

Charleston, S. C.
July 16, 2013

A regular meeting of County Council of Charleston County was held on the 16th day of July, 2013, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

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

Also present were County Administrator W. Kurt Taylor and County Attorney Joseph Dawson.

Council Chairman Teddie E. Pryor gave the invocation and Finance Director Corine Altenhein led in the pledge to the flag.

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

Mr. Summey moved approval of Council Minutes of June 18th, 2013, seconded by Mr. Sass, and carried.

**Recognition
and Resolution**

The Chairman stated that County Council wanted to recognize Charleston County Paramedic Jessica Smiley, and asked Ms. Smiley and Don Lundy, Emergency Medical Services Director to come forward. Ms. Smiley, who is also a Military Policewoman in the National Guard, has recently been notified that she has earned the Bronze Star, an award which is earned by only a small group of individuals for acts of heroism, acts of merit, or meritorious service in a combat zone. Mr. Lundy said that this award is the 5th highest Combat decoration and 10th highest Military award in existence.

The next item on the agenda was the passage of a Resolution commemorating the Juneteenth Celebration of Freedom Day.

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

The Chairman requested the Clerk to read the Resolution, and asked Ms. Simmons a representative of the Lowcountry Juneteenth Committee to come forward to accept the Resolution from Council Member Anna Johnson.

The Resolution is as follows:



A RESOLUTION OF CHARLESTON COUNTY COUNCIL

COMMEMORATING THE JUNETEENTH CELEBRATION OF FREEDOM DAY

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Granger on June 19, 1865, in Galveston, Texas, more than two and a half years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and,

WHEREAS, in support of the annual **Juneteenth Celebration of Freedom Day**, it is important to recognize the contributions of African Americans past, present, and future; and,

WHEREAS, it is also imperative to recognize that Americans of all colors, creeds, cultures, religions, and countries of origins share in a common love of freedom, as well as determination to protect their right to freedom through democratic institutions, by which the tenets of liberty are guaranteed and protected.

NOW, THEREFORE, be it resolved that **Charleston County Council** does hereby proclaim **June 19, 2013**, as **Juneteenth Celebration of Freedom Day** in Charleston County and encourages the citizens of Charleston County to reflect and commemorate the freedom of African Americans and their contributions to this country in order that these things might never be forgotten or taken for granted.

CHARLESTON COUNTY COUNCIL

**Teddie E. Pryor, Chairman
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**Project Quality
Weber
Automotive
Financial
Incentives**

The Chairman stated that the next item was second reading of an Ordinance that was given first reading on June 5, 2012, under the code name Project Quality. It

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was stated that on July 8, 2013, Weber Automotive announced their \$56 million investment in Charleston County which will create 98 jobs, and requested County Council to move forward with this ordinance extending financial incentives.

An Ordinance authorizing financial incentives for Weber Automotive was given second reading by title only.

AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND WEBER AUTOMOTIVE CORPORATION, PROVIDING FOR SPECIAL SOURCE REVENUE OR INFRASTRUCTURE IMPROVEMENT CREDITS; PROVIDING FOR THE ALLOCATION OF FEES-IN-LIEU OF TAXES UNDER THE AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK BETWEEN CHARLESTON COUNTY AND COLLETON COUNTY; AND MATTERS RELATING THERETO.

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

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

The vote being seven (7) ayes; one (1) abstaining, and one (1) absent, the Chairman declared the ordinance to have received second reading approval.

Mr. Summey furnished the Clerk with a statement of Conflict of Interest for the record, reciting that the Company owns the parent company of his employment.

**2986 Highway
174 Drainage
Easement**

A report was read from the Planning and Public Works Committee under date of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Zoning and Planning Director Dan Pennick regarding the property located at 2986 Highway 174 (TMS # 029-00-00-041). It was stated that the owner is proposing to abandon the existing 50' drainage right-of-way (originally dedicated, March 12, 1930) which crosses this property and then dedicate a new 50' drainage easement in its place.

Committee recommended that Council approve the abandonment of the existing drainage right-of-way and accept the dedication of the new 50' publicly dedicated drainage easement in its place at 2986 Highway 174 (TMS# 029-00-00-041), with the following conditions:

1. Subject to Legal Department's review, the property owner must prepare and submit

a warranty deed for the new drainage easement (“Grant of Easement”) to be recorded in the RMC office along with the plat; and

2. The plat and warranty deed must be completed within one year. If not completed during this time frame, the approval becomes null and void, and
3. Subject to Legal Department’s review, property owner will prepare a quit claim deed for the portion of the right-of-way within the property owner’s property in exchange for the “Grant of Easement” referenced in Number 1.

