

Charleston, SC  
March 1, 2011

A regular meeting of County Council of Charleston County was held on the 1<sup>st</sup> day of March, 2011 at 7:00 p.m. in the Beverly T. Craven Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 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; Henry E. Darby; Anna B. Johnson; Joseph K. Qualey; A. Victor Rawl; and J. Elliott Summey. Council Members Condon and Schweers were absent.

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

Chairman Pryor gave the invocation. Council Member Summey 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 the minutes of County Council's meeting of February 15, 2011, seconded by Mr. Rawl, and carried.

An Ordinance authorizing the sale of County owned real property on Randall Road was given third reading by title only.

## **AN ORDINANCE**

### **APPROVING AND AUTHORIZING THE SALE AND CONVEYANCE OF CHARLESTON COUNTY OWNED REAL PROPERTY LOCATED AT 9886 AND 9888 RANDALL ROAD, MCCLELLANVILLE, SOUTH CAROLINA, TAX MAP PARCEL IDENTIFICATION NUMBER 745-00-00-012.**

WHEREAS, Charleston County (the "County") owns real property located at 9886 & 9888 Randall Road, McClellanville, South Carolina, (the "Property") identified as tax map parcel identification number 745-00-00-012; and

WHEREAS, the County solicited proposals from interested parties after an appraisal of the Property was conducted; and

WHEREAS, James and Terri Yergin ("Purchasers") submitted a proposal most advantageous to the County for the purchase of the Property; and

Charleston County Council finds that conveying the Property is in the best interests of the County and its citizens; and

WHEREAS, the County desires to convey the Property to the Purchasers; and

WHEREAS, a Public Hearing on the proposed sale of the Property from the County to Purchasers for the sum of \$76,000.00 should be held prior to the Third Reading of this Ordinance, pursuant to Section 4-9-130 of the Code of Laws of South Carolina (1976, as amended); and

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings 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. APPROVAL OF CONVEYANCE OF REAL PROPERTY AND AUTHORITY TO EXECUTE DOCUMENTS FOR THE CONVEYANCE OF REAL PROPERTY

A. The County Council authorizes the sale of 9886 & 9888 Randall Road, McClellanville, South Carolina, tax map parcel identification number 745-00-00-012 for \$76,000.00 to Purchasers.

B. The County Council authorizes the legal department to prepare a limited warranty deed for the conveyance of the County owned real property identified as tax map parcel identification number 745-00-00-012 located at 9886 & 9888 Randall Road, McClellanville, South Carolina, to the Purchasers. The location of the Property is shown on the attached plat, which is incorporated by reference as Exhibit "A."

C... The Chairman of the County Council is authorized to execute and deliver any and all documents and instruments necessary for the sale and conveyance of the Property.

#### 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 its approval following third reading by the County Council.

ADOPTED and APPROVED in meeting duly assembled this 1st day of March, 2011.

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CHARLESTON COUNTY, SOUTH CAROLINA  
 Teddie E. Pryor, Sr.  
 Chairman of County Council

ATTEST:

Beverly T. Craven  
 Clerk to County Council

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

Ms. Condon	- absent
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Schweers	- absent
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being six (6) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

Sale of Fickling  
 Hill Road  
 Property  
 Ordinance  
 3<sup>rd</sup> Reading

An Ordinance authorizing the sale of County owned real estate known as the Fickling Hill Road Property, Johns Island was given third reading by title only.

### **AN ORDINANCE**

**APPROVING AND AUTHORIZING THE SALE AND CONVEYANCE OF  
 CHARLESTON COUNTY OWNED REAL PROPERTY KNOWN AS THE FICKLING  
 HILL ROAD PROPERTY, JOHNS ISLAND, SOUTH CAROLINA, TAX MAP  
 PARCEL IDENTIFICATION NUMBER 280-00-00-014.**

WHEREAS, Charleston County (the "County") owns 2.38 acres of real property located on Fickling Hill Road, Johns Island, South Carolina, known as The Fickling Hill Road Property (the "Property") identified as tax map parcel identification number 280-00-00-014; and

WHEREAS, the County solicited proposals from interested parties after an appraisal of the Property was conducted; and

WHEREAS, Thomas Reardon ("Purchaser") submitted a proposal most advantageous to the County for the purchase of the Property; and

