

June 2, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 2nd day of June, 2009, at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Council Member Thurmond gave the invocation. Mr. Darby led in the pledge to the flag.

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

**Mosquito
Control
Awareness
Week
Resolution**

A report was read from the Finance Committee under date of May 28, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Jim Neal, Director of Public Works, regarding a request for Council to recognize Charleston County Mosquito Control Awareness Week in Charleston County. It was stated that the designation of Mosquito Control Awareness Week provides the profession with a time frame in which to direct the attention of Charleston County Citizens toward public health education.

Committee recommended that Council proclaim the week of June 21-27 as Mosquito Control Awareness Week in Charleston County.

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

The Resolution is as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

WHEREAS, mosquito borne diseases such as Malaria, Yellow Fever, Encephalitis, Dengue Fever, and Dog Heartworm, have historically been a source of human and animal suffering, illness and even death in the United States and worldwide; **and**,

WHEREAS, mosquitoes in excessive numbers can diminish enjoyment of the outdoors, public parks and playgrounds, impede outdoor work, decrease livestock productivity, and reduce property values; **and**,

WHEREAS, mosquitoes can disperse or be transported long distances from their source and can be a public nuisance and health risk throughout the United States and worldwide; **and**,

WHEREAS, since 1900, mosquito control professionals in the United States have recognized the need to develop and encourage effective and environmentally safe mosquito control activities in order to protect the health and welfare of the public, the environment and wildlife; **and**,

WHEREAS, the American Mosquito Control Association was established on June 26, 1935 to provide a nationally organized network to help mosquito control professionals pursue these goals; **and**,

WHEREAS, the American Mosquito Control Association continues to be an active partner in the Pesticide Environment Stewardship Program, working closely with the United States Environmental Protection Agency and the United States Department of Health and Human Services to reduce pesticide risk to humans, animals, and the environment while protecting them from mosquito borne diseases and nuisance attacks; **and**,

WHEREAS, Mosquito Control Awareness Week will increase the public's awareness of the activities of the various mosquito research and control agencies within the United States.

NOW, THEREFORE, BE IT RESOLVED, that **Charleston County Council** does hereby proclaim **June 21-27, 2009**,

MOSQUITO CONTROL AWARENESS WEEK

in Charleston County and calls upon citizens and civic organizations to acquaint themselves with the issues involved in providing our mosquito control and to recognize the contributions which mosquito control employees make every day to our health, safety, comfort, and quality of life.

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Chairman
June 2, 2009

**Solid Waste
Ordinance
3rd Reading**

An Ordinance approving the County's Solid Waste Ordinance was given third reading by title only.

AN ORDINANCE

NO: 1589

RELATING TO THE IMPOSITION OF ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES FOR THE DISPOSITION OF SOLID WASTE AND RECYCLING; PROVIDING FOR CLASSIFICATIONS OF REAL PROPERTY SUBJECT TO ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES; AND ESTABLISHING THE AMOUNT OF THE ANNUAL SOLID WASTE RECYCLING AND DISPOSAL FEES.

BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL:

SECTION 1. Findings. It is hereby found and declared by Charleston County Council (the "County Council"), the governing body of Charleston County, South Carolina (the "County"):

1. On October 20, 1987, County Council adopted an ordinance entitled AN ORDINANCE RELATING TO THE DISPOSITION OF SOLID WASTE; PROVIDING FOR THE COLLECTION OF SUCH USER FEE; AND PROVIDING FOR AN EFFECTIVE DATE, (the "Solid Waste Ordinance"). A requirement of the Solid Waste Ordinance is that County Council each year adopt an ordinance relating to rates to be imposed during such year to pay certain costs associated with disposition of Solid Waste. County Council attempts to consider the rate ordinance at substantially the same time each year that it considers its budget ordinance inasmuch as the two ordinances each relate to the cost of providing basic services to the County's residents. County Council has adopted rate ordinances as contemplated by the Solid Waste Ordinance for each fiscal year since adoption of the Solid Waste Ordinance. Such rate ordinances related to, among other things, the imposition of annual disposal user fees for the disposition of solid waste, provided for classifications of real property subject to annual disposal user fees and establishing the amount and made appropriation of the annual disposal user fees. Such rate ordinances were adopted on September 20, 1988, August 22, 1989, October 2, 1990, June 18, 1991, June 2, 1992, June 15, 1993, June 7, 1994, June 6, 1995, June 4, 1996, June 3, 1997, June 2, 1998, June 1, 1999, June 6, 2000, June 5, 2001, June 4, 2002, June 3, 2003, June 1, 2004, June 6, 2005, June 6, 2006, June 5, 2007, and June 3, 2008. The Solid Waste Ordinance, the 1988 Ordinance, the 1989 Ordinance, the 1990 Ordinance, the 1991 Ordinance, the 1992 Ordinance, the 1993 Ordinance, the 1994 Ordinance, the 1995 Ordinance, the 1996 Ordinance, the 1997 Ordinance, the 1998 Ordinance, the 1999 Ordinance, the 2000 Ordinance, the 2001 Ordinance, the 2002 Ordinance, the 2003 Ordinance, the 2004 Ordinance, the 2005 Ordinance, the 2006 Ordinance, the 2007 Ordinance, and the 2008 Ordinance are herein referred to as the Ordinances.

2. In each of the Ordinances, County Council has made certain findings and declarations concerning the need for an adequate Solid Waste Disposal and Resource Recovery System (the "System") for the County, concerning the means of obtaining the use of such System, concerning the benefits that would accrue to property owners in the County from the existence of such a System, and concerning certain other matters set forth more fully in the Ordinances.

In each of the Ordinances, County Council has made specific reference to certain terms and conditions set forth in the Ordinances previously adopted but has not specifically set forth the provisions to which reference has been made. As a result, it has been necessary in the past to refer to each of the Ordinances for a complete understanding of all the terms and conditions relating to the County's Solid Waste Disposal and Resource Recovery System. In connection with adoption of the 1995 Ordinance, several citizens suggested that a single rate ordinance restating the relevant provisions of the Ordinances would be helpful to their understanding of the County's

Solid Waste Disposal and Resource Recovery System. County Council determined to undertake such an effort in adopting the 1995 Ordinance which attempted to include many of the separate terms and conditions set forth in each of the Ordinances in order to cumulatively present the County's system of Solid Waste. In the interest of efficiency, County Council has determined to incorporate by reference the 1995 Ordinance rather than restate herein the terms and conditions which cumulatively present the County's system of Solid Waste. In addition to incorporating by reference the 1995 Ordinance, it is the purpose of this Ordinance to take the action required on an annual basis by the Solid Waste Ordinance.

3. As stated at paragraph 2 of SECTION 5 of the Solid Waste Ordinance, as amended, County Council must adopt a Rate Ordinance establishing classifications and determining the Recycling and Disposal Fees to be imposed upon the Owners of occupied real property within the County. The purpose of this Ordinance is to meet the requirements of the Solid Waste Ordinance and the Ordinances.

SECTION 2. Definitions. The definitions contained in the Ordinances are incorporated herein by reference.

SECTION 3. Annual Solid Waste Recycling and Disposal Fees, Amendment of SECTION 20 of the Solid Waste Ordinance. As required by paragraph (1) of SECTION 5 of the Solid Waste Ordinance, and as further required by the Ordinance providing for the issuance of the 1994 User Fee Revenue Bonds, County Council is required annually to adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System. Such budget is attached hereto as Exhibit A, which budget confirms the funds described in the Fiscal Year Beginning July 1, 2009 Budget Ordinance adopted by County Council substantially on a schedule consistent with adoption of this Ordinance, which funds are hereby appropriated for the purposes set forth in Exhibit A. In order to provide a portion of the sum reflected in the budget, County Council sets the following Annual Solid Waste Recycling and Disposal Fees.