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

The Chairman stated that the next item on Council’s agenda was the Consent Agenda.

Mr. Summey moved approval of the Consent Agenda, seconded by Mr. Sass, and carried.

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of July 11, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Charleston County Sheriff Al Cannon regarding a grant funding program administered by FEMA which provides funding for transportation infrastructure security activities to implement Area Maritime Transportation Security Plans among port authorities, state and local government agencies that are required to provide port security services. It was stated that the Sheriff’s Office is requesting ten (10) diver’s regulators and consoles to equip underwater divers and a helicopter communications system to direct warnings and instructions to vessels on the waterway. It was shown that this equipment is vital to ensure port security capabilities in the Port of Charleston, and the total amount requested under this grant is \$44,000. It was further shown that a twenty-five percent match is required under this grant and the Sheriff’s Office will provide the match for this grant from the proceeds of selling a vessel from the agency’s inventory.

Committee recommended that Council allow the Sheriff’s Office to apply for and accept, if awarded, the FY 13 Port Security Grant Program in the amount of \$44,000 (for ten diver’s regulators and consoles to equip underwater divers and a helicopter communications system to direct warnings and instructions to vessels on the waterway), with the understanding that:

- The grant period is September 30, 2013 through September 30, 2014.
- The required Twenty-five percent match will be covered by the Sheriff’s Office through the proceeds of the sale of a vessel from the agency’s inventory.
- No FTE’s will be requested.

A report was read from the Finance Committee under date of July 11, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Charleston County Sheriff Al Cannon regarding the Edward Byrne Memorial Justice

Consent Agenda
A) FY13 Port Security Grant/ Sheriff
B) FY13 Justice Assistance Grant/Sheriff
C) FY13 Homeland Security Grant/ Sheriff
D) FY13 Local Emergency Management Grant
E) FY13 Port Security Grant CDC Technology Roadmap
F) FY 13 Port Security Grant CDC Vehicles and Training
G) Henry and Sylvia Yaschik Foundation Grant
H) Kennedy Center Funding/ Sheriff

Assistance Grant (JAG) Program which is a direct allocation grant funding program that must be used only for criminal justice initiatives. The Bureau of Justice Statistics (BJS) calculates the yearly award amount based on a formula of crime statistics and population. Based on this formula the allocation for Charleston County for 2013 will be \$46,997. The Sheriff's Office will receive \$32,998 and the remaining \$14,099 will be allocated to the Solicitor's Office. It was stated that the Sheriff's Office is requesting to use this award funding for Taser repairs or replacement if necessary, and that the grant period will run from October 1, 2013, until September 30, 2014, and no FTEs are requested in this grant.

Committee recommended that Council approve the Sheriff Office applying for and accepting, if awarded, the Edward Byrne Memorial Justice Assistance (JAG) Grant Program through the U.S. Department of Justice, with the understanding that funding in the amount of \$46,997 with \$14,099 allocated to the Solicitors Office. It is further understood that these funds will be used for Taser repairs or replacement if necessary and that the grant period will run from October 1, 2013 until September 30, 2014, and that no FTEs or match is required.

A report was read from the Finance Committee under date of July 11, 2013, that it considered the information furnished by County Administrator Kurt Taylor and Charleston County Sheriff Al Cannon regarding a Homeland Security Grant Program (HSGP) offering funding opportunities for 2013. It was shown that the Charleston County Sheriff's Office (Sheriff's Office) is responsible for terrorism deterrence, prevention and protection in Charleston County, as well as preparing and supporting Charleston County government for other hazards as well. It was stated that operational readiness on part of the Sheriff's Office is vital to the businesses, citizens and critical infrastructures of this county and any gaps in operational capabilities should be identified and addressed accordingly. It was further shown that due to this obligatory function, the Sheriff's Office has identified key equipment needs from tactical organizational components within, that are responsible for Homeland Security missions and the Sheriff's Office has determined through an operational assessment that specified equipment would be necessary to continue to sustain essential Homeland Security readiness and subsequent support for Charleston County. The Sheriff's Office has determined that the following assets are necessary to fulfill this function: one (1) Open Vision Real-Time x-ray system to aid the Bomb Squad in immediate information regarding contents of suspicious packages. One (1) Interactive Whiteboard that will allow for the ability to share information regionally. The total amount requested under this grant is \$70,000. This equipment is vital to ensure the Sheriff's Office can respond properly to Homeland Security initiatives and incidents in Charleston County.

