

March 2, 2010
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 2nd day of March, 2010 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, and 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Rev. Reid gave the invocation. Mr. Bustraan 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. McKeown moved approval of the Minutes of February 16, 2010, seconded by Mr. Schweers, and carried.

An Ordinance rezoning property at 6775 Bears Bluff Road was given third reading by title only.

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ZPDA 10-09-
5869 6775
Bears Bluff
Road
Ordinance
3rd Reading

AN ORDINANCE

REZONING PROPERTY LOCATED AT 6775 BEARS BLUFF ROAD, PARCEL IDENTIFICATION NUMBER 133-00-00-041, FROM THE PLANNED DEVELOPMENT DISTRICT (PD-94A) TO THE PLANNED DEVELOPMENT DISTRICT (PD-94B)

WHEREAS, the property located at 6775 Bears Bluff Road, identified as Tax Map Parcel Number 133-00-00-041, is currently zoned Planned Development District (PD-94A); and

WHEREAS, the applicant requests to amend the Planned Development District (PD-94A) and has submitted a complete application for PD Development Plan amendment approval pursuant to Article 4.27 of the Charleston County Zoning and Land Development Regulations (ZLDR); and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed PD Development Plan and adopted a resolution, by majority vote of the entire membership, recommending that County Council approve the proposed development plan with conditions, which recommendation is based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR; and

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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 the proposed PD Development Plan with conditions 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 meets the following criteria:

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- A. The PD Development Plan 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 IT ORDAINED by the County Council of Charleston County, South Carolina, in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTIES

A. Charleston County Council rezones the property located at 6775 Bears Bluff Road, identified as Tax Map Parcel Number 133-00-00-041, from the Planned Development District (PD-94A) to the Planned Development District (PD-94B); and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development Guidelines for Irvin House Planned Development, Wadmalaw Island, South Carolina, Dated October 2009," shall constitute the PD Development Plan for the parcel which shall be identified as Planned Development 94B or PD-94B; and

C. Any and all development of PD-94B must comply with the PD Development Plan, ZLDR, and all other applicable ordinances, rules, regulations, and laws; and

D. The zoning map for Tax Map Parcel Number 133-00-00-041 is amended to PD-94B 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 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 - absent
- Mr. Pryor - aye

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

Delfin Group
Incentives
Ordinance
2nd Reading

An Ordinance amending a Fee Agreement between Charleston County and Delfin Group was given second reading by title only.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO 2008 FEE AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND DELFIN GROUP USA LLC AND ITS SUCCESSORS AND ASSIGNS, AND MATTERS RELATED 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. 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 - absent
- Mr. Pryor - aye

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

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**Charleston
Airport Area
Traffic Study
Recommendation**

A report was read from the Economic Development Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, Kurt Taylor, Deputy Administrator and Council Member J. Elliott Summey, Chairman of Council's Economic Development Committee, regarding the Economic Development Transportation Infrastructure Improvement Plans for the Charleston Airport Area Traffic Study and Concept Road Plans.

Committee recommended that Council:

1. Approve moving forward with design, permitting, and construction of the proposed immediate intersection improvements in the Charleston Airport area, which include:

- A) Ashley Phosphate & Cross County
- B) Dorchester & W. Hill
- C) Dorchester & Michaux
- D) Michaux at International
- E) International & I-526 WB
- F) S. Aviation & Remount
- G) S. Aviation & W. Aviation, and

begin the process of securing funding, preliminary engineering, and permitting.

2. Adopt the unfunded recommended regional traffic mitigation projects, which include:

- A) I-526 Improvements and New Dorchester Road Connector.
- B) S. Aviation Improvements and Ashley Phosphate Road Connection; and

direct Staff to investigate funding and procurement options and return to Council as soon as practicable for approval.

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

**Trident/Tech
Nursing,
Science &
Math Building
Request
Funding**

A report was read from the Economic Development Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Dr. Mary Thornley, President of Trident Technical College, regarding the College need for funding assistance to construct a nursing education building. It was stated that there is a 2 year or more wait for students to enroll in the nursing and allied health programs, and that hospitals and other institutions are in need of employees in these fields. It was shown that the State Treasurer is authorized to issue State Institution bonds on behalf of technical colleges financed with tuition fees, and this would not count against the Counties' eight percent Constitutional debt limit.

Committee recommended that Council approve the request for the \$18 million of bonded indebtedness and that said bonded indebtedness will be paid for by funds

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attributable to Trident Tech, so that if the millage rate is raised, the millage will be attributable to Trident Tech.

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

Consent Agenda
A) Workforce Services/Tri-County Area
B) Phillips Community Drainage
C)Coca Cola Grant
D) Planning Commission

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

Ms. Condon moved approval of the Consent Agenda Recommendations, of the Finance Committee from their February 25, 2010 meeting.

This motion was seconded by Mr. Summey, and carried.

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Director of the Grants Department, regarding a grant available to the Trident Workforce system due to their performance excellence. It was stated that these incentive funds are awarded based on the workforce system achieving success with its customers in three core outcome areas: 1. Employment Achievement; 2. Employment retention and 3. Wage gain. It was shown that these monies are designated to support the Trident One Stop Career System services in Berkeley, Charleston and Dorchester Counties and will be used to provide workforce development program services, staff and board training, business services, one stop facility enhancements, transition planning, equipment acquisition and other related workforce activities.