1. Residential Properties -- the Annual Solid Waste Recycling and Disposal

Fee for Residential Properties shall be as follows:

<u>Classification of Property</u>	<u>Annual Solid Waste Recycling and Disposal Fee</u>
Single Family Residence	\$99.00 each
Multi-family Unit	\$70.00 each

2. Non-Residential Properties -- the Annual Solid Waste Recycling and Disposal Fees for Non-Residential Properties shall be \$86.00 for all Non-Residential Properties which generate .5 cubic yards or less per week. The Annual Solid Waste Recycling and Disposal Fee for other Non-Residential Properties shall be the product of \$172.00 multiplied by the average number of cubic yards of non-compacted waste generated per week. Compacted waste shall be calculated at a ratio of four cubic yards of noncompacted waste for every one yard of compacted waste.

SECTION 4. Preparation of Annual Disposal User Fee Roll. The Solid Waste Ordinance provides that upon adoption by the County Council of the Rate Ordinance and not later than the date the County tax books are transmitted by the Auditor to the County pursuant to SECTION 12-39-140 of the Code, the Auditor shall cause to be prepared an Annual Disposal User Fee Roll. The information required to be included in the Annual Disposal User Fee Roll shall conform to that maintained by the Auditor on the tax books with respect to real property within the County.

The Solid Waste Ordinance further provides that County Council shall cause to be published in a newspaper of general circulation in the County once each week for two consecutive weeks, notice that County Council on a specified date at a regular or special meeting will hear testimony as to the amount of any Annual Disposal User Fee. At such time as the Annual Disposal User Fee Roll is prepared, County Council will cause to be reviewed the Annual Disposal User Fee Roll prepared by the Auditor with respect to Residential Properties. County Council shall make such changes or additions as necessary to conform such roll with the Rate Ordinance. If upon the completion of such review, County Council shall be satisfied that the Annual Disposal User Fee Roll for Residential Properties has been prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll and certify the roll to the Treasurer and the Solid Waste User Fee Department, as appropriate, for collection.

County Council will also cause to be reviewed the Annual Disposal User Fee Roll for Non-Residential Properties prepared by the Revenue Collections Department. County Council shall make such changes or additions as necessary to conform such roll with the Rate Ordinance. If upon the completion of such review, County Council shall be satisfied that the Annual Disposal User Fee Roll for Non-Residential Properties has been prepared in conformity with the Rate Ordinance, it shall ratify and confirm such roll and certify the roll to the Revenue Collections Department for collection.

SECTION 5. Required Publications and Public Hearing. As required at SECTIONS 5 and 7 of the Solid Waste Ordinance, a public hearing shall be held prior to adoption of this Ordinance for the following purposes:

1. To adopt a budget for the operation and maintenance of the Solid Waste Disposal and Resource Recovery System.
2. To adopt a Rate Ordinance establishing classifications and determining the Annual Solid Waste Recycling and Disposal Fees.

As required by the last paragraph of SECTION 5 of the Solid Waste Ordinance, notice of the time, place and purpose of the public hearing was published once a week for two successive weeks prior to the public hearing, specifically May 10, 2009 and May 17, 2009. The form of such notice is attached hereto as Exhibit B.

As required by SECTION 7 of the Solid Waste Ordinance, "the County Council shall cause to be published in a newspaper of general circulation in the County once each week for two consecutive weeks, notice that the County Council on a specified date at a regular or special meeting will hear testimony as to the amount of any Annual

Recycling and Disposal Fee." Such notice was supplied in the publication described in the preceding paragraph in order to afford County Council the opportunity to hear testimony as to the amount of the Annual Solid Waste Recycling and Disposal Fee. As stated above, the form of such notice is attached hereto as Exhibit B.

SECTION 6. Ratification and Confirmation of Annual Solid Waste Recycling and Disposal Fee. A public hearing has been held in connection with adoption of this Ordinance to enable County Council to hear comments and receive testimony regarding (1) the budget for the Solid Waste Disposal and Resource Recovery System and (2) the rates and classifications determining the Annual Solid Waste Recycling and Disposal Fees to be imposed upon the Owners of certain property within the County or collected by municipalities primarily located in the County. County Council hereby ratifies and confirms such Annual Solid Waste Recycling and Disposal Fee.

SECTION 7. Partial Invalidity. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall take effect upon third reading by County Council.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

Transportation
Sales Tax
Ordinance
3rd Reading

An Ordinance approving the Transportation Sales Tax 2010 Budget was given third Reading by title only.

AN ORDINANCE

NO: 1590

TO ESTABLISH AND MAKE APPROPRIATIONS FOR FISCAL YEAR 2010 FROM THE TRANSPORTATION SALES TAX SPECIAL REVENUE FUND FOR PROJECTS AND PURPOSES PERMITTED BY LAW; TO PROVIDE FOR BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; AND OTHER MATTERS RELATED THERETO

WHEREAS, County Council, by Ordinance No. 1324, duly enacted on August 10, 2004 (the "Sales Tax Ordinance"), provided for the imposition of a ½ of one percent sales and use tax (the "Sales Tax") in Charleston County pursuant to the provisions of S.C. Code Section 4-37-10 et seq. (the "Act"), subject to the results of a referendum to be held on the imposition of the sales tax on November 2, 2004 (the "Referendum"); and

WHEREAS, the Referendum was approved by a majority of the qualified electors of the County, and

WHEREAS, pursuant to applicable law, rules and regulations, the sales tax will be collected starting May 1, 2005, and

WHEREAS, there is a need to provide funds for greenbelts, mass transit, administration and other transportation-related projects before the beginning of the next County fiscal year, and

WHEREAS, pursuant to the Sales Tax Ordinance, a budget for expenditures of sales and use tax revenues from this source must be approved by County Council,

NOW, THEREFORE, BE IT ORDAINED by the County Council of Charleston County:

County Council hereby adopts the above recitals as findings of fact.

SECTION 1: Revenues and income accruing to the County of Charleston during Fiscal Year 2010 from the proceeds of the Sales Tax shall be deposited into the Transportation Sales Tax Special Revenue Fund, and paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance.

SECTION 2: There is hereby appropriated from the Transportation Sales Tax Special Revenue Fund the following amounts for the following respective corporate purposes of Charleston County for and during the period beginning July 1, 2009, and ending June 30, 2010,

<u>Organization Units:</u>	<u>Mass Transit</u>	<u>Greenbelts</u>	<u>Transportation Related Projects</u>
CARTA	\$ 7,006,170	\$ -	\$ -
RTMA	349,400	-	-
ITN Charleston Trident	30,000	-	-
Greenbelts - Operating	-	273,766	-
Dep Admin Trans Sales Tax	-	-	810,052
MWDBE Program	-	-	149,296
Public Information Office	-	-	72,112
Public Works CEI	-	-	266,451
Transportation Projects	-	-	14,481,323
Debt Service	-	6,394,590	10,703,109
Contingency	-	-	2,000
County Indirect Cost	10,000	5,000	160,000
TOTAL	\$ 7,395,570	\$ 6,673,356	\$ 26,644,343

SECTION 3: Unless covered by SECTION 5 or 6 of this ordinance, all of the foregoing appropriations are maximum and conditional, and are subject to reduction by action of County Council in the event that the County's revenues accruing to its Transportation Sales Tax Special Revenue Fund shall fail to be sufficient to pay the same, to the end that the cost of operation of the county government shall remain at all times within its income.