Committee recommended that Council approve the Sheriff's Office applying for and accepting, if awarded, the FY 13 Homeland Security Grant Program in the amount of \$70,000, for one open vision real-time x-ray system to aid the Bomb Squad and one interactive whiteboard, with the understanding that the grant period is September 30, 2013 through September 30, 2014, and that no match or FTE's will be requested.

A report was read from the Finance Committee under date of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Emergency Management Director Jason Patno regarding an Emergency Management Agency's Local Emergency Management Performance Grant. It was stated that the

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Charleston County Emergency Management Department is requesting authorization to apply for grant funding in the amount of \$77,726, and if awarded, grant funding would be utilized to accomplish the following:

1. Offset annual personnel cost.
2. Funding for Emergency Management Special Projects, including but not limited to department accreditation, emergency operations center enhancements, emergency management program enhancements, and training.

ITEM	COST
Personnel	\$42,726
Emergency Management Special Projects	\$35,000
Total	\$77,726

It was shown that an in-kind or "soft" match on behalf of the division would be required. and salaries of department personnel associated with the completion of projects identified in the grant scope of work would be used to satisfy the match requirement and there are no FTE's or vehicles associated with the above referenced grant program.

Committee recommended that Council approve the Emergency Management Department's request to apply for grant funding in the amount of \$77,726 through the 2013 Local Emergency Management Performance Grant program, with the understanding that the grant performance period is July 1, 2013 through June 30, 2014; that an in-kind or "soft" match on behalf of the Emergency Management Department is required and there are no additional FTE's or vehicles associated with this grant.

A report was read from the Finance Committee under date of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Consolidated Dispatch Director Jim Lake. It was shown that on June 16, 2010, County Council authorized submittal of five FY08 and FY09 Port Security Grant Program (PSGP) requests as recommended by the Consolidated Dispatch Board. One of the five subsequent grant awards was to develop a Port-wide Strategic Risk Management Technology Roadmap, and that Roadmap was completed in September 2012 and provided recommendations to detect port-wide maritime transportation system risks, identify mitigation measures, categorize those measures and provide an investment strategy for future Port Security Grant rounds that effectively mitigates identified risks. It was further shown that on June 24, 2013, Charleston County Consolidated 9-1-1 Center submitted two grant applications under the Department of Homeland Security/FEMA FY 2013 Port Security Grant Program (PSGP) and that both grant projects submitted support recommendations outlined in the Port-wide Strategic Risk Management Technology Roadmap, and that these requests are also consistent with Strategic Risk Management Plan (SRMP) recommendations and National Strategic Priorities including Enhancing Maritime Domain Awareness, Cyber Security, and Port Resilience and Recovery Capabilities. It was stated that the first project focuses on Public Safety information systems and sensor data sharing and will be accomplished through the application and promotion of public safety interoperability to enable emergency responders and other Local, State, and Federal Port Partner public safety agencies from different jurisdictions and disciplines to share information and sensor data. This project will utilize and expand existing wireless, sensor, surveillance, and data infrastructures in

the Charleston port community. It was expressed that the total project value of this grant request is \$866,667, with FY 2013 PSGP grants funds requested in the amount of \$650,000 and a non-federal in-kind match equal to \$216,667.

It was stated that the second project focuses on Public Safety information systems and data sharing and will be accomplished through the application and promotion of public safety interoperability to enable emergency responders and other Local, State, and Federal Port Partner public safety agencies from different jurisdictions and disciplines to share secure systems and sensor information. This project will expand existing public safety systems, enhance data sharing of alert and hazardous material information and apply cyber security mitigation solutions and standards to the public safety interagency network. The total project value of this grant request is \$206,667, with FY 2013 PSGP grants funds requested in the amount of \$155,000 and a non-federal in-kind match equal to \$51,667. It was shown that the Charleston County Consolidated Dispatch Board unanimously voted to support these grant applications which are consistent with the Board's goals to enhance information sharing and situational awareness.