Committee recommended that Council approve acceptance of \$166,568 under the Incentive Grant from the U. S. Department of Labor through the South Carolina Department of Commerce to provide Workforce Development Program Services in the Tri-County Area, with the understanding that no match or additional FTEs are required, and that the total award is \$166,568, with the grant timeframe of November 1, 2009 through June 30, 2011.

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and James Neal, Director of the Public Works Department, regarding a request to submit a grant application in the amount of \$3 million dollars for the Phillips Community in Christ Church Parish. It was stated that this area has historically been prone to chronic flooding, and development in the area have intensified the drainage problems. It was shown that in March 2006 Council approved funding for a drainage study of the Phillips Community in Christ Church Parish, and the drainage study identified those flood-prone areas within the community as well as the existing drainage systems and proposed improvements. It was further stated that no matching funds are required for this grant, and that a time frame for the grant has been set by the South Carolina Department of Health and Environmental Control with a deadline of June 30, 2010.

Committee recommended that Council authorize the submission of an application to the South Carolina Department of Health and Environmental Control for an American Recovery and Reinvestment Act grant in the amount of \$3 million, with the understanding that no matching funds are required for this grant.

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A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Benjamin Blanks, Jr., Director of Environmental Management, regarding a request to approve submission of a grant application to Coca Cola to obtain a variety of recycling containers at no cost to governmental bodies, schools and neighborhoods. It was stated that this grant is intended to improve recycling and the containers are intended to be loaned to neighborhoods, organizations and businesses at no cost.

Committee recommended that Council approve Staff's submitting a grant application to Coca Cola/Keep America Beautiful for an in-kind donation of recycling containers to be used throughout Charleston County, with the understanding that no FTEs, match or costs are associated with this request that there is no standard grant period.

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by the Clerk of Council's Office, and Council Member Henry Darby, regarding Mr. Darby's recommendation for Council to appoint Mr. Warwick Jones to the Charleston County Planning Commission for a term to run concurrently with Mr. Darby Council term. It was stated that Mr. Darby's current recommended appointee has resigned.

Committee recommended that Council appoint Mr. Warwick Jones to the Charleston County Planning Commission for a term to run concurrently with Mr. Darby Council term.

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of the Procurement Department, regarding bids received for road, drainage and traffic signalization, improvements on Glenn McConnell Parkway. It was stated that funding for this property is available through the Transportation Sales Tax Bonded Projects

**Glenn
McConnell
Pkwy/I-526
Intersection
Award of
Contract**

Committee recommended that Council authorize award of a contract for Glenn McConnell Parkway and I-526 Intersection Improvements to Sanders Brothers Construction Company, Inc. in the amount of \$4,325,019.80, with funding to come through the Transportation Sales Tax bonded projects.

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

**MUSC
Infrastructure
Improvement
Project
Award of
Contract**

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and E. Steven Taylor, Director of Procurement, regarding bids received for Infrastructure Improvements for the Medical University Project. It was stated that this project includes roadway, drainage and traffic signalization improvements on Courtenay Drive beginning at US Route 17 (Spring Street) 1,293' south along Courtenay Drive and includes the complete demolition and construction of Bee Street from Courtenay Drive to Lockwood Boulevard 1,384' with limited improvements to Bravo Street and Cherry Street. It was shown that this project also includes the relocation of

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approximately 1,160' of existing twelve inch (12") water line along Bee Street from Courtenay Drive to Lockwood Boulevard and that the City of Charleston Commissioners of Public Works (CPW) has requested the County to include the relocation of it's water main in the MUSC Improvements project, asking that the work be included as a separate bid item, and agreeing to reimburse the County for the cost of the bid item. CPW staff will recommend approval at their board meeting on February 25, 2009 to reimburse the County the cost of all construction items associated with the water main relocation. Gulf Stream Construction's bid for this item is \$443,564.00. It was further stated that the SC Department of Transportation (SCDOT) was granted a \$3.2M earmark for the MUSC Roadway Improvement Project from Congressman Brown administered by the US DOT Federal Highway Administration (FHWA) under the SAFTEA-LU legislation. Charleston County has been approved by SCDOT to manage and administer the federal earmark funds for this project in accordance with Local Public Agency Administration procedures, and an Inter-Governmental Agreement (IGA) between SCDOT and Charleston County was executed on January 15, 2010 to facilitate the construction and administration of the project. It was also shown that the IGA states that SCDOT will reimburse the County for actual construction costs, up to \$3.2M, based on invoices submitted by the County. The project requires a local match of \$682,768.00 which will be provided via Charleston County Transportation Sales Tax funds already planned for this project.