SECTION 4: For internal County organizational units, the salaries or compensation of positions funded in whole or in part through this budget shall be determined and paid in accordance with the provisions of the Personnel Policies and Procedures adopted by County Council. Travel and expense allowances shall be paid only upon proper documentation as prescribed by the County Administrator. The per diem rates adopted by the State of South Carolina and the mileage reimbursement rates adopted by the Internal Revenue Service shall apply. Positions funded in whole or in part through this budget shall only be those in support of expenditures of funds authorized by the Act and the Sales Tax Ordinance. Positions not solely providing administrative support to projects and purposes under the Act and the Sales Tax Ordinance shall be funded in part from other sources.

SECTION 5: Anticipated revenues accruing to the Transportation Sales Tax Special Revenue Fund are stated in this Budget Ordinance. Should actual funding sources for said fund be less than projected, the Administrator shall reduce budgeted expenditures attributable to said fund. Should actual funding sources be greater than projected in this Ordinance, the Administrator may a) revise budgeted expenditures or b) direct the increase to be held for future years= expenditures. Any such actions shall be periodically reported to County Council.

SECTION 6: Internal County organizational units are bound to the appropriated expenditures as defined in SECTION 2 by major expenditure category of (1) personnel; (2) operating; and (3) capital for each organizational unit as contained in the Approved Budget Detail FY 2010 document prepared in support of this ordinance.

The County Administrator, or his designated representative, is hereby authorized to effect transfers between major expenditure categories within a County organizational unit. Further, the County Administrator is authorized to transfer other funds between County organizational units. The County Administrator is also authorized to further restrict budget transfers within major expenditure categories. By amendment to this ordinance, County Council may also adjust appropriations and make supplemental appropriations from the proceeds of the Sales Tax.

SECTION 7: Agencies outside the County which receive funds from the Transportation Sales Tax Special Revenue Fund shall enter into an intergovernmental agreement in a form approved by the County Administrator and County Attorney. Such agreements shall include, provisions set forth herein, as well as other provisions necessary or helpful in administering the distribution of funds hereunder pursuant to the Act, the Sales Tax Ordinance, and other applicable laws, rules, regulations and County policies. For such outside agencies, prior to the transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000) between expenditure accounts, such agencies must receive approval from the Charleston County Administrator. Prior to the transfer of any amount in excess of One Hundred Thousand (\$100,000), agencies outside the County must receive approval from the Charleston County Council.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance approving the St. Pauls Fiscal Year 2010 Budget was given third Reading by title only.

**St Pauls Fire
District
Ordinance
3rd Reading**

**AN ORDINANCE NO: 1591
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND**

**THE TREASURER TO COLLECT TAXES
FOR
THE ST. PAUL'S FIRE DISTRICT
FOR FISCAL YEAR 2009-2010,
AND AUTHORIZING THE ISSUANCE OF A
TAX ANTICIPATION NOTE IN THE AMOUNT OF \$2,500,000.**

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named St. Paul's Fire District, and

WHEREAS, the St. Paul's Fire District has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the St. Paul's Fire District in the amount of Four Million Two Hundred Fifty-Eight Thousand Eight Hundred Thirty-Nine (\$4,258,839) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 44.2 mills for operating expenditures and 3.5 mills for debt service of the District in the year 2009, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Four Hundred Fifty-One Thousand Seven Hundred Thirty-One (\$451,731) Dollar difference between the Four Million Two Hundred Fifty-Eight Thousand Eight Hundred Thirty-Nine (\$4,258,839) Dollars in budgeted expenditures and the Three Million Eight Hundred Seven Thousand One Hundred Eight (\$3,807,108) Dollars in budgeted ad valorem taxes consists of other available funding sources.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

**St. Johns Fire
District
Ordinance
3rd Reading**

An Ordinance approving the St. John's Fiscal Year 2010 Budget was given third Reading by title only.

**AN ORDINANCE NO: 1592
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE ST. JOHN'S FIRE DISTRICT
FOR FISCAL YEAR 2009-2010,
AND AUTHORIZING THE ISSUANCE OF A
TAX ANTICIPATION NOTE IN THE AMOUNT OF \$1,000,000.**

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named St. John's Fire District, and

WHEREAS, the St. John's Fire District has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the St. John's Fire District in the amount of Nine Million Five Hundred Forty-Five Thousand Two Hundred Eight (\$9,545,208) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 20.2 mills for operating expenditures and 2.3 mills for debt service of the District in the year 2009, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Five Hundred Sixty-Three Thousand Two Hundred Seventeen (\$563,217) Dollar difference between the Nine Million Five Hundred Forty-Five Thousand Two Hundred Eight (\$9,545,208) Dollars in budgeted expenditures and the Eight Million Nine Hundred Eight-One Thousand Nine Hundred Ninety-One (\$8,981,991) Dollars in budgeted ad valorem taxes consists of other available funding sources.

Section 5.

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said District for Fiscal Year 2010, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. John's Fire District a sum or sums not exceeding One Million (\$1,000,000) Dollars for the use of the aforementioned District and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

Section 6.

Prior to the line item transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of

any amount in excess of One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 7.

Section 7.

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. John's Fire District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. John's Fire District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

Section 8.

All monies properly encumbered as of June 30, 2009, shall be added to the St. John's Fire District's budget for Fiscal Year 2010. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. John's Fire District's governing body.

Section 9.

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2010 for the District.

Section 10.

The St. John's Fire District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. John's Fire District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

Section 11.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 12.

This Ordinance shall become effective upon Third Reading.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

James Island
Ordinance
3rd Reading

An Ordinance approving the James Island Pubic Service District Fiscal Year 2010 Budget was given third Reading by title only.

**AN ORDINANCE NO: 1593
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE JAMES ISLAND PUBLIC SERVICE DISTRICT
FOR FISCAL YEAR 2009-2010**

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above named James Island Public Service District, and

WHEREAS, the James Island Public Service District has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the James Island Public Service District in the amount of Five Million Seven Hundred Three Thousand Five Hundred Fourteen (\$5,703,514) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 53.5 mills for operating expenditures and 4.1 mills for debt service for the District in the year 2009, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Seventy Thousand Nine Hundred Five (\$70,905) Dollars difference between the Five Million Seven Hundred Three Thousand Five Hundred Fourteen (\$5,703,514) Dollars in budgeted expenditures and the Five Million Seven Hundred Seventy-Four Thousand Four Hundred Nineteen (\$5,774,419) Dollars in budgeted ad valorem taxes will be used to sustain a balance of operating reserves.

Section 5.

Prior to the line item transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of any amount in excess of One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

Section 6.

Monies received from governmental grants shall accrue to the Special Revenue Fund of the James Island Public Service District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the James Island Public Service District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

Section 7.

All monies properly encumbered as of June 30, 2009, shall be added to the James Island Public Service District's budget for Fiscal Year 2010. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the James Island Public Service District's governing body.

Section 8.

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2010 for the District.

Section 9.

The James Island Public Service District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the James Island Public Service District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

Section 10.

If any provision of this ordinance or its application to any circumstance is held by a

court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 11.

This Ordinance shall become effective upon Third Reading.

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

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

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

An Ordinance approving the North Charleston District Fiscal Year 2010 Budget was given third Reading by title only.