Committee recommended that Council:

- Authorize two FY 2013 Port Security Grant Program grant applications which support recommendations outlined in the Port-wide Strategic Risk Management Technology Roadmap which benefit Charleston County and the various municipalities by significantly enhancing situational awareness and information sharing among emergency response agencies, with the understanding that Grant amounts total \$1,073,334, including a 25% in-kind match not to exceed \$268,334. The 25% in-kind match would be made up of technology and equipment costs from the Consolidated 9-1-1 Center, and further:
 - that there are no FTEs associated with this request
 - that there are no items that involve re-occurring costs associated with this request.
 - that this application submission date was no later than June 24, 2013 and a notice of award is expected to be made on or about September 1, 2013.
 - that the grant period is September 1, 2013 to August 31, 2015

A report was read from the Finance Committee under date of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Consolidated Dispatch Director Jim Lake. It was stated that on June 24, 2013, staff submitted a grant application under the Department of Homeland Security/FEMA FY 2013 Port Security Grant Program (PSGP) for the procurement of six all-terrain and amphibious vehicles to support the mobility and accessibility needs of fire service and law enforcement agencies in Charleston County. In addition this Investment supports the City of Charleston and the Charleston County Sheriff's Office, as well as Maritime Domain accessibility for security, investigation and rescue, and would provide a coordinated key component of an active layered maritime plan. It was shown that this collaborative project involves equipment and training toward full development of a specialty swift water rescue team that will be available for region-wide deployment in and around the Port of Charleston. It was further shown that the regional partners are

requesting PSGP funding to purchase all-terrain vehicles that will be able to reach the waterway areas in and around Charleston Harbor, and that the training funds will be used by fire service for the training and support of a Swift Water Team to support dive and patrol personnel, as well as rescue citizens in natural disaster situations. The breakdown of equipment is planned as follows:

City of Charleston Police: One 8-person all-terrain vehicle
 Charleston County Sheriff's Office: One 8-person all-terrain vehicle, which would have recurring costs
 Isle of Palms Fire Department: One 4-wheel rescue vehicle
 City of Charleston Fire Department: Two 6-wheel rescue vehicles
 Charleston County Rescue Squad: One 6-wheel all-terrain vehicle

Committee recommended that Council authorize a FY 2013 Port Security Grant Program application totaling \$685,000, which includes a 25% cash match not to exceed \$171,250. The 25% cash match would be made by the collaborating agencies—i.e., City of Charleston Fire and Police Departments, Isle of Palms Fire Department, Charleston County Sheriff's Office and Charleston County Rescue Squad. The 25% cash match required from the Sheriff's Office is \$26,250. There is no FTEs associated with this request. There is an 8-person vehicle for Charleston County Sheriff's Office which involves a recurring cost.

A report was read from the Finance Committee under date of July 11, 2013, that it considered the information furnished by County Administrator Kurt Taylor, and Charleston Center Director Dr. Chanda Brown regarding the Charleston Development Corporation (CDC) receipt of a grant award from the Henry and Sylvia Yaschik Foundation in the amount of \$30,000; to be used in The Charleston Center Advisory Board's 70-7-7 Community Giving Campaign (\$70,000 for 7 Needs in 7 Months). It was stated that the Charleston Center is requesting permission to transfer the grant award in the amount of \$30,000 from the CDC to The Charleston Center for the following purposes: recreation items, furniture items, educational materials, indigent care items and assistance, infant care items, client care and equipment and therapeutic décor. It was shown that the CDC serves as a non-profit entity by which grant awards/private donations for charitable causes within the County may be accepted and the CDC's mission is to further human, social and economic development in the County of Charleston and to promote a healthier and safer community.

Committee recommended that Council authorize staff to transfer the grant award in the amount of \$30,000 from the CDC to Charleston Center to be used for recreation items, furniture items, educational materials, indigent care items and assistance, infant care items, client care and equipment and therapeutic décor, with the understanding that once the grant award has been transferred, the grant management and reporting responsibility becomes the responsibility of the Charleston Center.

A report was read from the Finance Committee under date of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Sheriff Al Cannon. It was stated that the Ernest F. Kennedy Center is a private, non-profit organization based in Moncks Corner, SC, which is designated as a county substance abuse provider by the South Carolina Department of Alcohol and Other Drug Abuse Services (SC DAODAS) and in conjunction with its role as the lead agency for the Ninth

Judicial Circuit's Alcohol Enforcement Team Grant, funded with federal Center for Substance Abuse Prevention (CSAP) block grant prevention funds, the Kennedy Center is partnering with the Charleston County Sheriff's Office (CCSO) to reduce underage drinking and underage smoking. The CCSO has been sub-awarded \$4,500.00 of these funds to use for the enforcement of underage drinking and smoking.

