

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **Monday February 28, 2005**, to begin immediately following Public Hearings, the meeting of the Committee on Public Works and Purchasing and the meeting of the Committee on Finance at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Meeting of County Council	January 4, 2005
Public Hearings, Bills Numbered: 04-72, 04-79 and 04-92	January 24, 2005
Regular Council Meeting	January 24, 2005

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THE HONORABLE SHIRLEY HINSON, Re: **Low Country Graduate Center.**

MR. JOHN SCARBOROUGH, DIRECTOR OF ECONOMIC DEVELOPMENT, Re: **Presentation.**

THIRD READING:

1. **Bill No. 04-93**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dwayne Nowicki**, 117 Godfrey Lanes, Moncks Corner, TMS #210-00-00-057, (5.78 acres), **from R2, Manufactured Residential District to R3, Mobile Home Park District.** Council District No. 6.
[Recommended by Committee on Land Use]

2. **Bill No. 04-95**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Foxbank Ventures, LLC**, Cypress Gardens Road (near intersection with US Hwy. 52), Moncks Corner, (3.34 acres), TMS #211-00-02-001, **from F1, Agricultural District to GC, General Commercial District.** Council District No. 3.
[Recommended by Committee on Land Use]

3. **Bill No. 04-96**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Seamon Whiteside and Associates, for Foxbank Ventures, LLC and Miroc, LLC L/P**, (intersection of US Hwy. 52), Moncks Corner, TMS #197-00-01-019 (405.53 acres) & -008 (289.96 acres), (695.49 acres total), **from F1, Agricultural District, GC, General Commercial District and R5, Multi Family – Large Scale District to PDMU, Planned Development – Mixed Use District, and approval of Proposed Development Plan.** Council District No. 3.
[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 05-01**, an ordinance to amend Article 18, **Sign Control**, of the Zoning Ordinance No. 01-8-35 as amended by Ordinance Nos. 02-08-33, 02-12-58 and 04-11-68.
[Recommended by Committee on Land Use]

2. **Bill No. 05-02**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Kelly Lewis**, US Hwy. 17-A, adjacent to Trident Technical College, Moncks Corner, TMS #161-00-02-145, (11.95 acres), **from PDMU, Planned Development – Mixed Use District to R2, Manufactured Residential District (10.7 acres) and GC, General Commercial District (1.25 acres along US Hwy. 17-A).** Council District No. 6.
[Recommended by Committee on Land Use]

3. **Bill No. 05-03**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Gene W. Sanders**, 2168 S. Live Oak Drive, Moncks Corner, TMS #180-14-01-048, (5.62 acres), **from R2, Manufactured Residential District and GC, General Commercial District to all acreage to be GC, General Commercial District.** Council District No. 6.
[Recommended by Committee on Land Use]

4. **Bill No. 05-04**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **BMG, III, LLC**, US Hwy. 176, TMS #195-00-00-043 (950.48 acres) and -044 (1100.66 acres), **from F1, Agricultural District to PDMU, Planned Development – Mixed Use District, and approval of Proposed Development Plan.** Council District No. 7.
[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 05-05**, an ordinance authorizing the delivery of a **Water and Sewer System Revenue Bond (Junior Lien – St. Stephen Project), Series 2005**, of Berkeley County, South

Carolina, for the purpose of purchasing the Town of St. Stephen Water and Sewer System, providing for the payment of the principal of and interest on the bond from the revenues derived from the operation of the County's Water and Sewer System; authorizing the execution and delivery of various documents including the asset purchase agreement and bond purchase agreement; and other matters relating thereto.

[Recommended by Committee on Water and Sanitation]

2. **Bill No. 05-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lovell Development Company**, US Hwy. 52 and Cypress Gardens Road, Moncks Corner, TMS #211-00-02-003, (20.35 acres) **from HI, Heavy Industrial District to GC, General Commercial District**. Council District No. 3.

[Recommended by Committee on Land Use]

3. **Bill No. 05-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Robert Wells McDougal, Jr.**, 324 Candy Lane, Summerville, TMS #195-10-02-015, (.99 acres) **from R2RF, Rural Manufactured Residential Farm District to RNC, Rural Neighborhood Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 05-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Wade Ertzberger**, 116 Jean Lane, Moncks Corner, TMS #196-02-00-003, (5.35 acres), **from R2, Manufactured Residential District to R3, Mobile Home Park District**. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 05-09**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lori and Mark Sanchez**, 1991 Highway 402, Moncks Corner, TMS #164-00-02-006, (1 acre), **from GC, General Commercial District, to F-1, Agricultural District**. Council District No. 8.

[Recommended by Committee on Land Use]

6. **Bill No. 05-10**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **CM Construction, LLC**, 1179 Royle Road, Ladson, TMS #233-06-00-005 (1 lot), **from R2, Manufactured Residential District to GC, General Commercial District**. Council District No. 4.

[Recommended by Committee on Land Use]

7. **Bill No. 05-11**, an **ordinance** establishing **development impact fees** in Berkeley County pursuant to the South Carolina Development Impact Fee Act, S.C. Code of Laws § 6-1-910, et seq.; providing for the calculation, collection, and expenditure of said fees; and other matters relating thereto.

[Recommended by Committee on Land Use]

8. **Bill No. 05-12**, an **ordinance** consenting to the transfer of that certain agreement for **Fee-in-Lieu** of tax payments between Berkeley County, South Carolina, and **American**

Commercial, Incorporated, of an arrangement under Title 4, Chapter 12 of the Code of Laws of South Carolina 1976, as amended, (The "Title Act") to an arrangement under Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, (The "Non-Title Act").
[Recommended by Committee on Finance]

9. **Bill No. 05-13**, an **ordinance** amending Section ii of Ordinance No. 03-10-63, which granted a non-exclusive franchise renewal to **Berkeley Cable Television, Inc.**, to expand the franchise coverage area within the unincorporated area of Berkeley County.
[Recommended by Committee on Finance]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2004-2005 Berkeley County Budget for County purposes other than as specified in said Budget.
[Recommended by Committee on Finance]

2. **RESOLUTION** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Ronald L. Brewer]
[Recommended by Committee on Land Use]

3. **RESOLUTION** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Stacey D. Platt]
[Recommended by Committee on Land Use]

4. **RESOLUTION** to appoint and commission **additional code enforcement officer** for the proper security, general welfare, and convenience of Berkeley County. [Robert B. Hoffman]
[Recommended by Committee on Land Use]

5. **RESOLUTION** to approve the implementation of a **Procurement Card Program** for Berkeley County and to effectuate the elimination of the existing County Credit Card System.
[Recommended by Committee on Public Works and Purchasing]

6. **RESOLUTION** authorizing the County Supervisor to **negotiate and procure** credit from Bank of America, N.A. (USA) through certain corporate card accounts and to designate authorized personnel for the use thereof.
[Recommended by Committee on Public Works and Purchasing]

7. **RESOLUTION** authorizing the County Supervisor to execute a **memorandum of understanding** between Berkeley County and **Clemson University** accepting certain supplies and equipment to aid in the fight against **agro-terrorism**.
[Recommended by Committee on Justice and Public Safety]

8. **RESOLUTION** designating **surplus property** of Berkeley County Water and Sanitation Authority and authorizing the sale or disposal of the surplus property.
[Recommended by Committee on Public Works and Purchasing]

9. **RESOLUTION** authorizing a grant application on behalf of the **Santee Circle Community**.

[Recommended by Committee on Planning and Development]

10. **RESOLUTION** authorizing a grant application on behalf of the **Alvin Recreational League**.

[Recommended by Committee on Planning and Development]

11. **RESOLUTION** authorizing a grant application on behalf of the **Forty-One/Wilder Community**.

[Recommended by Committee on Planning and Development]

PROCLAMATIONS:

1. **PROCLAMATION** supporting the Low Country Plant a Row for the Hungry Campaign.

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember, Mr. Dennis L. Fish, Chairman.

2. **Committee on Land Use.**
Councilmember, Mr. Phillip Farley, Chairman

Recommendations:

To Deny:

Request by Ana Oster, 1717 South Live Oak Drive, Moncks Corner, TMS #161-14-00-033, (1.90 acres) from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District. Council District No. 6.

3. **Committee on Public Works and Purchasing.**
Councilmember, Mr. Caldwell Pinckney, Jr., Chairman.

Recommendations:

- a. Sheriff's Department, Re: sole source purchase –equipment upgrade.
- b. Cypress Gardens
- c. BC Water & Sanitation Authority,
Re: 2006 Mack Truck
Purchase of Wetland Credits
Repainting Nucor Tank
Purchase and conversion of SCADA Equipment.

4. **Committee on Justice and Public Safety.**
Councilmember, Mr. William E. Crosby, Chairman.

Recommendation:

Sheriff's Department, Re: Replacement of two vehicles.

5. **Committee on Water and Sanitation.**
Councilmember, Mrs. Judith K. Spooner, Chairman.
6. **Committee on Planning and Development.**
Councilmember, Mr. Steve C. Davis, Chairman.
7. **Committee on Community Services.**
Councilmember, Mr. Charles E. Davis, Chairman.
8. **Committee on Human Services.**
Councilmember, Mrs. Judy C. Mims, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
 BERKELEY COUNTY AERONAUTICS COMMISSION
 BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS
 BERKELEY COUNTY LIBRARY BOARD
 BERKELEY COUNTY PLANNING COMMISSION
 BERKELEY-CHARLESTON-DORCHESTER RTMA
 BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD
 BERKELEY COUNTY BOARD OF ZONING APPEALS
 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
 GOOSE CREEK RECREATION COMMISSION
 HOUSING BOARD OF ADJUSTMENTS AND APPEALS
 MENTAL HEALTH BOARD
 PIMLICO SPECIAL TAX DISTRICT ADVISORY COMMISSION
 SPIERS LANDING COMMISSION
 TAX ASSESSMENT REVIEW BOARD
 WORKFORCE INVESTMENT BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

1. **RESOLUTION** for the adoption of the **Berkeley-Dorchester Hazard Mitigation Plan** by Berkeley County Council.
2. **RESOLUTION** for the authorization to file and to provide matching funds for **Community Development Block Grant** application to provide water service to the **Cross Community**

3. **RESOLUTION** for the authorization to file and to provide matching funds for **Community Development Block Grant** application to provide water service to the **Old Back River Road Area**.

4. **Recreational vehicles** used as permanent residential dwellings.