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Charleston County Council finds that conveying the Property is in the best interests of the County and its citizens; and

WHEREAS, the County desires to convey the Property to the Purchaser; and

WHEREAS, a Public Hearing on the proposed sale of the Property from the County to Purchasers for the sum of \$30,000.00 should be held prior to the Third Reading of this Ordinance, pursuant to Section 4-9-130 of the Code of Laws of South Carolina (1976, as amended); and

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings 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. APPROVAL OF CONVEYANCE OF REAL PROPERTY AND AUTHORITY TO EXECUTE DOCUMENTS FOR THE CONVEYANCE OF REAL PROPERTY

- A. The County Council authorizes the sale of the Fickling Hill Road Property located on Johns Island, South Carolina, tax map parcel identification number 280-00-00-014 for \$30,000.00 to Purchaser.
- B. The County Council authorizes the legal department to prepare a limited warranty deed for the conveyance of the County owned real property identified as tax map parcel identification number 280-00-00-014 located on Fickling Hill Road, Johns Island, South Carolina, to the Purchaser. The location of the Property is shown on the attached plat, which is incorporated by reference as Exhibit "A."
- C. The Chairman of the County Council is authorized to execute and deliver any and all documents and instruments necessary for the sale and conveyance of the Property.

#### 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 its approval following third reading by the County Council.

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ADOPTED and APPROVED in meeting duly assembled this 1<sup>st</sup> day of March, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA  
 Teddie E. Pryor, Sr.  
 Chairman of County Council

ATTEST:

Beverly T. Craven  
 Clerk to County Council

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

Ms. Condon	- absent
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Schweers	- absent
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being six (6) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

An Ordinance to conduct Municipal Elections for the Town of Lincolnville was given third reading by title only.

### **AN ORDINANCE**

### **ACCEPTING THE TRANSFER OF CERTAIN AUTHORITY TO THE BOARD OF ELECTIONS AND VOTER REGISTRATION OF CHARLESTON COUNTY TO CONDUCT MUNICIPAL ELECTIONS FOR THE TOWN OF LINCOLNVILLE.**

WHEREAS, S.C. Code Ann. § 5-15-145 (1976), as amended, allows for the transfer of some or all authority to conduct municipal elections to a county election commission; and

WHEREAS, by adoption of Town of Lincolnville Ordinance Number 08-0903, Amending Municipal Election Commission Authority, which is attached hereto as Exhibit "A" and made a part hereof by reference, the Town Council of the Town of Lincolnville (the "Town") has determined it to be in the best interests of its citizens that certain authority attendant to the conduct of Town elections be transferred to the

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Board of Elections and Voter Registration of Charleston County (the "Board of Elections"), and;

WHEREAS, the Board of Elections has agreed to accept the specified authority to conduct municipal elections in the Town as set forth hereafter; and

WHEREAS, Charleston County Council desires to enact an ordinance approving the transfer of authority to the Board of Elections to conduct elections in the Town as set forth hereafter; and

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

**Section 1.** In accordance with the authority devolved by S.C. Code § 5-15-145 (Supp. 2003), Charleston County Council hereby accepts the transfer to the Board of Elections of the authority to conduct elections for the Town. The authority here transferred includes publishing proper notices of elections, insuring the provision of proper books for registration, preparing and distributing ballots and election materials, preparing and staffing the absentee ballot precinct, appointing and training poll managers, providing voting machines, supervising the operation of all polling places, to include enforcement authority to insure that proper procedures and laws are being followed, and hearing challenges and protests. All elections so conducted by the Board of Elections shall be in accordance with Title 7 of the Code of Laws of South Carolina of 1976, as amended, as the same may be modified by Title 5 of the Code of Laws of South Carolina, 1976, as amended.

**Section 2.** It is expressly understood that certain authority is excluded from this transfer of authority and will be maintained by the Town and the Town of Lincolnville Election Commission. The following authority shall remain with the Town of Lincolnville Election Commission: Certification of Results to the Town of Lincolnville Town Council immediately following the certification of the votes cast in each election.

**Section 3.** The Town shall reimburse the Board of Elections for all costs incurred in providing ballots, advertising elections, printing costs, poll managers' compensation and other additional expenses incurred in, or arising from, its conduct of municipal elections in the Town. Poll managers will be paid at the standard rate set by the South Carolina State Election Commission for all other elections.