Committee recommended that Council allow the Sheriff's Office to accept pass-through federal CSAP funding in the amount of \$4,500.00 from The Ernest F. Kennedy Center to use for the enforcement of underage drinking and smoking, with the understanding that the funding was available for expenditure as of June 24, 2013, and has no stated expiration date, and no FTE's or matching funds are associated with this funding.

FY 14 Urban Entitlement Funds

A report was read from the Finance Committee under date of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Christine DuRant, Deputy Administrator for Community Services, regarding a proposed amendment that impacts the Charleston County Community Services Action Plan for Program Year 2013. It was shown that the Action Plan is a document produced annually which outlines how the County of Charleston, its participating jurisdictions, and the City of North Charleston propose to spend the federal grant dollars from the US Department of Housing and Urban Development (HUD). It was further shown that final funding levels have been announced by HUD and these funds require changes be made to the Action Plan. It was stated that the County received an additional \$88,881 in Community Development Block Grant (CDBG) dollars, and the County received \$37,102 less in Emergency Solutions Grant (ESG) dollars. It was stated that the Consolidated Plan (HUD's five year strategic plan), is the guiding document by which HUD funds are directed. Providing clean water and sanitary septic and sewer systems is the top priority investment for CDBG funding and currently there are 258 households on the Department's waiting list and citizens are served with the CDBG funds allocated to the well and septic program. It was further stated that at the end of the third year of the five year plan, the County will have achieved 58% of the total five-year goal. Based on the public input and Council's focus on clean water and functioning septic systems with CDBG funds, it is recommended that the additional \$88,881 in CDBG funds be allocated to the County's well and/or septic upgrade program; and the reduction to the ESG funds is in line with both the Community Development Advisory Board's intent and coordinated in conjunction with the agencies affected. These recommendations are included below and are in compliance with the regulations associated with the HUD funds.

Committee recommended that Council authorize the amendment to the Program Year 2013 Action Plan and authorize staff to submit to the US Department of Housing and Urban Development the changes to the Program Year 2013 Annual Action Plan to ensure compliance with reporting requirements of managing the Urban Entitlement funds and apply the unallocated \$88,881 in CDBG funding to the County's Well and Septic Program and approve the modification to the Emergency Solutions funding recommendation as follows:

AGENCY	PURPOSE	ORIGINAL	REVISED
Crisis Ministries	Shelter Operations & Rapid Re-Housing	\$69,250	\$50,005
Florence Crittenton	Rapid Re-Housing	\$64,252	\$46,395

TOTAL		\$133,502	\$96,400
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Ms. Johnson moved approval of Committee recommendation, seconded by Ms. Condon, and carried.

**Fee Schedule
Amendments**

A report was read from the Finance Committee meeting of July 11, 2013 that it considered the information furnished by Kurt Taylor and Dan Pennick regarding a request to update the County's Fee Schedule as follows:

1. Include fees for services the County currently provides, but does not currently charge for, such as Tax Increment Financing (TIF) Districts and 208 Water Quality Management Plan Amendments;
2. Include fees for new types of land development review applications associated with the recently adopted Form-Based Zoning District enabling legislation;
3. Clarify fees for Development Agreement applications, Form-Based Zoning District Rezoning applications, Site Plan Review applications, and Zoning Permits;
4. Delete the fee for Zoning Waivers (Zoning Waiver applications are no longer utilized by the County); and
5. Specify that the County can require applicants to provide funds to the County to hire third party consultants and/or experts necessary to assist the County in reviewing and evaluating applications for TIF Districts, Form-Based Zoning Districts, Development Agreements, and 208 Water Quality Management Plan Amendments.

It was stated that the proposed amendments to the Fee Schedule are based on a survey of the fees charged for similar services provided by local jurisdictions in South Carolina and around the country.

Committee recommended that Council approve and give first reading to an ordinance amending the Fee Schedule to include fees for TIF Districts, 208 Water Quality Management Plan Amendments, and Form-Based Zoning District land development review applications; clarify fees for Development Agreements applications, Form-Based Zoning District Rezoning applications, Site Plan Review applications, and Zoning Permits; delete the fee for Zoning Waivers; and include notification that the County can require applicants to provide funding for third party consultants to assist the County in reviewing specific applications.

