

January 13, 2009
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 13th day of January, 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; Curtis B. Inabinett; Joe McKeown; A. Victor Rawl; Dickie Schweers; J. Elliott Summey and Paul R. Thurmond. Council Member Henry E. Darby was absent.

Also present were: Mack Canterbury, County Administrator; Joseph Dawson, County Attorney; and Dan Pennick, Director of the Planning Department.

Council Member Inabinett gave the invocation. Council Member Condon led in the pledge to the flag.

Mr. Schweers moved approval of the minutes of December 11 & 16, 2008, seconded by Mr. Inabinett, and carried.

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

**The
Honorable
Curtis E.
Bostic
Recognition**

The Chairman stated that former Council Member Curtis E. Bostic was in the audience and request that he come forward to accept a plaque from Council which expressed their deep appreciation for Mr. Bostic's eight years of service.

Mr. Bostic received a standing ovation from Council Members and Staff, and thanked Staff for all they had done for him and for the Citizens of Charleston County.

**Zoning Case
3474-C 1724,
1724 7 1740
Dominic Drive
a) Request to
Approve
b) Ordinance
2nd Reading**

An Ordinance Rezoning property at 1724, 1725 & 1740 Dominic Drive was given second reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 1724, 1725 AND 1740 DOMINIC DRIVE FROM A PLANNED DEVELOPMENT -128 DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 128-A

WHEREAS, the properties located at 1724, 1725 and 1740 Dominic Drive, identified as Tax Map Parcel Numbers **279-00-00-315, - 320, and - 323** and are currently zoned **PD 128**; and

January 13, 2009

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD) and has submitted a complete application for PD Development Plan 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 with conditions the proposed 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 based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR;

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

- A. The PD Development Plan complies with the standards contained in Article 4.27 of the ZLDR;
- B. Allowing a greater freedom in selecting the means to provide access, light, open space and design amenities;
- C. Allowing development to take advantage of special site characteristics, locations and land use arrangements;
- D. Allowing quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements;
- E. Allowing development pattern in harmony with the land use density, transportation facilities and community facilities objectives of the Comprehensive Plan;
- F. Allowing for the permanent preservation of common open space, recreation areas and facilities’;
- G. Allowing an efficient use of the land resulting in more economical networks of utilities, streets, schools, public grounds and buildings, and other facilities; Allowing a creative approach to the use of land and related physical facilities that results in better development and design and construction of amenities;
- H. Allowing for a development pattern that incorporates adequate public safety and transportation related measures in its design

January 13, 2009

and compliments the developed properties in the vicinity and the natural features of the site.

NOW, THEREFORE, be it ordained 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 properties located at **1724, 1725 and 1740 Dominic Drive**, identified as Tax Map Parcel Numbers **279-00-00-315, - 320, and - 323**, from **Planned Development 128** to Planned Development **128-A**; and
- B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for **1724, 1725, and 1740 Dominick Drive**, Charleston County, South Carolina Dated **July 27, 2008**, including the changes thereto and conditions, if any, approved by County Council as Planned Development **128** or PD-**128-A**, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and
- C. Any and all development of PD-**128-A** 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 Numbers **279-00-00-315, - 320, and - 323** is amended to PD-**128-A** 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.

January 13, 2009

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. The roll was called and vote recorded as follows:

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

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

**Project
November
FILOT
Incentives
Ordinance
2nd Reading**

An Ordinance authorizing a Fee in lieu of taxes was given second reading by title only.

AN ORDINANCE

AUTHORIZING (1) THE EXECUTION AND DELIVERY OF THAT CERTAIN FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND AMONG CHARLESTON COUNTY, SOUTH CAROLINA (THE "COUNTY"), COMPANY X (THE "COMPANY"), AND PROJECT NOVEMBER ("PROJECT NOVEMBER" AND TOGETHER WITH THE COMPANY REFERRED TO HEREIN AS THE "COMPANIES"); (2) THE BENEFITS OF A MULTI-COUNTY PARK TO BE MADE AVAILABLE TO THE COMPANIES; AND (3) OTHER 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 vote recorded as follows:

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

January 13, 2009

Mr. Pryor

- aye

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

**Zoning Case
3474-C, 1779
Labor Camp
Road
Request to
Approve**

A report was read from the Planning/Public Works Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, County Administrator and Dan Pennick, Director of the Planning Department, regarding Case # 3474-C, 1779 Labor Camp Road. It was stated that this zoning request was to change from a PD53-A district to a Neighborhood Commercial (CN) District.

Committee recommended that this request be disapproved.

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

**Zoning Case
3475-C
Fickling Hill
Road
A) Request to
Approve
B) Ordinance
1st Reading**

A report was read from the Planning/Public Works Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, County Administrator and Dan Pennick, Director of the Planning Department, regarding Case #3476-C. It was stated that the request was to amend the Planned Development 108 to Planned Development 108 A.

Committee recommended approval with Staff Conditions.

Mr. Inabinett moved to included in Committee's recommendation an additional condition to the Staff recommended conditions.