**Section 4.** In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the same shall be heard by the Board of Elections and defended by the Town's attorney. The Town shall pay all fees, costs, and expenses incurred in such protest or litigation, including, but not limited to, fees, costs and expenses of the Board of Elections, its officers, agents and employees, and the officers, agents and employees of the County. Notwithstanding the preceding, the Town will not be responsible for attorney's fees for separate counsel retained by the Board of Elections or County or their respective officers, agents or employees in any such protest or litigation.

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**Section 5.** The Board of Elections shall provide invoices and/or other documentation to the Town of all costs and expenses incurred in the conduct of municipal elections, protests, certification of results, litigation or other costs which may be incurred and reimbursed which are not specifically mentioned in this Ordinance.

**Section 6.** 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 does 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 severable.

**Section 7.** This Ordinance shall take effect upon successful completion of the following necessary actions prerequisite under federal and state law to effect the changes called for hereunder:

- (A) Adoption of this Ordinance by approval of Charleston County Council following third reading of accepting the authority being transferred hereunder, and
- (B) Submission to the United States Justice Department and subsequent receipt of pre-clearance for the transfer of authority for conducting municipal elections which would be effected hereunder.

ADOPTED and APPROVED in meeting duly assembled this 1<sup>st</sup> day of March, 2011.

CHARLESTON COUNTY, SOUTH CAROLINA  
 Teddie E. Pryor, Sr.  
 Chairman of Charleston County Council

ATTEST:

Beverly T. Craven  
 Clerk of Council

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

Ms. Condon	- absent
Mr. Darby	- aye
Ms. Johnson	- aye
Mr. Qualey	- aye
Mr. Rawl	- aye
Mr. Schweers	- absent
Mr. Summey	- aye
Mr. Pryor	- aye

The vote being six (6) ayes and two (2) absent, the Chairman declared the Ordinance to have received third reading approval.

Consent Agenda  
 A) FY12 SCDPS  
 Highway Safety  
 Grant  
 B) State Criminal  
 Alien Assistance  
 Program  
 C) Town of  
 James Island  
 Request for  
 Services

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

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

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of February 24, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Charleston County Sheriff J. Al Cannon regarding a request to apply to the S. C. Department of Public Safety's (SCDPS) Office of Highway Safety (OHS) for a grant to combat driving under the influence (DUI) in Charleston County. It was shown that Charleston County experienced two hundred eighty six (286) DUI related collisions in 2009, and thirty seven (37) per cent of traffic related fatalities in Charleston County were determined to be DUI related, with the majority occurring on County secondary roads. It was stated that the purpose of these funds would be to create a designated DUI Enforcement Team within the Sheriff's Office.

Committee recommended that Council:

1. Approve application submission for the FY 12 Highway Safety Grant Program in the amount of \$283,000, with the understanding that the grant period runs from October 1, 2011 through September 30, 2012, and that no match is required under this grant.
2. Approve two grant funded FTEs along with 2 vehicles, with the understanding that at the conclusion of the grant period, the County is under no obligation to retain these positions after the grant period has expired.

A report was read from the Finance Committee under date of February 24, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Charleston County Sheriff J. Al Cannon regarding a request to accept an award in the amount of \$185,959 from the Bureau of Justice Assistance (BJA) for funding under the State Criminal Alien Assistance Program (SCAAP). It was stated that the purpose of this program is to provide financial assistance for the costs of incarcerating certain criminal aliens because of state or local charges or convictions. It was shown that there is a formula program based on the number of inmates detained and costs incurred, and the actual award is calculated by multiplying the total number of qualifying aliens incarcerated in the Detention Center times the number of days served times the current per diem rate.

Committee recommended that Council allow the Charleston County Sheriff's Office to accept the award in the amount of \$185,959 from BJA under the SCAAP in order to allow the Charleston County Sheriff's Office to defray the Detention Center's personnel and operating costs associated with illegal alien detainees, and with the understanding that:



1. No match is required for this grant.
2. There are no FTEs, vehicles or recurring costs associated with this request.
3. There is no grant period or end date for expending these funds.