Ms. Condon moved approval of Committee recommendation, with the further recommendation that the applicant shall be responsible for the costs of publication.

This motion was seconded by Mr. Darby.

Mr. Summey stated that this item should be referred to the Planning Commission, and added that even though these are financial items, they will affect applicants, and Council should certainly have input on this matter.

Mr. Qualey stated that he was not in favor of the amendments.

Ms. Condon shared information after staff time, and stated that she felt like this was exactly the opposite of taxation. She stated that she felt those using specialized services should be required to pay for these services.

Mr. Rawl said that this was disingenuous that we should have a solely fee-based service and that this matter should definitely go before the Planning Commission.

Mr. Sass said he felt this matter certainly should go before the Planning Commission for their input.

At the conclusion of the discussion regarding the pros and cons of approving the requested Ordinance, the Chairman called for a roll call vote.

The roll was called and votes recorded as follows:

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

The vote being two (2) ayes, six (6) nays and one (1) absent, the Chairman declared the recommendation, as amended to have failed.

Mr. Rawl moved that the proposed ordinance be referred to the Planning Commission before it comes back to Council.

This motion was seconded by Mr. Summey.

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

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

Pryor

- aye

The vote being eight (8) ayes and one (1) absent, the Chairman declared the motion to have carried.

**Rural
Greenbelt
Project**

A report was read from the Finance Committee meeting of July 11, 2013 that it considered the information furnished by Kurt Taylor and Cathy Ruff regarding a request for Rural Greenbelt Funding. It was stated that the property is located within the City of Charleston and inside of the County's Urban Growth Boundary making it eligible for urban Greenbelt funds; however, the City has exhausted their allocation of urban greenbelt funds. The Open Land Trust is requesting \$2.4 million in rural Greenbelt funds to be used to purchase a 17 acre portion of a tract of land adjacent to the Angle Oak on Johns Island which is appraised for \$3.56 million, and the Land Trust will secure match in the amount of \$1,185 for the remaining purchase price and closing costs. It was further stated that plans for the property include a public passive park that will complement the existing Angel Oak Park owned by the City of Charleston. It was shown that at a meeting of the Greenbelt Bank Board held on July 11th, 2013 funding was unanimously approved in the amount of \$2.4 million.

Committee recommended that Council:

1. Approve the application of the Lowcountry Open Land Trust for \$2.4 million in Greenbelt Funds to purchase 17 acres adjacent to the Angel Oak property on Johns Island.
2. Council Prefers that the Charleston County PRC own the property, but insofar as the PRC is not eligible to receive funds from the SC State Conservation Bank, either the Land Trust or its LLC will own the property, and the Land Trust/LLC will enter into a long-term agreement for the PRC to manage the property.
3. As represented by the PRC Management, the PRC will work with the Carolina Homeless Veterans to enter into a long term lease allowing the exclusive use of 3 to 5 acres of the PRC's Mullet Hall property for the Veterans' farming operation, as outlined in the application submitted to the Greenbelt Bank Board on March 24, 2012.
4. The Land Trust and the PRC will work with the City of Charleston to develop an agreement so that the both the City's property and this 17 acres will be managed in a complementary manner.
5. Authorize the use of Rural Greenbelt funds to purchase this urban property in light of the following findings:
6.
 - a. Section 5.6.1 of the Charleston County Comprehensive Greenbelt Plan states, "...rural funds can be used for the acquisition of land/or purchase of development rights on property within the rural area."
 - b. This section also states "The Rural Area of Charleston County is defined...as the municipalities and unincorporated areas that are located outside the Charleston County Urban Suburban Growth Boundary..."

- c. The Lowcountry Open Land Trust's Angel Oak Phase II project is located within in the urban area as defined in the County's Comprehensive Plan.
 - d. The parcel is uniquely located with one of its three property lines directly on the Urban Growth Boundary (UGB). Permanent protection of this property will serve to solidify the UGB.
 - e. This parcel is adjacent to the iconic and publicly beloved Angel Oak and will be managed in manner that will complement the Angel Oak park thus providing additional opportunities for public access and use.
 - f. These one-of-a-kind factors combine to make it a proper use of rural greenbelt funds to form a portion of the purchase of this parcel, and County Council does not intend this action to serve as a suggestion that its general policy to allow the use of Rural area Greenbelt Funds for purchases inside the County's Urban/Suburban Growth Boundary.
7. 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.
 8. Authorize the use of \$2.4 million to be funded from a combination of Greenbelt Operating Contingency and/or 2011 General Obligation Bonds.

