr. Rawl and Ms. Condon, for their work on the Livability Ordinance. She stated that the ordinance will help the people of Charleston County be able to enjoy living in their homes without undue harm.

Ms. Anna Fludd, 1006 Honey Hill Road, spoke regarding the possibility of paving Honey Hill Road. Chairman Pryor asked Mr. Jim Armstrong the status of the Honey Hill Road Project. Mr. Armstrong stated that the design has been done on Honey Hill Road and that staff is in the process of contacting residents regarding right-of-way access.

Mr. Henry Richardson, 3017 Old Pond Road, spoke regarding an issue with horses and his backyard neighbors. He stated that he has approached the neighbors many

times and they had promised relief and now the neighbors have posted a no trespassing sign. Chairman Pryor asked Mr. Richardson to meet with Zoning and Planning staff following the meeting to discuss code enforcement issues. Ms. Condon mentioned that once the Livability Ordinance is given final approval it would address Mr. Richardson's concerns. Ms. Johnson asked if the County regulates the number of horses per acre a person can maintain. Andrea Pietras, a planner with Charleston County Zoning and Planning, stated that a landowner must own 5 acres to keep horses, but there is no regulation regarding the number of horses.

Ms. Sandra Barber, 1504 Batter Island Drive, stated that she owned property on Honey Hill Road and is glad to hear that road improvements are being address. Her daughter, Julianne Barber, also asked Council to please fix Honey Hill Road. Chairman Pryor asked the people in the audience regarding the Honey Hill Road issue to stand. Ten (10) people stood in support of the road improvements.

Michelle Glennderry, Grand Concourse Drive, spoke against the Harbor View Road widening project and suggested a CARTA Park and Ride stop at the Piggly Wiggly on Harbor View Road. Mr. Summey stated that as Chairman of CARTA, he would make sure the possibility of the Park and Ride stop was investigated.

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

Mr. Sass stated that his stance regarding the cost of living increases has to do more with the timing and examining the budget at the proper time. He also stated that he drove out to Harbor View Road this morning to participate in the morning commute and was amazed by the kindness of people driving the road letting people in and out of traffic.

Mr. Rawl stated that he was disappointed Council did not see fit to move forward with the economic development project in the Saint Pauls area at tonight's meeting. He also stated that he was pleased to be able to vote for a pay increase for County employees.

Ms. Condon said that she appreciated the hard work staff has put into managing the County's finances so that we could afford to give employees a cost of living allowance.

Mr. Schweers stated that he had received an email from a constituent named Shawna Weathers who was very complimentary of Jim Armstrong's work and oversight on the Buck Hall Road pot holes.

Ms. Johnson thanked the residents of Honey Hill Road for attending the meeting tonight and assured them that their cries are not falling on deaf ears.

Chairman Pryor thanked the other members of Council for voting to give staff a cost of living increase.

September 13, 2011

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

Kristen L. Salisbury
Deputy Clerk of Council