His requested amendment is as follows:

"Extend the 100 foot buffer on the Southwest border with TMS # 282-00-00-101 across to connect the 100 foot buffer with the buffer at the proposed lake as a natural buffer. "

Mr. McKeown seconded Mr. Inabinett's motion, and the motion with the additional condition carried.

An Ordinance amending County Zoning Ordinance was given first reading by title only.

AN ORDINANCE

REZONING PROPERTIES LOCATED AT FICKLING HILL ROAD FROM PLANNED DEVELOPMENT DISTRICT PD-108 DISTRICT TO PLANNED DEVELOPMENT DISTRICT PD 108-A

WHEREAS, the properties located at **FICKLING HILL ROAD**, identified as Tax Map Parcel Numbers **282-00-00-089, -095, -102, -147, -153, and -154** and

January 13, 2009

(is/are) currently Zoned **PLANNED DEVELOPMENT DISTRICT PD-108**); and

WHEREAS, the applicant requests the parcels be rezoned to Planned Development (PD 108-A) and has submitted a complete application for PD Development Plan 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 with conditions the proposed 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 based on the Approval Criteria of Section 4.27.9.C.6 of Article 4.27 of the ZLDR;

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

- 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 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 properties located at **FICKLING HILL ROAD**, identified as Tax Map Parcel Numbers **282-00-00-089, -095, -102, -147, -153, and -154**, from **PLANNED DEVELOPMENT PD 108** to **PLANNED DEVELOPMENT PD-108-A**; and

B. The PD Development Plan submitted by the applicant and identified as the "Planned Development District Guidelines for **FICKLING HILL**

January 13, 2009

ROAD, Charleston County, South Carolina Dated **OCTOBER 14, 2008**", including the changes thereto and conditions, if any, approved by County Council as Planned Development **108** or **PD-108-A**, is incorporated herein by reference, and shall constitute the PD Development Plan for the parcels identified above; and

C. Any and all development of **PD-108-A** 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 Numbers **282-00-00-089, -095, -102, -147, -153, and -154** is amended to **PD-108-A** 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.

**Zoning Case
3447-C
1020 Bees
Ferry Road
Request to
Approve**

A report was read from the Planning/Public Works Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, County Administrator and Dan Pennick, Director of the Planning Department, regarding Case #3447-C, 1020 Bees Ferry Road. It was stated that the request was to change from a Single Family Residential 4 (R-4) District to a Community Commercial (CC) District

Committee recommended disapproval.

Mr. Schweers moved approval of Committee recommendation for disapproval, seconded by Mr. McKeown, and carried.

**Domestic
Violence
Grant
Request to
Apply**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, and Scarlett Wilson, Ninth Judicial Circuit Solicitor, regarding the Solicitor's Office request to apply to the U. S. Department of Justice, Office on Violence Against Women (OVW) for a grant to address the need for a Coordinated Community Response (CCR) to Domestic Violence. It was stated that the Solicitor's Office envisions this CCR to manifest in a county-wide task force comprised of law enforcement, prosecutors, area non profits and applicable Court personnel. It was further stated that three grant-funded FTE will be hired to manage the CCR, to include a Project Director, Project Coordinator and Community Victim Assistance Coordinator, and that any

January 13, 2009

specialized equipment, training, or other costs will come from the Solicitor's State appropriation Fund.

Committee recommended that Council:

1. Approve application submission for the Office on Violence Against Women in the amount of \$400,000, with the understanding that the grant period is for 24 months from the date the grant is awarded, that there is no match requirement associated with the award, and any maintenance, operation and replacement costs associated with the equipment will come from the Solicitor's State Appropriation Fund.
2. Approve the hiring of three grant-funded FTEs with the understanding that at the conclusion of the grant periods the FTEs will be dissolved if no further grant funding is available.

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

**Justice
Assistance
Grant
Second Year
Approval**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, and Scarlett Wilson, Ninth Judicial Circuit Solicitor, regarding the Solicitor's Office request to apply for a continuation of the Justice Assistance Grant (JAG) received in 2008 in order to retain a Criminal Domestic Violence Prosecutor. It was stated that the Prosecutor will be provided specialized training in domestic violence and the corresponding laws. It was shown that the grant is through the Office of Justice Programs (OJP) and is in the amount of \$67,126, and that there is a 25 percent cash match in the amount of \$22,380 associated with the request which will come from the Solicitor's State Appropriation Fund.

Committee recommended that Council:

1. Approve application submission for the Justice Assistance Grant (JAG) in the amount of \$67,126, with the understanding that the grant period will run from July 1, 2009 through June 30, 2010, and that the required cash match of \$22,380 will come from the Solicitor's State Appropriation Fund.
2. Approve one grant funded FTE, with the understanding that at the conclusion of the grant period, the FTE will be dissolved if no further grant funding is available.