Ms. Johnson moved approval of Committee recommendation, seconded by Mr. Summey and carried. Mr. Sass abstained and furnished the Clerk with a statement for the record that his firm had appraised this property.

**Transfer
Station
Disposal
Contract
Extensions**

A report was read from the Finance Committee meeting of July 11, 2013 that it considered the information furnished by County Administrator Kurt Taylor and Art Braswell, Interim Director of Environmental Management, regarding a request to extend the transfer station and disposal contracts. It was shown that in 2009, Council adopted a Nine Point Strategy to achieve County Council's 40% recycling goal with a long term objective to provide the premier solid waste program in the southeastern United States. One of the nine points directed the staff to negotiate contracts for out of county transfer and disposal of municipal solid waste (MSW) due to the closure of the Montenay Waste to Energy Facility (Incinerator). which was the County's primary MSW disposal facility for twenty years and approximately two-thirds of the County's MSW was processed at the Incinerator, with the remainder being disposed of at the Bees Ferry Landfill. It was further shown that with closure of the Incinerator in December 2009 and Council's desire to manage landfill air space at Bees Ferry, the County entered into contracts with Republic Services of South Carolina, LLC (Republic) and Carolina Processing and Recycling LLC (Carolina Waste) to accept a portion of the County's MSW for out of county transfer. The County also entered into a contract with Oakridge Landfill, Inc., a wholly owned subsidiary of Waste Management of South Carolina Inc. (Waste Management) which owns and operates the Oakridge Landfill in Dorchester County to dispose of its MSW and in 2009 the County paid approximately \$36 per ton to transfer and dispose of its MSW through it's out of county transfer and disposal system.

It was stated that currently the County transfers approximately 60 percent of its MSW waste stream to the out of county disposal site and landfills the remaining 40 percent of the MSW at the Bees Ferry Landfill. It was further stated that in April 2013, Council

directed staff to complete its design and implementation of the new integrated Solid Waste Management Program, with one of the components of the program to include renewal of its contracts for out of county transfer and disposal of MSW.

Committee recommended that Council authorize the Environmental Management Department to extend the transfer station and disposal contracts with Republic, Carolina Waste, and Waste Management for up to two years in one year increments.

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

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

**Council
Comments**

Ms. Johnson stated that the Angel Oak project is a great opportunity for Council to help preserve the Angel Oak as well as for the County to be able to help the Carolina Homeless Veterans Organization which wants to share their love of farming with the community.

Ms. Condon stated that she agreed with Mr. Qualey's earlier statement that the remaining properties surrounding the Angel Oak should be down-zoned by the City of Charleston in order to allow Council to work with the property owners to conserve those properties, as well, without paying the price for property which is zoned for multi-family use.

Mr. Qualey stated that today was a day we all can celebrate that the Angel Oak is more protected than it has ever been in modern times. Mr. Qualey also expressed his congratulations to the PRC and its Executive Director Tom O'Rourke on the reopening of the Folly Beach County Park. He also thanked Joe Dawson for his assistance in moving the recycling day for Folly Beach to be more conducive to the weekly rental cycle for the beach community.

Mr. Rawl requested that County Attorney Joe Dawson and Assistant Administrator for Transportation and Public Works Jim Armstrong work together to answer some questions regarding trees and liability. He stated that he understands if a tree is on your property and falls into your neighbor's yard, you are responsible for the damages to the neighbor's property. He also understands that the County has provisions regarding grand tree provisions. Judge Rawl questioned if a person has applied for a waiver to remove a grand tree and the request is denied, is the County then responsible for damage done if the tree falls onto another person's property? He also asked what are the rules and regulations regarding grand trees in road right-of-way and what liability, if any, the County may have for accidents involving grand trees in the right-of-way.

Mr. Sass echoed the comments of Mr. Qualey and Ms. Condon regarding the down-zoning of the remaining property adjacent to the Angel Oak. He also thanked Jessica Smiley for her service.

County Administrator Kurt Taylor recognized Charleston County Parks and Recreation Executive Director Tom O'Rourke in the audience and called him the most excellent public employee in our area.

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Chairman Pryor stated that perhaps tonight's action to protect the Angel Oak shows the people of Johns Island that Council does care about Johns Island.

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

Beverly T. Craven
Clerk of Council