5. **Roads and Bridges, Re:**

- a. NRCS Grant.
- b. Purchase of Menzi Muck Machine.

6. **Agreement, Re: Grant** – Gaston damages.

7. **Emergency purchases:**

- a. Kenneling of pit bulls - \$14,030.00
- b. Maintenance Garage's forklift: \$10,600.00

ANNOUNCEMENTS

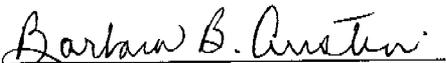
THE MARCH 2005, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY MARCH 28, 2005, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, IN THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

February 23, 2005


Barbara B. Austin, CCC
Clerk of County Council

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
February 28, 2005

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday **February 28, 2005**, at 7:40 p.m. in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mr. William E. Crosby, Council Member District No. 3, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

CALL TO ORDER

Chairman Rozier called the meeting to order.

APPROVAL OF MINUTES

Chairman Rozier asked for approval of minutes from: Special Meeting of Council held January 4, 2005; Public Hearings held January 24, 2005, for Bills Numbered 04-72, 04-79 and 04-92; and Regular Meeting of Council held January 24, 2005.

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

PUBLIC DISCUSSION – None

EXECUTIVE SESSION – Not necessary

THE HONORABLE SHIRLEY HINSON, RE: LOW COUNTRY GRADUATE CENTER

Berkeley County Representative Shirley Hinson addressed Council and stated that the Lowcountry Graduate Center, formed in 2001, is a consortium of the College of Charleston, MUSC and the Citadel. These three colleges are working together to bring undergraduate, graduate and professional development classes to citizens of the tri-county area. These classes would fill the gap for individuals unable to commute to Columbia or Downtown Charleston. The Lowcountry Graduate Center is conveniently located in North Charleston near the airport at the Trident Research Center. In conclusion, Representative Hinson stated that education is no longer a reason for business and industry not to locate in this particular area of the state, or for local citizens not to be able to get the best jobs available in this area.

Council Member Crosby questioned the types of financial assistance available to the Lowcountry Graduate Center.

Representative Hinson responded that the three colleges involved had provided the funds to initiate the program. Last year, the state provided approximately \$460,000.00. This year an additional \$195,000.00 will be provided to expand certain programs. The center is planning to provide a doctoral program for educators. If there were a need for particular classes, the Low country Graduate Center would be able to develop those classes.

MR. JOHN SCARBOROUGH, DIRECTOR OF ECONOMIC DEVELOPMENT, RE: PRESENTATION

Mr. Scarborough addressed Council and stated that Berkeley County's mission for Economic Development is to create personal wealth for the citizens of Berkeley County by bringing new jobs that pay above the state and national average. Mr. Scarborough's presentation, which is attached hereto and by this reference made a part hereof, included:

- Population changes from 128,776 in 1990 to an estimated 189,320 in 2020.
- Berkeley County's average hourly wage increase from \$9.58 to \$11.11 in one year.
- Current unemployment rate of 4.1%, with only three counties having a lower rate than Berkeley.
- The Economic and Social Well-Being Index (based on five major variables: income and employment, business, health or social conditions, human capital and physical environmental conditions) ranks Berkeley County 16th out of the 46 counties in the state. This affects job tax and development credits – two major economic development incentives offered under state law.

- New industry announcements in Berkeley County for 2004 totaled a capital outlay of 40.2 Million and 510 new jobs.
- Existing industry expansions totaled 1,452.4 Million and 225 additional jobs.
- The Berkeley County Assessor reported a total of \$409,490,400 appraised value in other new residential and commercial construction in 2004.

In conclusion, Mr. Scarborough referred to the "South Carolina Property Tax Rates by County" and indicated that there are only three other counties (Beaufort, Horry and Georgetown) that have a lower millage rate for operations and debt service than Berkeley County.

THIRD READING

"BILL NO. 04-93, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #210-00-00-057."
(Dwayne Nowicki)

It was moved by Council Member Mims and seconded by Council Member Crosby to approve Bill No. 04-93 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-02-04 is attached to these minutes.)

"BILL NO. 04-95, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #211-00-02-001."
(Foxbank Ventures, LLC)

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve Bill No. 04-95 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-02-05 is attached to these minutes.)

"BILL NO. 04-96, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #197-00-01-019 & 008."
(Seamon Whiteside & Associates, for Foxbank Ventures, LLC, and Miroc, LLC L/P)

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve Bill No. 04-96 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 05-02-06 is attached to these minutes.)

Berkeley County Council Rules allow all Bills to be given Second Reading by one motion as a collective group. Any member may object to a particular Bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING

“BILL NO. 05-01, AN ORDINANCE TO AMEND ARTICLE 18, SIGN CONTROL, OF THE ZONING ORDINANCE NO. 01-8-35 AS AMENDED BY ORDINANCE NOS. 02-08-33, 02-12-58 AND 04-11-68.”

It was moved by Council Member Crosby and seconded by Council Member Farley to approve Bill No. 05-01 for Second Reading. The motion passed by unanimous voice vote of Council.

“BILL NO. 05-02, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO APPROVED USES OF TMS #161-00-02-145.”
(Kelly Lewis)

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve Bill No. 05-02 for Second Reading. The motion passed by unanimous voice vote of Council.

“BILL NO. 05-03, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO APPROVED USES OF TMS #180-14-01-048.”
(Gene W. Sanders)

It was moved by Council Member Fish and seconded by Council Member Spooner to approve Bill No. 05-03 for Second Reading. The motion passed by unanimous voice vote of Council.

“BILL NO. 05-04, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #195-00-00-043 AND 044, AND APPROVAL OF A PROPOSED DEVELOPMENT PLAN.”
(BMG, III, LLC)

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve Bill No. 05-04 for Second Reading. The motion passed by unanimous voice vote of Council.

FIRST READING

Chairman Rozier stated there were nine Bills for First Reading. Bills for First Reading are not discussed or voted upon. The Bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

“BILL NO. 05-05, AN ORDINANCE AUTHORIZING THE DELIVERY OF A WATER AND SEWER SYSTEM REVENUE BOND (JUNIOR LIEN – ST. STEPHEN PROJECT), SERIES 2005, OF BERKELEY COUNTY, SOUTH CAROLINA, FOR THE PURPOSE OF PURCHASING THE TOWN OF ST. STEPHEN WATER AND SEWER SYSTEM, PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND FROM THE REVENUES DERIVED FROM THE OPERATION OF THE COUNTY’S WATER AND SEWER SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS INCLUDING THE ASSET PURCHASE AGREEMENT AND BOND PURCHASE AGREEMENT; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 05-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #211-00-02-003.”
(Lovell Development Company)

“BILL NO. 05-07, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #195-10-02-015.”
(Robert Wells McDougal, Jr.)

“BILL NO. 05-08, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #196-02-00-003.”
(Wade Ertzberger)

“BILL NO. 05-09, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THE APPROVED USES OF TMS #164-00-02-006.”
(Lori and Mark Sanchez)

“BILL NO. 05-10, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO APPROVED USES OF TMS #233-06-00-005.”
(CM Construction, LLC)

Chairman Rozier requested Council’s approval of a Resolution, which was read into the record by Mr. D. Mark Stokes, County Attorney, as follows:

“RESOLUTION DIRECTING THE BERKELEY COUNTY PLANNING COMMISSION TO CONDUCT STUDIES AND TO DEVELOP AND MAKE RECOMMENDATIONS FOR A CAPITAL IMPROVEMENTS PLAN AND IMPACT FEE ORDINANCE, IN ACCORDANCE WITH THE SOUTH CAROLINA DEVELOPMENT FEE ACT, SC CODE OF LAWS § 6-1-910, ET SEQ.”

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the Resolution. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 05-05 is attached to these minutes.)

“BILL NO. 05-11, AN ORDINANCE ESTABLISHING DEVELOPMENT IMPACT FEES IN BERKELEY COUNTY PURSUANT TO THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT, SC CODE OF LAWS § 6-1-910, ET SEQ.; PROVIDING FOR THE CALCULATION, COLLECTION, AND EXPENDITURE OF SAID FEES; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 05-12, AN ORDINANCE CONSENTING TO THE TRANSFER OF THAT CERTAIN AGREEMENT FOR FEE-IN-LIEU OF TAX PAYMENTS BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND AMERICAN COMMERCIAL, INCORPORATED, OF AN ARRANGEMENT UNDER TITLE 4, CHAPTER 12 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, (THE “TITLE ACT”) TO AN ARRANGEMENT UNDER TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, (THE “NON-TITLE ACT”).”

“BILL NO. 05-13, AN ORDINANCE AMENDING SECTION II OF ORDINANCE NO. 03-10-63, WHICH GRANTED A NON-EXCLUSIVE FRANCHISE RENEWAL TO BERKELEY CABLE TELEVISION, INC., TO EXPAND THE FRANCHISE COVERAGE AREA WITHIN THE UNINCORPORATED AREA OF BERKELEY COUNTY.”

RESOLUTIONS

Chairman Rozier announced that the first Resolution listed on the Agenda for a Transfer of Funds would not be needed.

“RESOLUTION TO APPOINT AND COMMISSION ADDITIONAL CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF BERKELEY COUNTY.”

Chairman Rozier stated that the appointment in this Resolution, along with the appointments in the next two Resolutions were not to fill new positions, but rather to fill existing positions.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve the Resolution to appoint Ronald L. Brewer as a Code Enforcement Officer. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-06 is attached to these minutes.)

“RESOLUTION TO APPOINT AND COMMISSION ADDITIONAL CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF BERKELEY COUNTY.”

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve the Resolution to appoint Stacey D. Platt as a Code Enforcement Officer. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-07 is attached to these minutes.)

“RESOLUTION TO APPOINT AND COMMISSION ADDITIONAL CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF BERKELEY COUNTY.”

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve the Resolution to appoint Robert B. Hoffman as a Code Enforcement Officer. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-08 is attached to these minutes.)

“RESOLUTION TO APPROVE THE IMPLEMENTATION OF A PROCUREMENT CARD PROGRAM FOR BERKELEY COUNTY AND TO EFFECTUATE THE ELIMINATION OF THE EXISTING COUNTY CREDIT CARD SYSTEM.”