Committee recommended that Council:

1. Authorize award of a contract for MUSC Infrastructure Improvements to Gulf Stream Construction Co., Inc. in the amount of \$3,693,521.50, with funding to come from the Transportation Sales Tax.
2. Authorize acceptance of up to \$3.2 million in US DOT Federal Highway Administration funds under the SAFTEA-LU legislation from the SC Department of Transportation, with the understanding that a cash match of \$682,768 will be provided via the Transportation Sales Tax funds.
3. Authorize acceptance of reimbursement from the Commissioners of Public Works for relocation of the water main.

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

**Harbor View
Road Design
Changes
Request to
Approve**

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, Kurt Taylor, Deputy Administrator of the Transportation Sales Tax Division, and Council Member Paul Thurmond, regarding the design of the intersection along Harbor View Road. It was stated that the Intersections of Harbor View Road and the side roads within the project limits were designed in accordance with the South Carolina Department of Transportation, and that during right of way acquisition, some property owners expressed displeasure at the amount of right-of-way needed to accommodate this design. It was shown that as a result of these complaints, Staff revisited the issue with the SCDOT and the SCDOT has agreed to allow the design of the intersections to be

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reduced to accommodate the minimum turning radii of a school bus without encroaching into the oncoming lanes or off tracking off of the pavement. It was further stated that in order to incorporate this compromise design, the project plans require revision, which will impact the design of twenty-five (25) side roads, and that the estimated cost and time to incorporate the proposed revision is \$120,000 and an addition of six weeks to the schedule.

Committee recommended that Council approve the proposed plan revision as presented and direct staff to amend the design consultants scope of work and negotiate a fee to facilitate the work required to implement the change.

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

Ms. Condon stated that at the Finance Committee meeting, she had requested that this recommendation include the possibility of appropriate speed humps on the streets leading to Harbor View Drive if requested by the City of Charleston or the Town of James Island.

The Committee recommendation, with Ms. Condon's addition, was carried.

The new approved recommendation is as follows:

That Council:

1. Approve the proposed plan revision as presented and direct Staff to amend the design consultants' scope of work and negotiate a fee to facilitate the work required to implement the change.
2. Request Staff to give consideration, if requested by the City of Charleston or the Town of James Island, where possible, to "speed humps" being placed on streets running off Harbor View Road, but not on Harbor View Road.

A report was read from the Finance Committee under date of February 25, 2010 that it considered the information furnished by Allen O'Neal, County Administrator, and Mr. William Hewitt, regarding the creation of a Charleston Promise Neighborhood. It was stated that President Barack Obama has committed to creating Promise Neighborhoods base on the Harlem Children's Zone in New York City that offers a continuous pipeline of educational, social, health and recreational services for children, and that planning grants will be offered to communities that want to develop these programs. It was shown that local leaders have been positioning the community to win that money, and they still would like to have it, but securing the grant may no longer be a prerequisite for making the idea a reality. It was stated that the proposed zone would encompass 9.2, miles of Charleston's East Side, the Neck Area and extend into North Charleston, and it would target four elementary schools, Sanders-Clyde, James Simons, Mary Ford and Chicora, with the focus of the zone's program being the area's roughly 3,000 children from birth to age 17 and their parents.

Committee recommended that Council:

**Charleston
Promise
Neighborhood
Project
Recommendation**

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1. Approve \$50,000 from General Fund Contingency for this year, contingent upon private matches being secured. When they have the private funds, we will deliver the public funds.
2. Encourage funding for the next two years to be requested by application to the Community Development Block Grant funding when announcement for funding requests are made.

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

Public Forum

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

Mr. David Coe said that he hoped everyone has seen the Savage Report on television which showed the boat tax issues that he has been bringing to Council at every meeting. He said that he understands that the Auditor is an elected official, but expressed his dissatisfaction that Council has not or cannot do anything about what he says is a \$7 million a year loss to Charleston County.

Mrs. Anita Zucker and Mr. Bobby Clair expressed their appreciation to Council for their approval of Trident Technical College's request for the \$18 million of bonded indebtedness for construction of a nursing education building.

Ms. Sylvia Hagerty and Ms. Rebell Williams of Legareville Road on Johns Island spoke of the terrible flooding they are experiencing in their area and furnished pictures for Council.

The Chairman asked Deputy Administrator, Kurt Taylor, to give Council a quick update on this flooding problem.

Mr. Taylor said that a study had been made to determine a solution to this problem, but that at this time Staff has been unsuccessful in securing the necessary rights of way and that funding has not been secured.

The Chairman asked Assistant Administrator for General Services to give Council and update of the new detention center.

Mr. Smalls stated that on February 19th Charleston County had received DHEC and Department of Corrections' building approval. He added that the parking lot paving would be completed on March 8th and opening would be on April 7th.

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

Mr. Rawl asked Members of County Staff that were present to stand and requested those in attendance at Council's meeting to give the Staff Members a round of applause for their hard work and dedication to Charleston County.

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Mr. Summey stated that economic development is more important to Charleston County now than ever before and stressed that Council needs to go forward with sound economic development.

Mr. Darby said that many young students were in the audience to watch Council in action as required by their Schools. He observed that the young ladies in the audience were dressed appropriately, but that some of the young men were not. He stressed that people are judged by their appearance and manners and urged these young men to consider the affect their "outward show" will have on their future.

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



Beverly T. Craven
Clerk of Council