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

January 13, 2009

**SC Diesel
Emissions
Reduction
Act Grant
Request to
Submit**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, Carl Simmons, Director of Building Services and Mike Filan, Director of Internal Services, regarding the Charleston County Building Services and Internal Services Departments request to seek authorization under the Diesel Emissions Reduction Act (DERA) grant. It was stated that the applied for funds would be used to establish a pilot program wherein the County would replace one ambulance qualified for replacement in the fiscal year 2010 budget, with a hybrid model to test the fuel efficiency, reductions in exhaust air pollution, life span of the vehicle and vehicle maintenance expenses compared to the County's current non-hybrid ambulances. It was shown that the vehicle replacement partially funded with this grant will complement and support other activities being undertaken through the County's Ozone Early Action Compact to reduce air pollutants in the Charleston County area, and matching funds will be those previously allocated for the replacement of the ambulance.

Committee recommended that Council authorize submittal of a one year South Carolina Diesel Emissions Reduction Act (DERA) grant in the amount of \$200,000 by January 9, 2009, with the understanding that the grant funding will partially cover the expense for a replacement ambulance and media campaign promoting the hybrid ambulance. In the event the grant is received Staff anticipates reserving the purchase of one ambulance in FY10.

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

**Harbor Woods
Greenbelt
Project
Request to
Approve**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, and Cathy L. Ruff, Director of the Greenbelt Programs, regarding a time sensitive program from the City of Charleston. It was stated in the application for the Harbor Woods project, the City is requesting \$1,852,631 of their Urban allocation for the fee simple purchase of 12 acres on James Island. It was shown that both the Urban Grants Review Committee and the Charleston County Park and Recreation Commission have reviewed this project and are recommending it for approval at the amount requested on the condition that a new or updated appraisal is conducted.

Committee recommended that Council:

1. Approve the Harbor Woods project in the amount of \$1,852,631 on the condition a new or updated appraisal will be conducted and provided that upon approval, a grant agreement will be executed between the County and appropriated parties.
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.

January 13, 2009

3. Approve the use of \$1,852,631 from the 2007 General Obligation Bonds for the Harbor Woods Urban Greenbelt Project.

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

**Sales Tax
Sidewalk
Projects
Award of
Contract**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for Greenridge Road. International Boulevard and 6th Street and 6th Avenue sidewalks. It was shown that funds are available from Transportation Sales Tax Funds.

Committee recommended that Council authorize award of a contract for Greenridge Road, International Boulevard and 6th Street & 6th Avenue sidewalks to the lowest responsive and responsible bidder, O. L. Thompson Construction Company, Inc. in the amount of \$227,996.79.

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

**Curbside
Recycle
Trucks (6)
Award of
Bid**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, and E. Steven Taylor, Director of Procurement, regarding sealed bids received for the purchase of six Curbside Recycle Trucks for the Solid Waste Department. It was stated that these are replacement trucks that were approved in the fiscal year 2009 budget.

Committee recommended that Council authorize award of a contract for six replacement Curbside Recycle Trucks to be utilized by the Solid Waste Department to the lowest responsive and responsible bidder, Hughes Motors, in the amount of \$1,100, 202.

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

**FY 09 Budget
Recommendation**

A report was read from the Finance Committee under date of January 8, 2009 that it considered the information furnished by McRoy Canterbury, Jr., County Administrator, and Keith Bustraan, Chief Deputy Administrator and Chief Financial Officer, regarding the fiscal year 2009 projected shortfall.

Committee recommended that Council:

1. Amend its Holiday Leave Personnel Procedure (Number 6.13) for Presidents' Day, February 16, 2009 by eliminating the day as a Paid Holiday, with the understanding that County offices will still be closed on that day with the exception of those involved in public safety, emergency-type operations, or those departments/offices with unique work schedules and those employees working on Presidents' Day are entitled to compensation for actual hours

January 13, 2009

worked; however, Holiday Pay based on their regularly scheduled shift will not be paid.

2. A) Direct Staff to make the appropriate adjustments to all department/office appropriations to reflect the amounts projected to be saved by the Unpaid Holiday on February 16, 2009.

B) Direct Staff to make the appropriate adjustments to all department/office appropriations to reflect the budget reductions recommended by the County Administrator.

3. Direct the County Attorney to prepare an appropriate letter to the Elected County Officials for the Chairman's signature that would request that they voluntarily return any funding available in their current budget to the General Fund in order to eliminate the FY 2009 budget shortfall.

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

**Public
Forum**

Mr. Thurmond moved for Council to go into executive session to discuss a letter received from the Governor's Office regarding the appointment of Mr. Leo Fetter to the Charleston County Disabilities and Special Needs Board.

This motion was seconded by Mr. McKeown and carried.

The Chairman stated that prior to going into executive session he would call for comments from the Audience and Council Members.

The Chairman asked if any Member of the audience wishes to address Council. There was no affirmative response.

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

All Members of Council individually thanked and praised the services of County Administrator, McRoy Canterbury, who was retiring and attending his last meeting.

Council Members went into executive session and at the conclusion of the session, the Chairman announced that no action or votes had been taken.

The Chairman declared the meeting to be adjourned.

Beverly T. Craven
Clerk of Council