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-09 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND PROCURE CREDIT FROM BANK OF AMERICA, NA (USA) THROUGH CERTAIN CORPORATE CARD ACCOUNTS AND TO DESIGNATE AUTHORIZED PERSONNEL FOR THE USE THEREOF.”

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-10 is attached to these minutes.)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN BERKELEY COUNTY AND CLEMSON UNIVERSITY ACCEPTING CERTAIN SUPPLIES AND EQUIPMENT TO AID IN THE FIGHT AGAINST AGRO-TERRORISM.”

It was moved by Council Member Crosby and seconded by Council Member Farley to approve the **Resolution**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-11 is attached to these minutes.)

“RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND AUTHORIZING THE SALE OR DISPOSAL OF THE SURPLUS PROPERTY.”

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve the **Resolution**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-12 is attached to these minutes.)

“RESOLUTION AUTHORIZING A GRANT APPLICATION ON BEHALF OF THE SANTEE CIRCLE COMMUNITY.”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve the **Resolution**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-13 is attached to these minutes.)

“RESOLUTION AUTHORIZING A GRANT APPLICATION ON BEHALF OF THE ALVIN RECREATIONAL LEAGUE.”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve the **Resolution**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-14 is attached to these minutes.)

“RESOLUTION AUTHORIZING A GRANT APPLICATION ON BEHALF OF THE FORTY-ONE/WILDER COMMUNITY.”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve the **Resolution**. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-15 is attached to these minutes.)

PROCLAMATION

1. **PROCLAMATION** supporting the Low Country Plant a Row for the Hungry Campaign.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve the **Proclamation**. The motion was passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman

Chairman Fish reported that the Committee on Finance met earlier this evening. Several of the matters before the Committee were addressed on this night's agenda. Mr. Oliver Buckles, Chairman of the Berkeley County Accommodations Advisory Board, provided the Committee with an update, and no action was required. (That concluded Chairman Fish's report.)

COMMITTEE ON LAND USE, Mr. Phillip Farley, Chairman

Chairman Farley reported that the Committee on Land Use met on February 14, 2005. Many of the matters before the Committee were addressed on this night's agenda.

Recommendation to Deny:

Request by Ana Oster, 1717 South Live Oak Drive, Moncks Corner, TMS #161-14-00-033, (1.90 acres) from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District. Council District No. 6.

On recommendation of the Committee, Council Member Farley moved to deny the request by Ana Oster. (No second required.)

The motion to deny the request by Ana Oster failed by majority "nay" vote of Council. (That concluded Chairman Farley's report.)

Chairman of Council Rozier announced that the request by Ana Oster would be sent back to the Committee on Land Use for consideration prior to **First Reading**.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney reported that the Committee on Public Works and Purchasing met on February 14, 2005 and earlier this night. Several matters before the Committee were addressed on this night's agenda.

Recommendations:

- a. **Sheriff's Department, Re: sole source purchase –equipment upgrade.**

On recommendation of the Committee, Chairman Pinckney moved to approve the sole source purchase from L&S Electronics, Inc., for upgrade of the closed circuit TV at the Detention Center. (No second required.)

The motion passed by unanimous voice vote of Council.

b. Cypress Gardens

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the construction on a classroom and two gazebos at **Cypress Gardens** to Stenstrom & Associates, Inc., in the amount of \$197,900.00. (No second required.)

The motion passed by unanimous voice vote of Council.

c. Berkeley County Water and Sanitation Authority

▪ **2006 Mack Truck**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the purchase of one (1) **2006 Mack Truck**, GVWR50000, from Hughes Motors, in the amount of \$85,000.00. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Purchase of Wetland Credits**

On recommendation of the Committee, Chairman Pinckney moved to approve the purchase of 15.3 **wetland credits** for \$30,600.00 from Biedler Forest Bank. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Repainting Nucor Tank**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the **repainting** of the **Nucor tank** (which belongs to Berkeley County) to Utility Service Company, Inc., in the amount of \$46,000.00. (No second required.)

The motion passed by unanimous voice vote of Council.

▪ **Purchase and conversion of SCADA Equipment**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the purchase of additional **SCADA equipment** to Robert L. Carson, Inc., in the amount of \$115,927.70, and the contract for the installation of SCADA conversion to Electrical Supply Company, Inc., in the amount of \$33,840.00; for a total of \$149,767.70. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mr. William E. Crosby, Chairman

Chairman Crosby reported that the Committee on Justice and Public Safety met on February 14, 2005. Several of the matters before the Committee were addressed on this night's agenda.

Recommendation:

Sheriff's Department, Re: Replacement of two vehicles

On recommendation of the Committee, Chairman Crosby moved to approve the purchase of two (2) replacement police vehicles for the Sheriff's Department. (No second required.)

The motion passed by unanimous voice vote of Council. (That concluded Chairman Crosby's report.)

COMMITTEE ON WATER AND SANITATION, Mrs. Judith K. Spooner, Chairman

Chairman Spooner reported that the Committee on Water and Sanitation met February 14, 2005. All matters before the Committee were addressed on this night's agenda. (That concluded Chairman Spooner's report.)

COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Steve C. Davis, Chairman

Chairman Steve Davis reported that the Committee on Planning and Development met on February 14, 2005. All matters before the Committee were addressed on this night's agenda. (That concluded Chairman Steve Davis' report.)

COMMITTEE ON COMMUNITY SERVICES, Mr. Charles E. Davis, Chairman – no report

COMMITTEE ON HUMAN SERVICES, Mrs. Judy C. Mims, Chairman – no report

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Council Member Pinckney nominated Mr. Elijah Wright for appointment to serve on the Tax Assessment Review Board.

The nomination to the Tax Assessment Review Board passed by unanimous voice vote of Council.

CORRESPONDENCE – None

UNFINISHED BUSINESS – None

NEW BUSINESS

“RESOLUTION FOR THE ADOPTION OF THE BERKELEY-DORCHESTER HAZARD MITIGATION PLAN BY BERKELEY COUNTY COUNCIL.”

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-16 is attached to these minutes.)

“RESOLUTION FOR THE AUTHORIZATION TO FILE AND TO PROVIDE MATCHING FUNDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO PROVIDE WATER SERVICE TO THE CROSS COMMUNITY.”

“RESOLUTION FOR THE AUTHORIZATION TO FILE AND TO PROVIDE MATCHING FUNDS FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO PROVIDE WATER SERVICE TO THE OLD BACK RIVER ROAD AREA.”

Chairman Rozier announced that the Resolutions (above) needed to be discussed together, as only one of the Resolutions could be approved for application of a grant.

Council Member Crosby indicated that the Resolution for “water service to the Old Back River Road Area” was incorrectly worded, and that the correction should read “sewer service to the Old Back River Road Area”.

Chairman Rozier concurred with Council Member Crosby.

Mr. Ed Rogers, with Berkeley County Water and Sanitation Authority, stated that, originally, the Resolutions were two separate projects. Old Back River Road is in the City of Goose Creek, and with that particular project, the City of Goose Creek was going to be the applicant, and the County was going to be the sub-recipient to fund the sewer. With regard to the Cross project, the County was to be the applicant, with no sub-recipient. Recently however, the Department of Commerce decided that Berkeley

County could not be the sub-recipient in the Old Back River Road project. Berkeley County can only apply for one infrastructure grant within this Community Development Block Grant window, and the deadline for application is March 11, 2005. Mr. Rogers concluded with the following facts:

- Application can only be for Cross project or Old Back River Road project.
- The Cross water project will result in an application of \$500,000.00 to serve 282 households (approximately \$1,800.00 per household).
- The Old Back River Road sewer project will result in an application of \$300,000.00 to serve 15 households (approximately \$20,000.00 per household). These grants are competitive at the state level, thus cost per household is a critical factor.
- There is a 10 percent match of funds required of the County. Normally, the County meets this 10 percent match with a waiver of fees. With the Cross project, the waived fees would cover the match. With the Old Back River Road project, the fees are higher, and there are not enough funds to cover the match. Therefore, an additional \$15,000 would have to be paid into the project to meet the required match of funds.

It was moved by Council Member Crosby and seconded by Council Member Farley to approve the Resolution to provide sewer service to the Old Back River Road Area. The motion failed by majority "nay" vote of Council.

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve the Resolution to provide water service to the Cross Community. The motion passed by majority voice vote of Council. Council Members Crosby and Farley voted "nay". (A copy of Resolution No. 05-17 is attached to these minutes.)

4. Recreational vehicles used as permanent residential dwellings

Chairman Rozier announced that an Ordinance had been adopted that does not allow individuals to live in recreational vehicles. Chairman Rozier asked for Council's approval to send a proposed amendment to the proper Committee for discussion. The amendment would allow the County to "grandfather" individuals living in recreational vehicles today. An individual would be required to purchase a decal, which would reflect that his/her particular recreational vehicle had been "grandfathered".

It was moved by Council Member Spooner and seconded by Council Member Steve Davis to forward the proposed amendment to the Land Use Committee for discussion prior to First Reading. The motion passed by unanimous voice vote of Council.

5. Roads and Bridges, Re:

a. NRCS Grant

Chairman Rozier presented, for Council's approval, a "**RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS), UNITED STATES DEPARTMENT OF AGRICULTURE, FOR WATERSHED RESTORATION ASSOCIATED WITH HURRICANE GASTON.**"

It was moved by Council Member Pinckney and seconded by Council Member Fish to approve the **Resolution** executing this agreement. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 05-18 is attached to these minutes.)

b. **Purchase of Menzi Muck Machine – not necessary this night.**

6. **Agreement, Re: Grant – Gaston damages**

The above agreement was taken care of under Agenda Item No. 5.a (NEW BUSINESS).

Without objection, Chairman Rozier presented two additional items under NEW BUSINESS. He announced that Council's approval was necessary to negotiate the sale of six and one-half acres of land.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve **negotiations** by the Supervisor to **sell the land**. The motion passed by unanimous voice vote of Council.

Chairman Rozier indicated that Council's approval was also necessary to negotiate the sale of approximately one acre of land.

It was moved by Council Member Pinckney and seconded by Council Member Spooner to approve **negotiations** by the Supervisor to **sell the land**. The motion passed by unanimous voice vote of Council.