North
Charleston
District
Ordinance
3rd Reading

**AN ORDINANCE NO: 1594
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE NORTH CHARLESTON DISTRICT
FOR FISCAL YEAR 2009-2010**

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named North Charleston District, and

WHEREAS, the North Charleston District has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the North Charleston District in the amount of One Million Three Hundred Forty-Nine Thousand Four Hundred One (\$1,349,401) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 88.0 mills for the operating expenditures of the District in the year 2009, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Three Hundred Eighty-Three Thousand Eight Hundred Twenty-Nine (\$383,829) Dollar difference between the One Million Three Hundred Forty-Nine Thousand Four Hundred One (\$1,349,401) Dollars in budgeted expenditures and the Nine Hundred Sixty-Five Thousand Five Hundred Seventy-Two (\$965,572) Dollars in budgeted ad valorem taxes consists of other available funding sources.

Section 5.

Prior to the line item transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of any amount in excess of One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

Section 6.

Monies received from governmental grants shall accrue to the Special Revenue Fund of the North Charleston District set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the North Charleston District, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

Section 7.

All monies properly encumbered as of June 30, 2009, shall be added to the North Charleston District's budget for Fiscal Year 2010. These encumbered monies may

be expended only as set forth in their encumbrance except as authorized by the North Charleston District's governing body.

Section 8.

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2010 for the District.

Section 9.

The North Charleston District shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the North Charleston District for the limited purpose of better understanding how the District functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

Section 10.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 11.

This Ordinance shall become effective upon Third Reading.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance approving the Cooper River Park and Playground Commission Fiscal Year 2010 Budget was given third Reading by title only.

AN ORDINANCE NO: 1595
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE COOPER RIVER PARK AND PLAYGROUND COMMISSION
FOR FISCAL YEAR 2009-2010

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named Cooper River Park and Recreation Commission, and

WHEREAS, the Cooper River Park and Recreation Commission has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the Cooper River Park and Playground Commission in the amount of Two Hundred Twenty-Six Thousand Four Hundred Twenty (\$226,420) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 14.3 mills for operating expenditures of the Commission in the year 2009, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the Commission during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Sixty-Two Thousand Five Hundred (\$62,500) Dollar difference between the Two Hundred Twenty-Six Thousand Four Hundred Twenty (\$226,420) Dollars in budgeted expenditures and the One Hundred Sixty-Three Thousand Nine Hundred Twenty (\$163,920) Dollars in budgeted ad valorem taxes consists of other available funding sources.

Section 5.

Prior to the line item transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of any amount in excess of One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 6.

Section 6.

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Cooper River Park and Playground Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Cooper River Park and Playground Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

Section 7.

All monies properly encumbered as of June 30, 2009, shall be added to the Cooper River Park and Playground Commission's budget for Fiscal Year 2010. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Cooper River Park and Playground Commission's governing body.

Section 8.

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2010 for the Commission.

Section 9.

The Cooper River Park and Playground Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the Cooper River Park and Playground Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

Section 10.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 11.

This Ordinance shall become effective upon Third Reading.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance approving the St. Andrews Parish Parks and Playground Commission fiscal year 2010 budget was given third reading by title only.

St. Andrews
Parish Parks
& Playground
Commission
Ordinance 3rd
Reading

AN ORDINANCE No: 1596
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE ST. ANDREW'S PARISH PARKS & PLAYGROUND COMMISSION
FOR FISCAL YEAR 2009-2010,
AND AUTHORIZING THE ISSUANCE OF A
TAX ANTICIPATION NOTE IN THE AMOUNT OF \$400,000

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Parks and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named St. Andrew's Parish Parks and Playground Commission, and

WHEREAS, the St. Andrew's Parish Parks and Playground Commission has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the St. Andrew's Parish Parks and Playground Commission in the amount of One Million Nine Hundred Fifty Thousand One Hundred Sixty-Eight (\$1,950,168) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 17.4 mills for operating expenditures of the Commission in the year 2009, and the Treasurer shall collect the proceeds of the levy upon all taxable property within the boundaries of the Commission during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Seven Hundred Seven Thousand Four (\$707,004) Dollar difference between the One Million Nine Hundred Fifty Thousand One Hundred Sixty-Eight (\$1,950,168) Dollars in budgeted expenditures and the One Million Two Hundred Forty-Three Thousand One Hundred Sixty-Four (\$1,243,164) Dollars in budgeted ad valorem taxes consists of other available funding sources.

Section 5.

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for Fiscal Year 2010, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the St. Andrew's Parish Parks and Playground Commission a sum or sums not exceeding Four Hundred Thousand (\$400,000) Dollars for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Commission; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to

award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

Section 6.

Prior to the line item transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of any amount in excess of One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

Section 7.

Monies received from governmental grants shall accrue to the Special Revenue Fund of the St. Andrew's Parish Parks and Playground Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the St. Andrew's Parish Parks and Playground Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

Section 8.

All monies properly encumbered as of June 30, 2009, shall be added to the St. Andrew's Parish Parks and Playground Commission's budget for Fiscal Year 2010. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the St. Andrew's Parish Parks and Playground Commission's governing body.

Section 9.

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2010 for the Commission.

Section 10.

The St. Andrew's Parish Parks and Playground Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and

shall allow the appropriate County staff to become familiar with the day-to-day operations of the St. Andrew's Parish Parks and Playground Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

Section 11.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 12.

This Ordinance shall become effective upon Third Reading.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

**Charleston
County Park
& Recreation
Ordinance
3rd Reading**

An Ordinance approving the Charleston County Park and Recreation Commission Fiscal Year 2010 Budget was given third Reading by title only.

**AN ORDINANCE NO: 1597
APPROVING THE BUDGET AND DIRECTING
THE AUDITOR OF CHARLESTON COUNTY
TO LEVY THE NECESSARY MILLAGE AND
THE TREASURER TO COLLECT TAXES
FOR
THE CHARLESTON COUNTY PARK AND RECREATION COMMISSION
FOR FISCAL YEAR 2009-2010,
AND AUTHORIZING THE ISSUANCE OF A
TAX ANTICIPATION NOTE IN THE AMOUNT OF \$4,500,000**

WHEREAS, an Order was issued by Judge Howard, in a lawsuit captioned ***County of Charleston, et al vs. Cooper River Park and Playground Commission, et al***, 93-CP-10-1647, on November 17, 1994, determining that Charleston County Council has budgetary authority over the above-named Charleston County Park and Recreation Commission, and

WHEREAS, the Charleston County Park and Recreation Commission has submitted a budget to County Council for approval,

NOW, THEREFORE, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled:

Section 1.

That the findings contained in this Ordinance are approved and confirmed in all respects.

Section 2.

That the budget of the Charleston County Park and Recreation Commission in the amount of Thirteen Million One Hundred Forty-Three Thousand Nine Hundred Thirty-Seven (\$13,143,937) Dollars is hereby approved by Charleston County Council.

Section 3.

The Auditor of Charleston County shall levy 3.7 mills for operating expenditures and 1.9 mills for debt service for the Commission in the year 2009, and the Treasurer shall collect upon all taxable property within the boundaries of the District during the fiscal year beginning July 1, 2009, and ending June 30, 2010.

Section 4.

The Two Million Six Hundred Four Thousand Nine (\$2,604,009) Dollar difference between the Thirteen Million One Hundred Forty-Three Thousand Nine Hundred Thirty-Seven (\$13,143,937) Dollars in budgeted expenditures and the Ten Million Five Hundred Thirty-Nine Thousand Nine Hundred Twenty-Eight (\$10,539,928) Dollars in budgeted ad valorem taxes consists of other available funding sources.