A report was read from the Finance Committee under date of February 24, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and James Neal, Director of Public Works, as well as the request received from W. W. Woolsey, Mayor of the Town of James Island, for the Charleston County Public Works Department to perform recurring maintenance on James Island's public earth roads under the provisions of the Charleston County Support to Municipalities Policy. It was shown that the Town's requested activities include grading, shaping, vegetative cut back, and filling minor holes and washouts. It was further shown that the Town does not have the necessary equipment and personnel to perform this work themselves. It was stated that the maintenance request is only for the Town of James Island's public earth roads, and that the Town will pay a fully-burdened, cost-reimbursable rate in compliance with Council's Directive #08-35.

Committee recommended that Council authorize the Public Works Department to maintain the public earth roads in the Town of James Island as a reimbursable service to the Town, with the understanding that:

1. The Charleston County Public Works Director will determine when labor and equipment are available to perform the maintenance activities, and
2. The Town of James Island will pay the fully-burdened cost of the work.
3. The funds received will be included as income to the General Fund budget and will be available to offset the Department's expenses.

FY 2011  
County Budget  
Ordinance  
A) Request to  
Amend  
B) Ordinance  
1<sup>st</sup> Reading

A report was read from the Finance Committee under date of February 24, 2011 that it considered the information furnished by County Administrator Allen O'Neal and Mack Gile, Budget Director, regarding needed changes to the Charleston County FY 2011 County Budget Ordinance #1646. It was stated that the proposed use of the General Fund's balance from FY 2010 in the amount of \$9.7 million would be used as follows:

\$1.0 million for Workers' Compensation  
\$1.1 million for the Voluntary Retirement Incentive Program II  
\$5.4 million for Capital Improvement Plan  
\$2.2 million for equipment replacement in FY2012.

In addition it was stated that the proposed use of \$270,000 fund balance from other funds would be used for the Voluntary Retirement Incentive Program II.

Committee recommended that Council:

1. Approve the revised Capital Improvement Plan.
2. Approve and give first reading to an Ordinance amending Charleston County FY 2011 Budget Ordinance.
3. Authorize the proposed use of \$270,000 in fund balance from other funds for the Voluntary Retirement Incentive Program II.

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

An Ordinance amending the 2010-2011 County Budget Ordinance was given first reading by title only.

### AN ORDINANCE

**TO AMEND THE 2010-2011 BUDGET ORDINANCE NO.: 1646, TO PROVIDE FOR THE INCREASE OF CHARLESTON COUNTY'S OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$7,810,000 FOR THE FISCAL YEAR BEGINNING, JULY 1, 2010 AND ENDING JUNE 30, 2011, HEREINAFTER REFERRED TO AS FISCAL YEAR 2011; TO PROVIDE FOR BUDGETARY CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR AND OTHER MATTERS RELATED THERETO.**

Trident  
Technical  
College/  
Consolidated  
Dispatch

A report was read from the Finance Committee of February 24, 2011 that it considered the information furnished by Allen O'Neal, County Administrator, and Mack Gile, Budget Director, regarding advanced funding of Trident Technical College (TTC) expenses. It was stated that TTC staff has advised the County that an architect has been selected and expenses will begin to be incurred before the County can issue the \$18 million bond for the TTC nursing building. It was further stated that Staff was seeking authorization to transfer \$813,000 from the Consolidated Dispatch Project budget so that the invoices can be paid from capital funds on hand and then be reimbursed from TTC bond funds when received later in the summer.

Committee recommended that Council approve the allocation of \$813,000 for Trident Technical College Nursing Building from Consolidated Dispatch Project to be repaid from \$18 million borrowing in the Summer of 2011.

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 of James Island spoke on the following subjects:

1. Yachts avoiding personal property taxes
2. Eliminating plastic bags for yard waste
3. Salaries of County Officials
4. Cell phone uses

Council Member Darby said that Mr. Coe was the voice of the “unknown” and asked how Mr. Coe’s concerns should be addressed by County Council. He added that no one should be able to circumvent the system.

Chairman Pryor said that some of Mr. Coe’s concerns regarded Elected Officials and that Council has no authority over these parties/Departments, and that any changes must come from the Legislature.

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

Mr. Rawl expressed his appreciation to County Staff for all they do for Council and the Public.

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

Beverly T. Craven  
Clerk of Council