6. **Emergency purchases:**

a. **Kenneling of pit bulls** **\$14,030.00**

Chairman Rozier stated that these kennel fees stemmed from pit bulls being housed during a trial which took place awhile back. The pit bulls are no longer in the County's possession, but the fees were for housing the dogs during the trial. The emergency expenditure was for \$14,030.00.

b. **Maintenance Garage's forklift** **\$10,600.00**

Chairman Rozier stated that a forklift, purchased in 1962, ceased to operate. A new forklift was necessary, and an emergency purchase was made in the amount of \$10,600.00.

Chairman Rozier continued by stating that at the end of the mosquito season, the County ran out of insecticide, and flyovers were necessary to address hatchings. The total amount spent for this emergency purchase was \$15,461.00.

ANNOUNCEMENTS

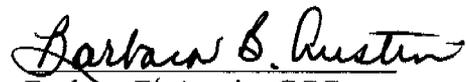
The **March 2005 Regular Meeting of Berkeley County Council** will be held on **Monday March 28, 2005** immediately following Public Hearings and the meeting of the Committee on Finance at **6:00 p.m. in the Assembly Room**, 223 North Live Oak Drive, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Spooner and seconded by Council Member Fish to **adjourn** the Regular Meeting of County Council. The motion was passed by unanimous voice vote of Council.

Meeting adjourned at 8:41 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – None


Barbara B. Austin, CCC
Clerk of Council

March 28, 2005
Date Approved

1  **Economic Development Update 2004**

Our Mission Is To Create Personal Wealth For The Citizens of Berkeley County by Bringing New Jobs That Pay Above the State and National Average

2  **Population Changes**

- ▶ 1990 128,776
- ▶ 2000 142,651
- ▶ 2003 146,449
- ▶ 2010 167,520
- ▶ 2020 189,320

3  **Per Capita Income**

- ▶ State Average \$25,502
- ▶ Berkeley County Average \$22,225
- ▶ Dorchester Average \$23,134
- ▶ Charleston Average \$30,361
- ▶ Orangeburg Average \$21,418
- ▶ Williamsburg \$17,066
- ▶ Note: Berkeley County's Average Hourly Wage Increased from \$9.58 to \$11.11 in One Year(16%)

4  **Median Household Income With Two Or More Workers**

- ▶ State Median Household Income \$42,635
- ▶ Berkeley County \$45,621
- ▶ Charleston County \$42,379
- ▶ Dorchester County \$46,260

5  **Unemployment Facts**

- ▶ Overall Unemployment in SC is 6.8%
- ▶ Berkeley County 2003 Average 4.7%
- ▶ Current Unemployment Rate 4.1%
- ▶ Only Three Counties Have A Lower Unemployment Rate Than Berkeley

6  **Economic and Social Well-Being Index**

- ▶ Five Major Variables Are Used In The Index
 - *Income & Employment
 - *Health Or Social Conditions
 - *Business Activity
 - *Human Capital
 - *Physical Environmental Conditions
- ▶ Berkeley Ranked 16th of the 46 Counties
- ▶ Charleston Ranked 22nd And Dorchester Ranked 9th

7  **Incentive Changes**

- ▶ Berkeley County Has Improved From Least Developed to Developed in Four Years: An Improvement of Four Categories
- ▶ This Affects Jobs Tax Credits and Job Development Credits
- ▶ There Are Only Seven Counties in This Category Including Dorchester, But Not Charleston

8  **New Industry Announcements 2004**

▶ Company	Capital (Millions)	Jobs
▶ Quintrex	\$5.0	15
▶ Preferred Sourcing	2.0	75
▶ Federal Express	4.8	70
▶ PSSI	.4	50
▶ Project Green	28.0	300
▶ Total	40.2	510

9  **Existing Industry Expansions**

▶ Company	Capital (Millions)	Jobs
▶ Albany	\$3.2	25
▶ Welded Tube	3.0	0
▶ Mikasa	.2	0
▶ Gates	1.0	0
▶ Santee Cooper	1,400.0	200
▶ Nucor Steel	45.0	0
▶ Total	1,452.4	225

10  **Total Capital and Jobs**

	Capital	Jobs	Projects
▶ Existing Industry	\$1,452.2	225	6
▶ New Industry	40.2	510	5
▶ Totals	\$1,492.4	735	11

11  **Other Capital Investment 2004**

- ▶ Berkeley County Assessor's Office Reports a Total of \$409,490,400 in Other New Residential and Commercial Construction in 2004 (Appraised Value)

12  **Conclusions And Questions**

ORDINANCE NO. 05 - 02 - 04

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #210-00-00-057.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

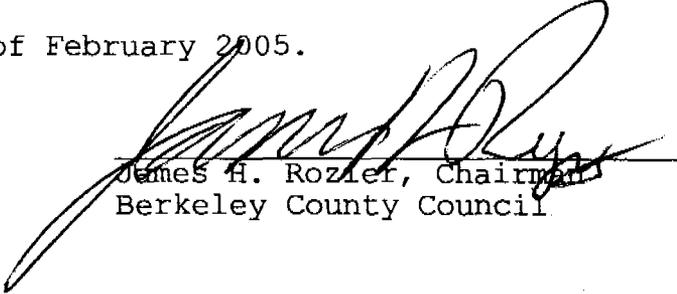
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 6 and designated on Zoning Panel 16 which contains that property identified as TMS#210-00-00-057 as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as R-2, Manufactured Residential District, and will hereafter upon approval of this ordinance be reclassified as R3, Mobile Home Park District.

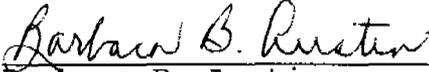
BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 28th of February 2005.



James H. Rozier, Chairman
Berkeley County Council

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: December 13, 2004
Second Reading: January 24, 2005
Public Hearing: February 28, 2005
Third Reading: February 28, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting *yes*

Dennis L. Fish

DENNIS L. FISH Voting *yes*

Judith K. Spooner

JUDITH K. SPOONER Voting *yes*

Judy C. Mims

JUDY C. MIMS Voting *yes*

William E. Crosby

WILLIAM E. CROSBY Voting *yes*

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting *yes*

Charles E. Davis

CHARLES E. DAVIS Voting *yes*

Steve C. Davis

STEVE C. DAVIS Voting *yes*

05-02-04

FARRELL

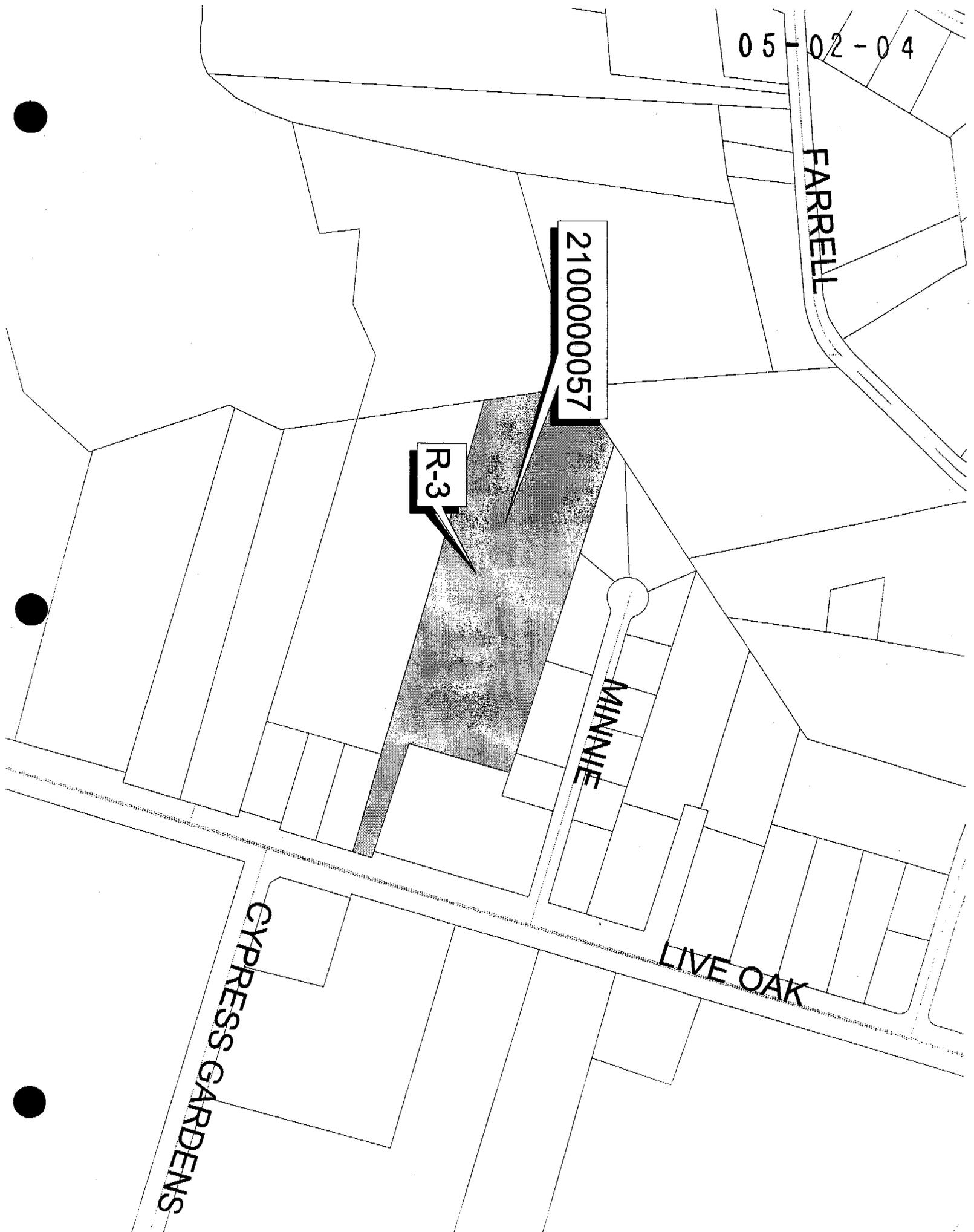
2100000057

R-3

MINNIE

LIVE OAK

CYPRESS GARDENS



ORDINANCE NO. 05 - 02 - 05

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #211-00-02-001.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

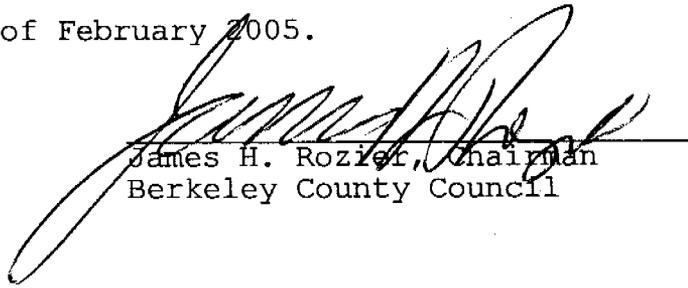
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 01-8-35 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 3 and designated on Zoning Panel 17 which contains that property identified as TMS#211-00-02-001 as is more clearly shown on "Exhibit A", which is attached hereto and made a part hereof. This property has previously been designated and approved as F-1, Agricultural District, and will hereafter upon approval of this ordinance be reclassified as GC, General Commercial District.