Section 5.

For the purpose of paying in cash for the foregoing and all other general ordinary expenditures of the said Commission for fiscal year 2010, as authorized by this Ordinance, or by any other appropriation ordinance hereafter passed in aforesaid fiscal year, the Charleston County Treasurer is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow, from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of evidences of indebtedness in anticipation of the collection of the taxes herein levied; provided that all loans made from private persons, firms, or corporations shall be made only after three (3) days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible for the Charleston County Park and Recreation Commission a sum or sums not exceeding Four Million Five Hundred Thousand (\$4,500,000) Dollars for the use of the aforementioned Commission and the sum or sums so borrowed shall constitute a valid and prior claim against the said taxes herein levied and against the aforementioned Special Purpose District; provided, further, that if the net interest cost is less than eight (8%) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the

lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting therefrom the amount of the premium offered, if any, over and above the premium amount); and provided, further, that the said County Treasurer shall be authorized in his discretion to make any such loans from special funds or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, or corporations as aforesaid.

Section 6.

Prior to the line item transfer of any amount in excess of Twenty-Five Thousand (\$25,000) Dollars up to One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Administrator. Prior to the line item transfer of any amount in excess of One Hundred Thousand (\$100,000), approval must be sought from the Charleston County Council. By amendment to this Ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized in Section 8.

Section 7.

Monies received from governmental grants shall accrue to the Special Revenue Fund of the Charleston County Park and Recreation Commission set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year, and thereby not be stated in this Budget Ordinance, then, by passage of a Resolution authorizing the grant application and expenditures by the governing body of the Charleston County Park and Recreation Commission, the necessary Special Revenue Fund shall be created to provide a mechanism for the expenditure of these monies.

Section 8.

All monies properly encumbered as of June 30, 2009, shall be added to the Charleston County Park and Recreation Commission's budget for Fiscal Year 2010. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Charleston County Park and Recreation Commission's governing body.

Section 9.

Cost of Living Adjustments (COLAs) shall be limited to the percentage amount that County Council sets for Charleston County employees. The COLAs shall take effect on the first day of the first full payroll of Fiscal Year 2010 for the Commission.

Section 10.

The Charleston County Park and Recreation Commission shall provide to the appropriate County staff sufficient information to do a midyear budget review and shall allow the appropriate County staff to become familiar with the day-to-day operations of the Charleston County Park and Recreation Commission for the limited purpose of better understanding how the Commission functions, and so that County Council is possessed of all the facts necessary to exercise competent budgetary authority as granted by the Courts.

Section 11.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

Section 12.

This Ordinance shall become effective upon Third Reading.

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

Fiscal Year 2010 Budget Ordinance 3rd Reading

Prior to third reading of the Fiscal Year 2010 County Budget, Mr. Summey moved to amend the second reading of the proposed County Budget by:

Removing from the County Administrator's Office Budget, \$300,000 currently scheduled for the proposed Management Study and allocate the funds as follows:

1. \$25,000 to the Low Country Housing Trust
2. \$2,000 to the Charleston County Veterans Affairs Office
3. \$45,000 to the Charleston County Board of Elections and Voter Registration
4. \$100,000 to the Charleston County Solicitor's Office
5. \$128,000 to the Charleston County Sheriff's Office to assist with opening the new Detention Facility

This motion was seconded by Mr. Darby.

Mr. McKeown requested that each item be voted on separately.

The Chairman asked for a ruling from the County Attorney regarding Mr. McKeown's request.

Mr. Dawson stated that there was a motion on the floor which had been seconded, and that it would be up to the maker of the motion to allow Mr. McKeown's amendment or for Council to vote the motion down.

Mr. Summey denied Mr. McKeown's request to separate.

A vote was taken on Mr. Summey motion and the motion carried, 5 to 3. Council Members Condon, Schweers, and McKeown voted nay.

The Chairman called for a third reading roll call vote on the County's Fiscal Year 2009 budget as amended.

An Ordinance giving third reading approval to the Fiscal Year 2010 Charleston County Budget was read by title only.

CHARLESTON COUNTY ORDINANCE NO. 1598

TO PROVIDE FOR THE LEVY OF TAXES FOR CORPORATE PURPOSES OF CHARLESTON COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, HEREINAFTER REFERRED TO AS FISCAL YEAR 2010; TO MAKE APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDS OF SAID COUNTY FOR SUCH PURPOSES; AND TO FURTHER PROVIDE FOR THE LEVY OF TAXES FOR CORPORATE PURPOSES OF CHARLESTON COUNTY INCLUDING THE AWENDAW CONSOLIDATED FIRE DISTRICT, EAST COOPER FIRE DISTRICT, NORTHERN CHARLESTON COUNTY FIRE DISTRICT, WEST ST. ANDREW'S FIRE DISTRICT, AND TRIDENT TECHNICAL COLLEGE FOR FISCAL YEAR 2010; TO PROVIDE FOR APPROPRIATIONS FROM SUCH SPECIAL FUNDS CREATED FOR THE PURPOSES OF THE AWENDAW CONSOLIDATED FIRE DISTRICT, EAST COOPER FIRE DISTRICT, NORTHERN CHARLESTON COUNTY FIRE DISTRICT, WEST ST. ANDREW'S FIRE DISTRICT, AND TRIDENT TECHNICAL COLLEGE IN ORDER TO SUPPLY THE NECESSARY FUNCTIONS OF SAID UNITS; TO PROVIDE FOR BUDGET CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR; TO MAKE PROVISIONS FOR THE FISCAL AFFAIRS OF SAID COUNTY; AND TO PROVIDE FOR THE ISSUANCE OF TAX ANTICIPATION NOTES IN AN AMOUNT UP TO \$25,000,000 FOR CHARLESTON COUNTY AND UP TO \$200,000 FOR AWENDAW CONSOLIDATED FIRE DISTRICT.

BE IT ORDAINED by the County Council of Charleston County:

SECTION 1: As set by County Council, the Charleston County Auditor shall levy in the year 2009 and the Charleston County Treasurer shall collect 40.2 mills for General Fund Purposes and 6.6 mills for the Debt Service Fund.

Proceeds of the levy upon all taxable property in Charleston County shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in the appropriate funds of the said County together with all revenues and income accruing to the County of Charleston during the Fiscal Year 2010, and regardless of sources, shall be paid out from time to time by the said County Treasurer in accordance with the provisions of this ordinance and other appropriation ordinances hereafter passed by the County Council of Charleston, except as follows: 1. welfare funds received by the Charleston County Department of Social Services from the State of South Carolina or the United

States; and 2. Proprietary and Special Revenue Funds shall accrue to the benefit of those funds and shall not be deposited in the General Fund of the County of Charleston, except as provided for in SECTION 14 of this ordinance.