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 28th of February 2005.



James H. Rozier, Chairman
Berkeley County Council

ATTEST:

Barbara B. Austin
Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: December 13, 2004
Second Reading: January 24, 2005
Public Hearing: February 28, 2005
Third Reading: February 28, 2005

05-02-05

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

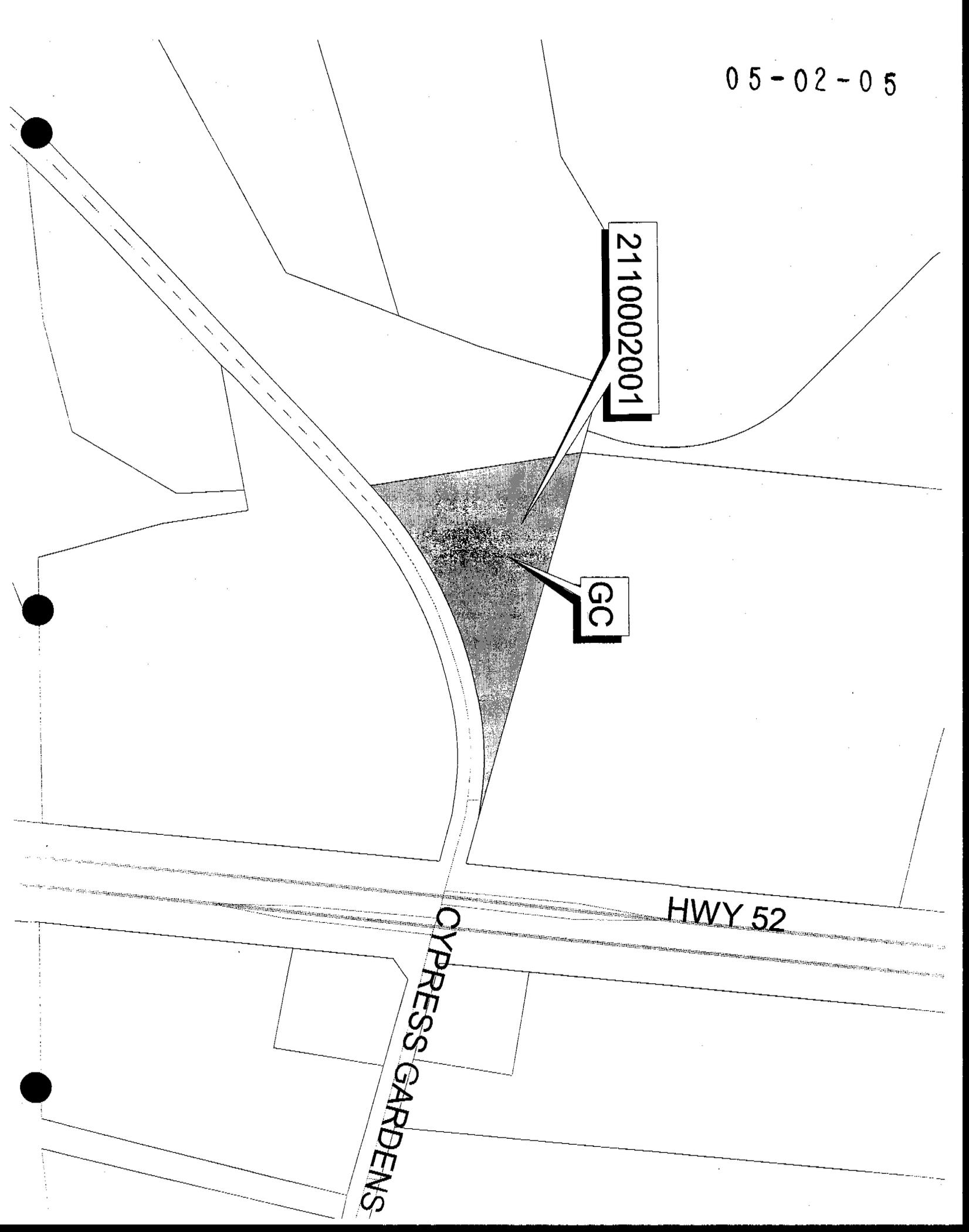
05-02-05

2110002001

GC

HWY 52

CYPRESS GARDENS



ORDINANCE NO. 05 - 02 - 06

AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES FOR TMS #197-00-01-019 and -008.

WHEREAS, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

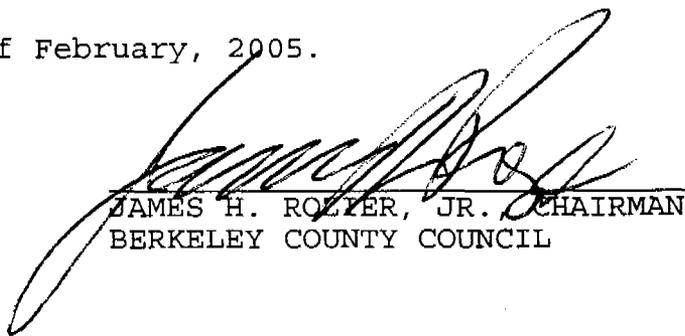
WHEREAS, the Berkeley County Council has determined that the rezoning or reclassification of the land designated herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan, which was adopted on April 26, 1999;

NOW, THEREFORE, BE IT ORDAINED that the official Zoning and Development Standards Maps for Berkeley County, South Carolina, which were adopted pursuant to Ordinance No. 99-4-19 shall be modified in the following regard:

That portion of the official Zoning and Development Standards Maps adopted for Council District 3 and designated on Zoning Panels 12 & 17 which contains that property identified as TMS#197-00-01-019 (405.53 acres) and -008 (304.02 acres), as is more clearly shown in the "Planned Development Submittal - Foxbank Plantation Berkeley County, South Carolina" (dated February 7, 2005), which is attached hereto and made a part hereof. This property has previously been designated and approved as F1, Agricultural District, GC, General Commercial District, and R5, Multi Family - Large Scale District and will hereafter upon approval of this ordinance be reclassified as PDMU, Planned Development Mixed Use District and will conform to the attached "Planned Development Submittal - Foxbank Plantation Berkeley County, South Carolina" (dated February 7, 2005).

BE IT FURTHER ORDAINED that all ordinances in conflict with this modification are repealed to the extent necessary to give this ordinance full force and effect.

ADOPTED this 28th of February, 2005.



JAMES H. ROLYER, JR. CHAIRMAN
BERKELEY COUNTY COUNCIL

ATTEST:


Barbara B. Austin
CLERK OF COUNTY COUNCIL

First Reading: December 13, 2004
Second Reading: January 24, 2005
Public Hearing: February 28, 2005
Third Reading: February 28, 2005

05-02-06

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

CALDWELL PINCKNEY, JR. Voting _____

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

1970001019

1970001008

PDMU-
Proposed Development Plan

CANTERHILL

DEER TRACK

LAZY HILL

2110002001

CYPRESS GARDENS

HWY 52

OLD HWY 52

05-02-06

RESOLUTION

A RESOLUTION DIRECTING THE BERKELEY COUNTY PLANNING COMMISSION TO CONDUCT STUDIES AND TO DEVELOP AND MAKE RECOMMENDATIONS FOR A CAPITAL IMPROVEMENTS PLAN AND IMPACT FEE ORDINANCE, IN ACCORDANCE WITH, THE SOUTH CAROLINA DEVELOPMENT FEE ACT, S.C. CODE OF LAW §§ 6-1-910, ET SEQ.

WHEREAS, Berkeley County desires to implement impact fees within the unincorporated areas of the County for the primary purpose of funding capital roadway projects and improvements; and

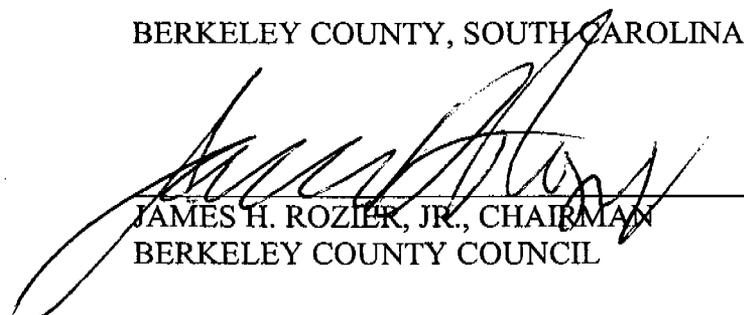
WHEREAS, in order to implement fees, Berkeley County is required to direct the Berkeley County Planning Commission to conduct studies and to develop and make recommendations for a capital improvements plan and impact fees, pursuant to S.C. Code of Law § 6-1-950 (1976, as amended);

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that the Planning Commission shall conduct studies and make recommendations for a capital improvements plan and impact fee ordinance.

BE IT FURTHER RESOLVED that the Planning Commission shall complete said studies and make said recommendations within 90 days of the adoption of this resolution.

DONE this 28th day of February, 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

ATTEST:


Barbara B. Austin
Clerk of Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting Yes

Judith K. Spooner
JUDITH K. SPOONER Voting Yes

William E. Crosby
WILLIAM E. CROSBY Voting Yes

Charles E. Davis
CHARLES E. DAVIS Voting Yes

Dennis L. Fish
DENNIS L. FISH Voting Yes

Judy C. Mims
JUDY C. MIMS Voting Yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting Yes

Steve C. Davis
STEVE C. DAVIS Voting Yes

RESOLUTION

TO APPOINT AND COMMISSION ADDITIONAL CODE
ENFORCEMENT OFFICER FOR THE PROPER
SECURITY, GENERAL WELFARE, AND CONVENIENCE
OF BERKELEY COUNTY

WHEREAS, the Berkeley County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Berkeley County; and

WHEREAS, the Berkeley County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT Ronald L. Brewer, is hereby appointed and commissioned Code Enforcement Officer of Berkeley County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables in addition to such duties as may be imposed upon him by the governing body of this County, including the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended.

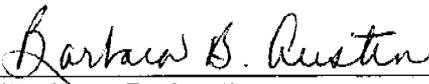
ADOPTED this 28th day of February, A. D. 2005.

(SEAL)



JAMES H. ROZIER, JR., Chairman
BERKELEY COUNTY COUNCIL

ATTEST:



Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Judy C. Mims

JUDY C. MIMS Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting YES

Steve C. Davis

STEVE C. DAVIS Voting YES

RESOLUTION

TO APPOINT AND COMMISSION ADDITIONAL CODE
ENFORCEMENT OFFICER FOR THE PROPER
SECURITY, GENERAL WELFARE, AND CONVENIENCE
OF BERKELEY COUNTY

WHEREAS, the Berkeley County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Berkeley County; and

WHEREAS, the Berkeley County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT Stacey D. Platt, is hereby appointed and commissioned Code Enforcement Officer of Berkeley County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables in addition to such duties as may be imposed upon her by the governing body of this County, including the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended.

ADOPTED this 28th day of February, A. D. 2005.

(SEAL)


JAMES H. ROZIER, JR., Chairman
BERKELEY COUNTY COUNCIL

ATTEST:


Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

RESOLUTION

TO APPOINT AND COMMISSION ADDITIONAL CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF BERKELEY COUNTY

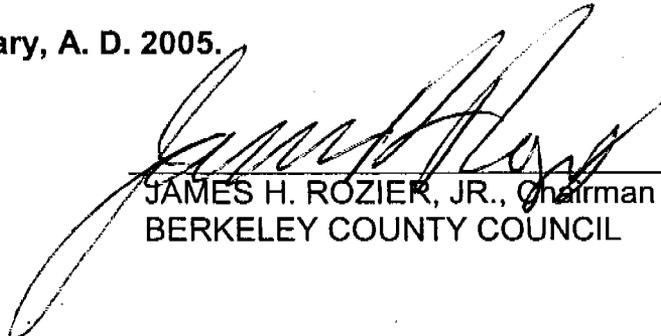
WHEREAS, the Berkeley County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Berkeley County; and

WHEREAS, the Berkeley County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT Robert B. Hoffman, is hereby appointed and commissioned Code Enforcement Officer of Berkeley County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables in addition to such duties as may be imposed upon him by the governing body of this County, including the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended.

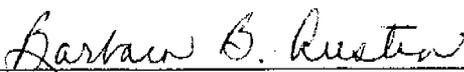
ADOPTED this 28th day of February, A. D. 2005.

(SEAL)



JAMES H. ROZIER, JR., Chairman
BERKELEY COUNTY COUNCIL

ATTEST:



Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting YES

RESOLUTION

A RESOLUTION TO APPROVE THE IMPLEMENTATION OF A PROCUREMENT CARD PROGRAM FOR BERKELEY COUNTY AND TO EFFECTUATE THE ELIMINATION OF THE EXISTING COUNTY CREDIT CARD SYSTEM

WHEREAS, the implementation of a procurement card program has many advantages including reduction in number of purchase orders and checks written, shortened turnaround time for receipt of orders, maximization of cash flow opportunities for the earning of interest, reduction of fraud, and increase in the control of credit card purchases; and

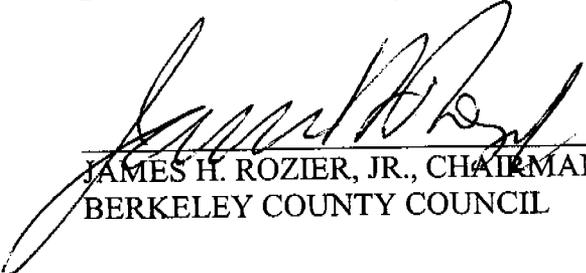
WHEREAS, Berkeley County Council desires to implement such a program; and

WHEREAS, the implementation of a procurement card program would eliminate the need for individual credit card accounts as they currently exist.

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that it approves the implementation of a procurement card system and the elimination of the existing credit card system.

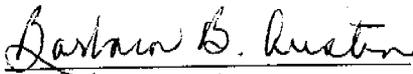
DONE this 28th day of February, 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

Attest:



Barbara B. Austin
Clerk of Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

RESOLUTION**A RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND PROCURE CREDIT FROM BANK OF AMERICA, N.A. (USA) THROUGH CERTAIN CORPORATE CARD ACCOUNTS AND TO DESIGNATE AUTHORIZED PERSONNEL FOR THE USE THEREOF**

WHEREAS, Berkeley County (the "County") is desirous of designating certain employees and elected officials, on behalf of the County, as authorized personnel for use of corporate credit accounts (Procurement Cards) with the Bank of America, N.A. (USA) ("Bank of America");

NOW, THEREFORE, BE IT RESOLVED by the Berkeley County Council in a meeting duly assembled, hereby directs and authorizes the Berkeley County Supervisor to designate the necessary employees and agents of Berkeley County Government as authorized personnel and, accordingly, the County Supervisor is authorized for and on behalf of and in the name of the County, for such time, at such interest rates, and on such other terms and conditions as are deemed expedient by the County Supervisor to negotiate and procure credit from Bank of America, N.A. (USA) ("Bank of America") on corporate purchasing card accounts, corporate travel card accounts and corporate fleet card accounts, or any combination thereof ("Corporate Card Accounts") to execute the application and agreement for Corporate Card Accounts, provide any other documents or information required by Bank of America as a requirement of issuing such Corporate Card Accounts, and to designate the Corporate Card administrator(s) who shall, among other responsibilities, also designate the officer(s), employee(s) or agent(s) to receive Corporate Card Accounts.

BE IT FURTHER RESOLVED that such Corporate Card Accounts, the debt created by their use and any security interest pertaining to the debt, issued to designated officer(s), employee(s) or agent(s) of the County shall represent legal and binding obligations of the County; and that Bank of America is hereby authorized and directed to pay the proceeds of any such credit without the necessity to look to the use of the credit or of the account, whether such account is opened or maintained by the County Supervisor, or others as designated by the Designees, in their individual capacities, or not, and whether funds from the use of such accounts are deposited to the individual credit of, or used for the individual credit of, or used for the individual purposes of, the Designees, or others designated by the Designees, or not.

BE IT FURTHER RESOLVED that the County Supervisor is hereby authorized and directed as security for any obligation of the County to Bank of America, to grant in favor of Bank of America a security interest in deposit accounts maintained now or in the future by the County at Bank of America or any affiliate of Bank of America and to authorize Bank of America to enter into a master control agreement with respect to such deposit accounts.

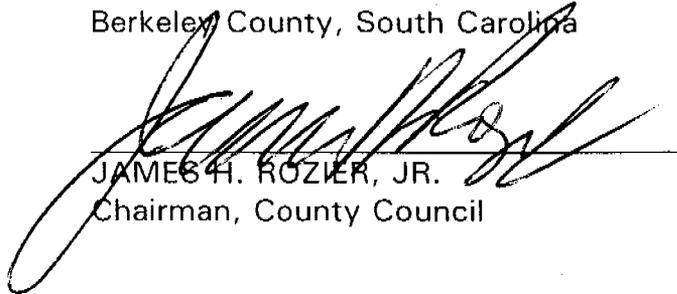
BE IT FURTHER RESOLVED that where Bank of America is unwilling to extend or continue to extend credit to one or more individuals under an individual-liability Corporate Card Account program, the County Supervisor is hereby authorized to execute a guaranty containing such terms and conditions as Bank of America may require and the County Supervisor may approve to guarantee the obligations of such individuals under the Corporate Card Accounts.

BE IT FURTHER RESOLVED that the County shall indemnify and hold harmless Bank of America from any claim, loss, cost, damage, liability or expense arising out of its actions in reliance on this Resolution, to the extent allowed by law.

BE IT FURTHER RESOLVED that Bank of America is authorized to act upon the foregoing resolutions until written notice of revocation is received by Bank of America, and that the authority hereby granted shall apply with equal force and effect to the successors in office.

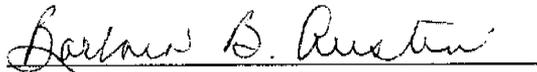
ADOPTED by Berkeley County Council this 28th day of February, 2005.

Berkeley County, South Carolina



JAMES H. ROZIER, JR.
Chairman, County Council

ATTEST:


Barbara B. Austin, Clerk of Council
Berkeley County, South Carolina

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting Yes

Dennis L. Fish
DENNIS L. FISH Voting Yes

Judith K. Spooner
JUDITH K. SPOONER Voting Yes

Judy C. Mims
JUDY C. MIMS Voting Yes

William E. Crosby
WILLIAM E. CROSBY Voting Yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting Yes

Charles E. Davis
CHARLES E. DAVIS Voting Yes

Steve C. Davis
STEVE C. DAVIS Voting Yes

RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN BERKELEY COUNTY AND CLEMSON UNIVERSITY ACCEPTING CERTAIN SUPPLIES AND EQUIPMENT TO AID IN THE FIGHT AGAINST AGRO-TERRORISM

WHEREAS, the Clemson University Cooperative Extension Service has obtained grants to develop regional and county agricultural response plans and teams to fight agro-terrorism; and

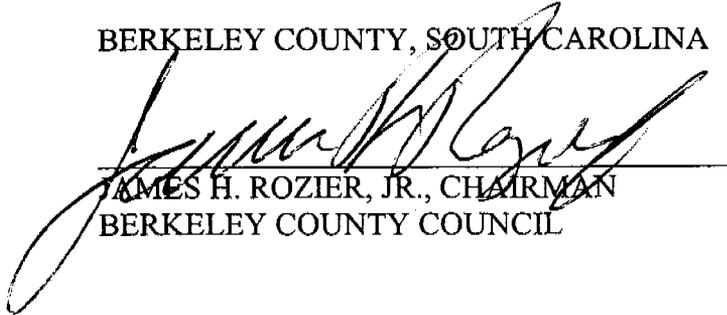
WHEREAS, Clemson University will supply Berkeley County with personal protection equipment and disinfectant supplies for use in an agro-terrorist event at no cost to Berkeley County; and

WHEREAS, Berkeley County Council feels it is in the best interest of the citizens of Berkeley County to accept the supplies and equipment to aid in its fight against agro-terrorism;

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that the County Supervisor is authorized to execute a Memorandum of Understanding between Berkeley County and Clemson University accepting certain supplies and equipment to aid in the fight against agro-terrorism.