SECTION 2: There is hereby appropriated from the General, Proprietary, Special Revenue, and Capital Projects Funds referred to in SECTION 1 hereof the following amounts of money for the following respective corporate purposes of Charleston County for and during the period beginning July 1, 2009, and ending June 30, 2010, to wit:

Organization Units:	General Fund	Proprietary Funds	Special Revenue Funds
COUNCIL AGENCIES			
County Council	\$ 1,257,341	\$ -	\$ -
Accommodations Tax - Local	-	-	3,633,481
Accommodations Tax - State	-	-	19,633
Internal Auditor	210,913	-	-
Legal	1,164,245	-	14,200
Nondepartmental Personnel	(380,000)	-	-
Nondepartmental Operating	(3,496,650)	-	-
State Agencies	380,739	-	-
ELECTED OFFICIALS			
Auditor	1,827,789	-	-
Clerk of Court	3,111,589	-	665,475
Coroner	1,034,198	-	-
Legislative Delegation	176,357	-	-
Probate Courts	1,925,291	-	-
Register of Mesne Conveyance	1,804,198	-	-
Sheriff	53,909,280	-	1,044,540
Solicitor	4,957,714	-	2,412,342
Treasurer	1,615,338	-	-
APPOINTED OFFICIALS			
Elections and Voter Registration	1,459,819	-	-
Library	13,824,355	-	-
Master-In-Equity	567,176	-	-
Public Defender	-	-	4,591,366
Veterans Affairs	274,609	-	-
ADMINISTRATOR			
Administrator	720,910	-	-
Consolidated Dispatch	3,616,999	-	-
Economic Development	-	-	763,346
Organizational Development	313,931	-	-
CHIEF DEPUTY ADMINISTRATOR			
Chief Deputy Administrator	474,125	-	-
Assessor	3,254,857	-	-
Budget	563,398	-	-
Controller	1,053,188	-	-
Delinquent Tax	1,052,030	-	-
Department of Alcohol & Other Drug Abuse Services	-	10,627,968	-
Procurement	852,283	1,800,000	-
Revenue Collections	-	2,130,460	-

Organization Units:	General Fund	Proprietary Funds	Special Revenue Funds
DEPUTY ADMINISTRATOR OF SUPPORT			
Deputy Administrator of Support	\$ 347,479	\$ -	\$ -
Capital Projects Administration	1,074,990	-	-
Facilities Management	10,934,908	-	-
Grants Administration	1,942,302	-	47,388
Internal Services	356,611	13,346,417	-
Magistrates' Courts	4,709,765	-	150,930
Safety & Risk Management	1,966,968	4,464,966	-
Technology Services	8,222,327	5,948,425	-
DEPUTY ADMINISTRATOR OF OPERATIONS			
Deputy Administrator of Operations	494,707	-	-
Building Services	1,379,386	-	-
Emergency Management	850,677	-	221,842
Emergency Medical Services	12,075,101	-	-
Human Resources	1,231,507	23,064,672	-
Planning	1,574,661	-	-
Public Works	10,791,285	-	1,848,500
Solid Waste	-	43,516,486	-
DEPUTY ADMINISTRATOR OF TRANSPORTATION SALES			
Deputy Admin of Transportation Sales Tax	-	-	-
INTERFUND TRANSFERS OUT	<u>11,973,697</u>	<u>1,586,692</u>	<u>5,065,325</u>
TOTAL	<u>\$ 167,452,393</u>	<u>\$ 106,486,086</u>	<u>\$ 20,478,368</u>

SECTION 3: Unless covered by SECTION 14 of this ordinance, all of the foregoing appropriations are maximum and conditional, and are subject to reduction by action of County Council in the event that the County's revenues accruing to its General, Proprietary, Special Revenue, and Capital Projects Funds, as provided in SECTION 1 hereof, shall fail to be sufficient to pay the same, to the end that the cost of operation of the County government shall remain at all times within its income.

SECTION 4: The Charleston County Auditor is hereby authorized and directed to levy 29.1 mills in the year 2009 on all of the taxable property in the area located within Charleston County known as the Awendaw Consolidated Fire District to be deposited in the Awendaw Consolidated Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property located within the Awendaw Consolidated Fire District shall be collected by the Charleston County Treasurer as provided by the law for the collection of County ad valorem taxes, the proceeds thereof to be placed in separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, proceeds of the tax

anticipation borrowing or otherwise accruing from the operation of the Awendaw Consolidated Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 5: There is hereby appropriated \$1,904,258 from the funds referred to in SECTION 4 hereof and from such other funds as may be generated by the Awendaw Consolidated Fire District for the corporate purposes of the District for and during the period beginning July 1, 2009, and ending June 30, 2010. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the expenditure limitations embodied in SECTION 14 of this ordinance.

SECTION 6: The Charleston County Auditor is hereby authorized and directed to levy 18.2 mills in the year 2009 on all of the taxable property in the area located within Charleston County known as the East Cooper Fire District to be deposited in the East Cooper Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property in the area located within Charleston County known as the East Cooper Fire District shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, or otherwise accruing from the operation of the East Cooper Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 7: There is hereby appropriated \$145,000 from the funds referred to in SECTION 6 hereof and from such other funds as may be generated by the East Cooper Fire District for the corporate purposes of the District for and during the period beginning July 1, 2009, and ending June 30, 2010. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the expenditure limitations embodied in SECTION 14 of this ordinance.

SECTION 8: The Charleston County Auditor is hereby authorized and directed to levy 12.0 mills in the year 2009 on all of the taxable property in the area located within Charleston County known as the Northern Charleston County Fire District to be deposited in the Northern Charleston County Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property in the area located within Charleston County known as the Northern Charleston County Fire District shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, or otherwise accruing from the operation of the Northern Charleston County Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 9: There is hereby appropriated \$177,100 from the funds referred to in SECTION 8 hereof and from such other funds as may be generated by the Northern Charleston County Fire District for the corporate purposes of the District for and during the period beginning July 1, 2009, and ending June 30, 2010. The foregoing

appropriation is for the operation of a Special Revenue Fund and is subject to the expenditure limitations embodied in SECTION 14 of this ordinance.

SECTION 10: The Charleston County Auditor is hereby authorized and directed to levy 5.8 mills (3.1 mills for baseline operations and 2.7 mills to eliminate the Fiscal Year 2009 deficit) in the year 2009 on all of the taxable property in the area located within Charleston County known as the West St. Andrew's Fire District to be deposited in the West St. Andrew's Fire District Special Revenue Fund. Proceeds of the levy upon all taxable property in the area located within Charleston County known as the West St. Andrew's Fire District shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer, including all monies collected, earned, donated, or otherwise accruing from the operation of the West St. Andrew's Fire District. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 11: There is hereby appropriated \$8,000 from the funds referred to in SECTION 10 hereof and from such other funds as may be generated by the West St. Andrew's Fire District for the corporate purposes of the District for and during the period beginning July 1, 2009, and ending June 30, 2010. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the expenditure limitations embodied in SECTION 14 of this ordinance.

SECTION 12: The Charleston County Auditor is hereby authorized and directed to levy 2.0 mills in the year 2009 on all taxable property in Charleston County to be deposited in the Trident Technical College Special Revenue Fund. Proceeds of the levy upon all taxable property shall be collected by the Charleston County Treasurer as provided by law for the collection of County ad valorem taxes, the proceeds thereof to be placed in a separate fund to be held and administered by the County Treasurer. Such funds shall be paid out from time to time by the County Treasurer in accordance with the provisions of this ordinance and other ordinances hereafter passed by the County Council of Charleston County.

SECTION 13: There is hereby appropriated \$5,682,886 from the funds referred to in SECTION 12 hereof and from such other funds as may be generated by the Trident Technical College for the corporate purposes of the College for and during the period beginning July 1, 2009, and ending June 30, 2010. The foregoing appropriation is for the operation of a Special Revenue Fund and is subject to the expenditure limitations embodied in SECTION 14 of this ordinance.

SECTION 14: Anticipated revenues accruing to all Proprietary and Special Revenue Funds are stated in this Budget Ordinance. Should actual funding sources for any such fund be less than projected, the Administrator shall reduce budgeted expenditures attributable to said fund. Should actual funding sources be greater than projected in this Ordinance, the Administrator may revise budgeted expenditures or direct the increase to be held for future years= expenditures.