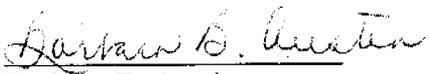
DONE this 28th day of February 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

Attest:



Barbara B. Austin
Clerk of Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Judy C. Mims

JUDY C. MIMS Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes

RESOLUTION

Designating Surplus Property of Berkeley County Water and Sanitation Authority and Authorizing the Sale or Disposal of the Surplus Property.

WHEREAS, Berkeley County Council, pursuant to the authority granted in Section 4-9-30(2) and Section 4-9-160 of the Codes of Laws of South Carolina, 1976, as amended, has created by virtue of Ordinance No. 92-11-26 a Procurement Ordinance, which establishes in part a method of managing supplies of Berkeley County Water and Sanitation Authority (hereafter the "Authority") and;

WHEREAS, it has been brought to the attention of Berkeley County Council that there exist certain "surplus supplies" owned by the Authority, which are no longer of any use to the Authority and the County; and

WHEREAS, Berkeley County Council has determined it to be in the best interest of the County to dispose of these "surplus supplies";

NOW, THEREFORE, BE IT RESOLVED, that Berkeley County Council hereby declares this property, as set out in EXHIBIT A attached hereto and by this reference is made a part hereof, to be "surplus supplies" to the Authority and to be sold by sealed bids or at a public auction, which shall be held as soon as practicable, or according to the guidelines set by the said Procurement Ordinance and Regulations.

ADOPTED this 28th day of February 2005.



JAMES H. ROZIER, JR. CHAIRMAN
BERKELEY COUNTY COUNCIL

(SEAL)

ATTEST:



BARBARA B. AUSTIN
CLERK OF COUNTY COUNCIL

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

**BERKELEY COUNTY WATER & SANITATION AUTHORITY
SURPLUS PROPERTY AND VEHICLE LIST
February-2005**

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>MODEL/MAKE</u>	<u>SERIAL NUMBER</u>
1	1992 S-10 Chevy Pick-Up (214,888 Miles)	S-10 (VE 101)	1GCCS14Z9NB17694
2	1992 1/2 Ton Ford Pick-Up (167,253 Miles)	(VE103)	1FTDF15N3NNA80138
3	1990 3/4 Ton Dodge Van (119,231 Miles)	(VE190)	2B7HB21Z01K752828
4	1991 3/4 Ton Chevy Truck (207,100 Miles)	(VE 192)	1GBC24K0ME164780
5	1992 1 Ton Ford Dump Truck (106,732 Miles)	(VE198)	1FDJ37H4NNA49109
6	1994 Ford Crown Victoria (96,000 Miles)	(VE121)	2FALP71W8RX148552
7	1993 Ford Ranger Pick-Up	(VE117)	1FTCR10A0PUC19450
8	1995 Galbraith Pup Trailer	(TR423)	1G9L12320SB157415
9	1995 Galbraith Pup Trailer	(TR424)	1G9L123XTB157682
10	1992 Dodge 15 Passenger Van	(VE194)	2B5WB352Z9NK158171
11	Front End Loader Clamp Bucket		
12	3" Trash Pump		
13	Oil Filter Crusher	10C15A	1190
14	1998 Rim Crusher	TC300	1245

RESOLUTION

**A RESOLUTION AUTHORIZING GRANT APPLICATION
ON BEHALF OF THE SANTEE CIRCLE COMMUNITY**

WHEREAS, the South Carolina Department of Parks, Recreation, and Tourism makes available certain funding through Parks and Recreation Development ("PARD") grants to selected projects throughout the state; and

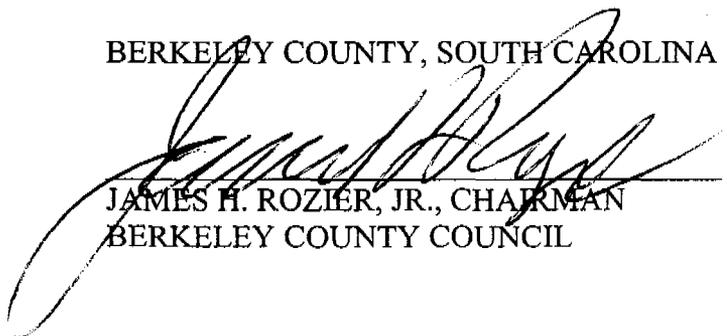
WHEREAS, the Santee Circle Community through its efforts over the years has acquired property and established a community group to foster the provision of recreational facilities in that area of the County; and

WHEREAS, the Santee Circle Community has been notified that the South Carolina Department of Parks, Recreation and Tourism will consider an application through the PARD fund in an amount not to exceed Five Thousand (\$5000) dollars to continue construction of a shelter and concession facilities, including the installation of restroom fixtures, extension of water service, and installation of a septic system at the community park;

NOW, THEREFORE, BE IT RESOLVED that Berkeley County Council authorizes and empowers the County Supervisor to execute any and all documents necessary to assist the Santee Circle Community in compliance with this application.

ADOPTED this 28th day of February 2005.

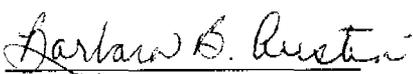
BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

(SEAL)

ATTEST:


Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

RESOLUTION

**A RESOLUTION AUTHORIZING GRANT APPLICATION
ON BEHALF OF ALVIN RECREATIONAL LEAGUE**

WHEREAS, the South Carolina Department of Parks, Recreation, and Tourism makes available certain funding through Parks and Recreation Development ("PARD") grants to selected projects throughout the State; and

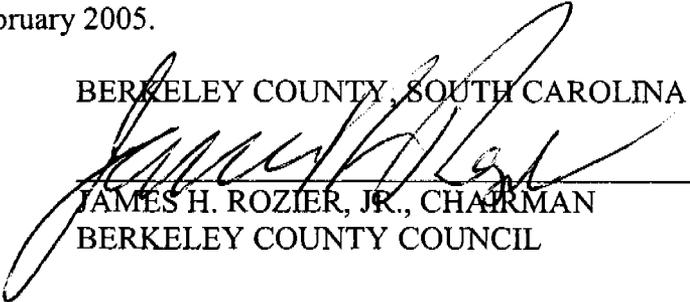
WHEREAS, the Alvin Community through its efforts over the years has acquired property and established a community group to foster the provision of recreational facilities in that area of the County; and

WHEREAS, the Alvin Community has been notified that the South Carolina Department of Parks, Recreation and Tourism will consider an application through the PARD fund in an amount not to exceed Ten Thousand Five Hundred (\$10,500) Dollars for the construction of a new concession stand and press box at the football field;

NOW, THEREFORE, BE IT RESOLVED that Berkeley County Council authorizes and empowers the County Supervisor to execute any and all documents necessary to assist the Alvin Community in compliance with this application.

ADOPTED this 28th day of February 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

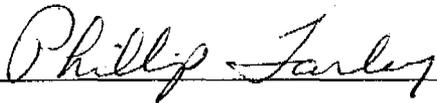
(SEAL)

ATTEST:

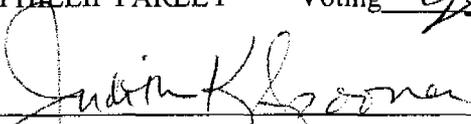


Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL


PHILLIP FARLEY Voting yes


DENNIS L. FISH Voting yes


JUDITH K. SPOONER Voting yes


JUDY C. MIMS Voting yes


WILLIAM E. CROSBY Voting yes


CALDWELL PINCKNEY, JR. Voting yes


CHARLES E. DAVIS Voting yes


STEVE C. DAVIS Voting yes

RESOLUTION

**A RESOLUTION AUTHORIZING GRANT APPLICATION
ON BEHALF OF THE FORTY-ONE/WILDER
COMMUNITY**

WHEREAS, the South Carolina Department of Parks, Recreation, and Tourism makes available certain funding through Parks and Recreation Development ("PARD") grants to selected projects throughout the state; and

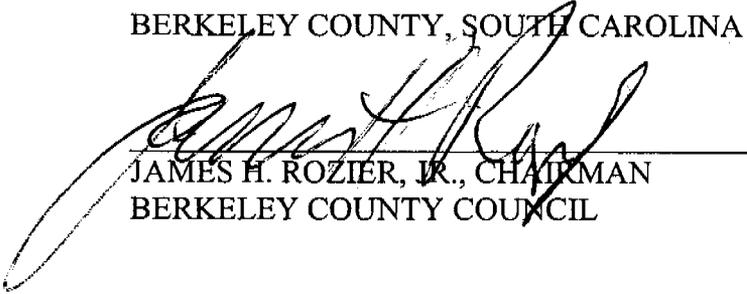
WHEREAS, the Forty-One Wilder Community through its efforts over the years has acquired property and established a community group to foster the provision of recreational facilities in that area of the County; and

WHEREAS, the Forty-One Wilder Community has been notified that the South Carolina Department of Parks, Recreation and Tourism will consider an application through the PARD fund in an amount not to exceed Five Thousand (\$5000) dollars for the construction of a new walking trail and a press box, and installation of fencing at the community park;

NOW, THEREFORE, BE IT RESOLVED that Berkeley County Council authorizes and empowers the County Supervisor to execute any and all documents necessary to assist the Forty-One/Wilder Community in compliance with this application and long-term lease for a twelve-year period.