SECTION 15: All monies properly encumbered as of June 30, 2009, shall be added to the applicable organizational unit's budget for Fiscal Year 2010. These encumbered monies may be expended only as set forth in their encumbrance except as authorized by the Administrator. Unencumbered appropriations shall remain in the

respective funds as unrestricted reserves whose subsequent appropriation shall be determined by Ordinance.

SECTION 16: For the purpose of paying in cash for the foregoing and all other general ordinary County expenses for Fiscal Year 2010 as authorized by this ordinance or by any other appropriation ordinance hereafter passed in and for said fiscal year, the County Treasurer for the said County of Charleston is hereby authorized and directed to use such cash as may from time to time be on hand or in the process of collection, and to borrow from time to time as may be necessary on his official note or notes, or other evidence or evidences of indebtedness in anticipation of the collection of the taxes herein levied, provided that all loans made from private persons, firms, or corporations shall be made only after three days' notice by advertising once in some newspaper in the County of Charleston and on the best terms possible, a sum or sums not exceeding in the aggregate Twenty-Five Million Dollars (\$25,000,000), for the use of the County of Charleston and a sum not exceeding in the aggregate Two Hundred Thousand Dollars (\$200,000) for the use of the Awendaw Consolidated Fire District and the sum or sums so borrowed for the operation of the County of Charleston shall constitute a valid and prior claim against the said taxes herein levied and against the County of Charleston and the sum or sums so borrowed for the operation of the Awendaw Consolidated Fire District shall constitute a valid and prior claim only against the said taxes herein levied for the use of the Awendaw Consolidated Fire District; provided further that the said County Treasurer shall be authorized in his discretion to make any such loans from special fund or funds, including sinking funds, in his hands as County Treasurer, repayment of which shall be secured in the same manner as if made from private persons, firms, or corporations as aforesaid; and provided further that if the net interest cost is less than eight (8) percent, the Chairman is authorized to award the loan to the bidder or bidders offering to purchase the notes at the lowest net interest cost to the County (calculated by computing the total dollar interest cost from the date of issuance to the date of maturity and deducting there from the amount of the premium offered if any, over and above the premium amount).

SECTION 17: Organization units are bound to the appropriated expenditures as defined in SECTION 2 and delineated in the Approved Budget Narrative FY 2010 document as "major expenditure categories" i.e., (1) personnel; (2) operating; and (3) capital.

For "State Agencies" and "Outside Agencies" the organizational budgets are bound by subaccount.

The County Administrator, or his designated representative, is hereby authorized to effect transfers between major expenditure categories within an organizational unit. The County Administrator is authorized to transfer funds between organizational units for purposes of funding Internal Service Funds. Further, the County Administrator is authorized to transfer other funds between organizational units. The County

Administrator is also authorized to further restrict budget transfers within major expenditure categories.

By resolution Council may effect transfers from Council's contingency to organizational units.

By amendment to this ordinance, Council may adjust appropriation transactions affecting fund totals, other than those authorized elsewhere within this ordinance.

SECTION 18: In order that Council may be assured that monies appropriated to the agencies funded in "County Council" and Accommodations Tax @ in SECTION 2 of this Ordinance are properly expended for a public purpose, the above agencies receiving monies shall supply all documents and information required in the County policy for funding outside agencies, adopted August 22, 2006, as may be amended from time to time.

SECTION 19:

(a) Monies received from governmental grants shall accrue only to Special Revenue, Capital Projects, and Proprietary Funds as set forth in this Budget Ordinance. Should grant funds be applied for or received after the beginning of the budget year and thereby not be stated in this Budget Ordinance, then, by passage of Council's resolution authorizing the grant application and expenditures, the necessary Special Revenue, Capital Projects, and Proprietary Funds shall be created to provide a mechanism for the expenditures of these monies.

(b) Funds derived from the sale of real property shall be placed in the Capital Proceeds Capital Projects Fund, and these funds shall be expended only for capital outlays after specific resolution of Council.

(c) Monies received from Accommodations Tax shall accrue only to the Special Revenue Fund as set forth in this Budget Ordinance. Payments to the General Fund and to Tourism Advertising and Promotion, shall be made quarterly as funds are received from the State in amounts equal to five (5) percent and ninety-five (95) percent, respectively, of the amount received, after subtracting the first twenty-five thousand (\$25,000), which is exempt from any tourism-related expenditure requirements and is paid directly to the General Fund.

SECTION 20: A Rainy Day Fund is established to provide emergency funds for use in the event of a major calamity. This fund will be maintained at no less than four percent of General Fund disbursements. Expenditures from this fund shall be authorized by amending this Budget Ordinance.

At June 30, 2009, if the total revenue for General Fund purposes generated by current and delinquent ad valorem taxes and Local Option Sales Tax revenue is greater than One Hundred Thirteen Million Eight Hundred Eighty-Six Thousand Dollars (\$113,886,000), then the first Five Hundred Thousand Dollars (\$500,000) of excess shall be placed in Charleston County's Rainy Day Fund.

SECTION 21: Contracts necessary to expend monies appropriated in this budget when not specifically permitted by the Charleston County Procurement Code are hereby authorized and said contracts shall be approved by a Resolution of County

Council. Awards of bids on capital items, when less than the amount specified in the Charleston County Approved Operating Budget, are hereby authorized and shall be purchased in accordance with the provisions of the Charleston County Procurement Code.

SECTION 22: The Charleston County Approved Operating Budget, with the detail and the provisos as so stated in the Charleston County Budget Narrative FY 2010 document, hereby incorporated by reference as part of this Ordinance as fully as if set forth verbatim herein, is hereby adopted as the detailed Budget for Charleston County.

SECTION 23: The salaries or compensation shall be determined and paid in accordance with the provisions of the Personnel Policies and Procedures adopted by County Council. Travel and expense allowances shall be paid only upon proper documentation as prescribed by the County Administrator. The per diem rates adopted by the State of South Carolina and the mileage reimbursement rates adopted by the Internal Revenue Service shall apply.

SECTION 24: The classification and grades of all positions shown in the Charleston County Approved Operating Budget are only provisional and are subject to audit by the Human Resources Department to determine the appropriate grade and classification. All salary changes shall take effect on the first day of the first full payroll of Fiscal Year 2010, July 3, 2009.

SECTION 25: The County Administrator, or his designated representative, is hereby authorized to transfer positions (Full Time Equivalents - FTEs) among organizational units and fund types.

SECTION 26: In the event that the actual and projected County revenues accruing to the General, Proprietary, or Special Revenue Funds shall fail to be sufficient to meet the appropriations in this Ordinance, the County Administrator is hereby authorized to impose up to four (4) unpaid holidays for all employees in order to decrease overall expenditures.

SECTION 27: If any provision of this ordinance or its applications to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

SECTION 28: This ordinance shall take effect following approval of third reading.

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

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

Mr. Schweers	- aye
Mr. Summey	- aye
Mr. Thurmond	- aye
Mr. Pryor	- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance regarding the issuance of not exceeding \$82,250,000 in General Obligation Bonds was given second reading by title only.

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$82,250,000 GENERAL OBLIGATION BONDS OF CHARLESTON COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO

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

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received second reading approval.

An Ordinance rezoning properties located at 3421 & 3417 Maybank Highway, Johns Island was given second reading by title only.

AN ORDINANCE

REZONING THE PROPERTIES LOCATED AT 3421 & 3417 MAYBANK HIGHWAY, JOHNS ISLAND, PARCEL IDENTIFICATION NUMBERS 279-00-00-180 AND 279-00-00-618, FROM THE SINGLE FAMILY RESIDENTIAL 4 (R-4) DISTRICT TO THE COMMERCIAL TRANSITION (CT) DISTRICT.

WHEREAS, the properties known as parcel identification numbers 279-00-00-180 and 279-00-00-618 are currently zoned Single Family Residential (R-4) District; and

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

WHEREAS, the application has been reviewed by the Charleston County Planning Department and has been found to be complete and in proper form, and

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

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

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

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

The properties identified as parcel identification numbers 279-00-00-180 and 279-00-00-618 are hereby rezoned from the Single Family Residential (R-4) District to the Commercial Transition (CT) District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the Charleston County Zoning and Land Development Regulations and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received second reading approval.

An Ordinance rezoning property located at 1925 Ashley River Road was given second reading by title only.

AN ORDINANCE

REZONING PROPERTY LOCATED AT 1925 ASHLEY RIVER ROAD, ST. ANDREWS, PARCEL IDENTIFICATION NUMBER 351-06-00-123, TO AMEND PLANNED DEVELOPMENT (PD-136) TO PLANNED DEVELOPMENT (PD-136A)

WHEREAS, the property located at 1925 Ashley River Road, St. Andrews, identified as parcel identification number 351-06-00-123, is currently zoned Planned Development (PD-136); and

WHEREAS, the applicant requests an amendment to the approved PD Development Plan, PD-136, and has submitted a complete application for a PD Development Plan amendment pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR); and

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

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

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

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

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

A. Charleston County Council rezones the property located at 1925 Ashley River Road, St. Andrews, parcel identification number 351-06-00-123, to amend Planned Development (136) to Planned Development (PD-136A); and

B. The PD Development Plan amendment submitted by the applicant and identified as the "Planned Development District Guidelines for PD-136A, Charleston County, South Carolina Dated March 4, 2009", including the changes and conditions approved by County Council that are attached hereto as Exhibit A and made a part of this Ordinance by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of PD-136A must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Parcel Identification Number 351-06-00-123 is amended to PD-136A in accordance with Section 3.4.7 of Article 3.4 of the ZLDR.

SECTION III. SEVERABILITY

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

SECTION IV. EFFECTIVE DATE

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

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

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

The vote being eight (8) ayes and one (1) absent, the Chairman declared the Ordinance to have received second reading approval.

A report was read from the Finance Committee under date of May 28, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Cathy L. Ruff, Director of the Greenbelt Programs, regarding Urban Greenbelt Review and Charleston County Park and Recreation Commission recommendations to County Council for funding.

Committee recommended that Council:

1. Approve the Urban Greenbelt projects without the conditions recommended by the Charleston County Park and Recreation Commission, using the proceeds from the 2007 General Obligation Bonds for these projects.
2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program Ordinances and Policies.
3. Authorize Staff, at a future date, to put the issue of appraisal policy for Greenbelt purchases on a Finance Committee Agenda.

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

Mr. Summey asked permission to add to the recommendation that in all cases Council's Directive not to exceed costs be adhered to.

Mr. McKeown agreed to this amendment and the motion carried. Mr. Thurmond voted nay.

A report was read from the Finance Committee under date of May 28, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Rae Wooten, Charleston County Coroner, regarding permission to apply for a continuation of the SC Department of Public Safety, Paul Coverdell Forensic Science Improvement Grant. It was stated that the continuance of this grant would provide funding to improve the quality and timeliness of forensic services to reduce the number of backlogged cases in forensic laboratories. .

Committee recommended that Council approve the Coroner's Office request to apply to the SC Department of Public Safety, Paul Coverdell Forensic Science improvement Grant Program for a continuation of a grant it received in 2008, with the understanding that the request is in the amount of \$28,080 to retain a one-year grant funded position, and that no match is associated with this grant, and with the further understanding that there is one grant funded FTE associated with this request and that the County is under no obligation to support the costs associated with this FTE at the end of the grant period, which begins on October 1, 2009 and ends on September 30, 2010.

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

A report was read from the Finance Committee under date of May 28, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, Zoning/Planning Director, Dan Pennick and Council Member Dickie Schweers regarding planning coordination between Charleston County Council and the local Municipalities. It was stated that emphasis should be on the fringes of Municipal/County properties.

Committee recommended that Council authorize Staff to research ways to better coordinate planning issues with the Municipalities and come back to Council in two months.

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

A report was read from the Finance Committee under date of May 28, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine Martino-Lambert of the Human Resources Department regarding the County Sick Leave Bank. It was stated that prior to calendar year 2009, Personnel Policy allowed employees to contribute to and borrow from a Charleston County Sick Bank. It was shown that this program provided a safety net for employees who had exhausted all paid leave and provided up to 12 weeks of additional paid leave for employees' own qualifying serious health conditions. It was further stated that a Committee composed of representatives from the Elected and Appointed Officials as well as County Department representatives met with appropriate vendors to provide a comparison to the former Sick Leave Bank program.

Committee recommended that Council authorize Staff to solicit proposals from insurers or brokers for the provision of elective group Short Term Disability Insurance for benefits-eligible County employees.

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

A report was read from the Finance Committee under date of May 28, 2009 that it considered the information furnished by Joseph Dawson, County Attorney in executive session, regarding Solid Waste Disposal of Charleston County Waste.

Committee recommended that Council authorize Staff to:

1. Proceed with the development of programs achieving the 40% recycling goal.
2. Aggressively develop public/private partnerships for recycling and disposal.
3. Discontinue negotiations with Montenay regarding the use of the incinerator.
4. Continue to utilize Bees Ferry Landfill at this time and explore public/private partnerships.
5. Report back to Council within 90 days with strategies for Charleston County's Environmental Management Program.

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

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

Mr. Lee Bazzel of Montenay, expressed his Company desire to stay active with Charleston County Waste/Recycling efforts.

Sheriff Al Cannon stated that he was disappointed in Council's actions regarding the Fiscal Year 2010 Budget and said he would be coming back at Mid Year Review.

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

Mr. McKeown said that he was glad that Council could give some further assistance to the Board of Elections & Voter Registration; the Solicitor's Office and the Veterans Affairs Office.

Mr. Summey spoke regarding negotiations with Montenay on the Incinerator issue and said that when the County approved the Incinerator twenty years ago, it was "cutting edge" technology. He added that now there are other options and they need to be pursued.

Mr. Thurmond said that he wanted to thank Staff for all the hard work they had done to help bring about a true “no tax increase” budget. He also stated that he wanted to express his appreciation to Joe McKeown for all the extra time he devoted to very capably evaluating the many aspects of the budget.

Mr. Inabinett said he was very pleased about Council’s decision regarding the incinerator and stated that he knew many residents near the incinerator were happy that the County was moving forward.

Ms. Condon stated that regarding the County’s Waste/Recycling future programs that she certainly hoped that Mr. Bazzel and Montenay would bid on appropriate areas.

Ms. Condon thanked the Chairman for his leadership and thanked all Council Members for their willingness to compromise.

Ms. Condon expressed her great appreciation to Staff for all their budget assistance, which enabled Council to compromise and move forward.

The Chairman thanked Staff and Council Members on the completion of the Fiscal Year 2010 budget, which is a “no tax increase” budget, with no reduction in force or across the Board salary cuts.

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

Beverly T. Craven
Clerk of Council