ADOPTED this 28th day of February 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

(SEAL)

ATTEST:


Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

RESOLUTION

R 05-16

A RESOLUTION FOR THE ADOPTION OF THE *BERKELEY - DOCHESTER HAZARD MITIGATION PLAN* BY BERKELEY COUNTY COUNCIL

WHEREAS Berkeley County has experienced the effects of natural and man-made hazard events; and

WHEREAS the Berkeley - Dorchester Hazard Mitigation Project Committee has prepared a recommended *Berkeley - Dorchester Hazard Mitigation Plan*; and

WHEREAS the recommended *Berkeley - Dorchester Hazard Mitigation Plan* has been widely circulated for review by residents/business organizations/professional organization of the unincorporated and incorporated areas of Berkeley County, state, federal, regional and local government agencies and has been supported by those reviewers; and

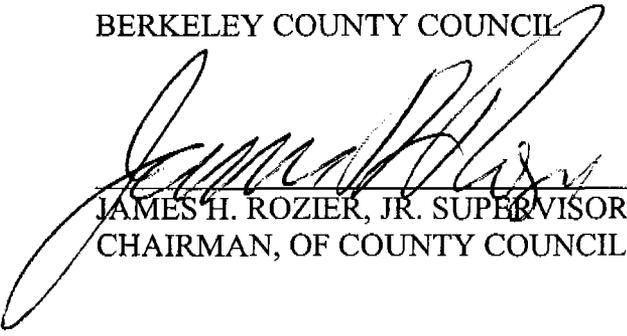
NOW THEREFORE be it resolved that

1. The *Berkeley - Dorchester Hazard Mitigation Plan* is hereby adopted as an official plan of Berkeley County, and

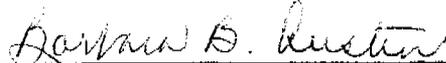
2. The Berkeley - Dorchester Hazard Mitigation Project Committee is recognized as a continuing entity charged with reviewing, maintaining in accordance with the Disaster Mitigation Act of 2000 (P.L. 106- 390), enacted October 30, 2000 requirements, and periodically reporting on the progress towards and revisions to the plan to the Berkeley County Council.

Effective this 28th Day of February 2005.

BERKELEY COUNTY COUNCIL


JAMES H. ROZIER, JR. SUPERVISOR
CHAIRMAN, OF COUNTY COUNCIL

ATTEST:


BARBARA B. AUSTIN
CLERK OF COUNTY COUNCIL

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Judy C. Mims
JUDY C. MIMS Voting yes

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting yes

Steve C. Davis
STEVE C. DAVIS Voting yes

**AUTHORIZATION TO FILE AND TO PROVIDE MATCHING FUNDS
FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
TO PROVIDE WATER SERVICE TO THE CROSS COMMUNITY**

RESOLUTION of the County Council of Berkeley County, South Carolina, committing the funds to be provided by the Berkeley County Water and Sanitation Authority as matching funds for the installation of water lines and service connections in the area known as **Cross Community**, if awarded, under the Provisions of the Department of Commerce, Division of Community Grant Programs requirements for the Community Development Block Grant Program (CDBG).

WHEREAS, the Congress of the United States has passed legislation known as the Title I of the Housing and Community Development Act of 1974, as amended, whereby financial assistance is made available to various cities, Counties, and counties through the South Carolina Department of Commerce, Division of Community Grant Programs;

WHEREAS, the Berkeley County is a duly organized and incorporated unit of local government in the County of Berkeley, State of South Carolina, which possesses legal authority to apply for grants for financial assistance as provided and made available under the Title I of the Housing and Community Development Act of 1974, as amended;

WHEREAS, the Berkeley County, as owner and utility service provider of that area of Berkeley County commonly known as "Cross Community" located Berkeley County, is desirous of extending new water and service connections to low and moderate income households; and

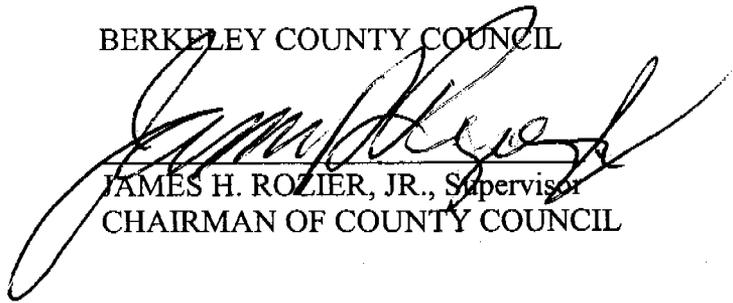
WHEREAS, the programs established by the Title I of the Housing and Community Development Act of 1974, as amended, would be beneficial and in the interest of the public welfare of the citizens of the Berkeley County, and with public hearings to be held, it is the desire of the County Council, being the governing body of the Berkeley County, that said financial assistance and grants as provided in the Title I of the Housing and Community Development Act of 1974, as amended, be acquired by said County,

NOW THEREFORE BE IT RESOLVED BY THE COUNTY COUNCIL OF BERKELEY COUNTY, SOUTH CAROLINA, that the County Supervisor is hereby authorized and directed to make available in cash funds and impact fee waivers for new water service to be made as part of the Cross Community Water Line Project, an amount totaling up to 10% of the total Community Development Block Grant funds requested to be utilized as matching funds for CDBG Application, in order to meet the SC Department of Commerce, Division of Community Grant Programs application requirements for financial assistance and grants under the Community Investment Grant Program authorized by the Title I of the Housing and Community Development Act of 1974, as amended, for the Water and/or Sewer Facilities, subject to the CDBG funds being applied for in CDBG Application are awarded, and that such funds must be made available to be obligated at the time CDBG funds are released. The County Council of the Berkeley County hereby authorizes the County Supervisor to determine the exact amount of County cash funds to be provided for the Cross Community water project. That Berkeley County **ALSO UNDERSTANDS AND AGREES**, that in the event there are cost under runs on the proposed project, the savings will accrue to the SC Department of Commerce unless a regulatory requirement by another Federal funding agency supersedes, or unless the savings could be accrued to another grant program funded by the State of South Carolina;

BE IT FURTHER RESOLVED that the County Supervisor, or their designee, is authorized and directed to execute any assurances necessary and required by the Title I of the Housing and Community Development Act of 1974, as amended, and is authorized and directed, as the authorized representative of the Berkeley County, to act in an official capacity in connection with said matching funds and to provide such additional information as may be required; and if said funds are awarded by the South Carolina Department of Commerce, Division of Community Grant Programs, that the County Supervisor is authorized and directed to execute such documents as may be required to secure said funds.

ADOPTED THIS 28th DAY of February, 2005

BERKELEY COUNTY COUNCIL



JAMES H. ROZIER, JR., Supervisor
CHAIRMAN OF COUNTY COUNCIL

ATTEST:

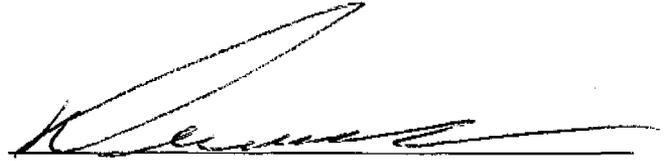


Barbara B. Austin
Clerk of County Council

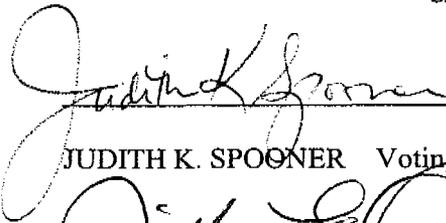
MEMBERS OF COUNTY COUNCIL



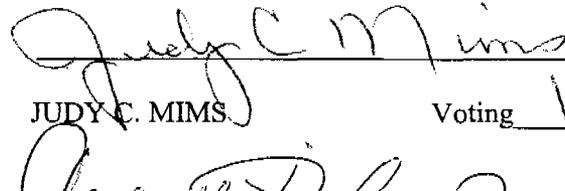
PHILLIP FARLEY Voting yes



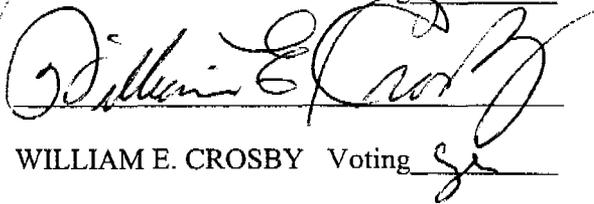
DENNIS L. FISH Voting yes



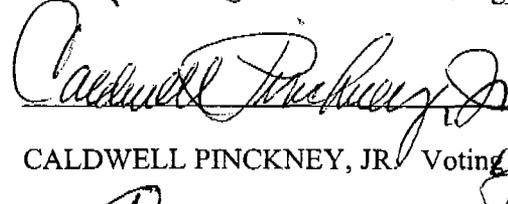
JUDITH K. SPOONER Voting yes



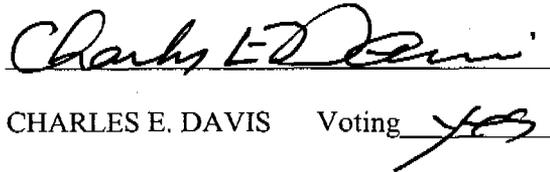
JUDY C. MIMS Voting yes



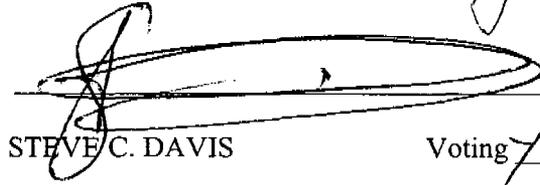
WILLIAM E. CROSBY Voting yes



CALDWELL PINCKNEY, JR. Voting yes



CHARLES E. DAVIS Voting yes



STEVE C. DAVIS Voting yes

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE NATURAL RESOURCES CONSERVATION SERVICE (NCRS), UNITED STATES DEPARTMENT OF AGRICULTURE, FOR WATERSHED RESTORATION ASSOCIATED WITH HURRICANE GASTON

WHEREAS, Hurricane Gaston swept across Berkeley County on August 29, 2004, causing damage across the County, including hazards creating a sudden watershed impairment; and

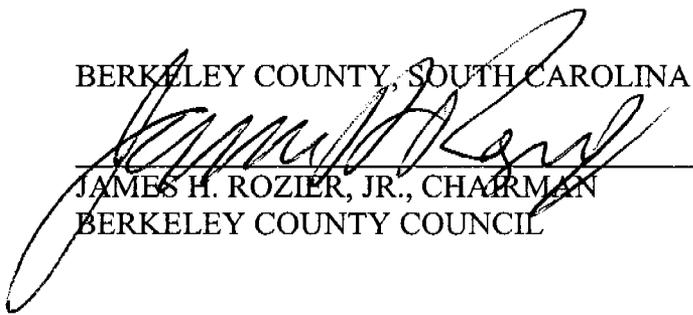
WHEREAS, Berkeley County and the Natural Resources Conservation Service (NCRS), United States Department of Agriculture, have agreed to a plan for emergency watershed restoration whereby the NCRS will provide 75 percent of the agreed-upon costs of performing the improvements and Berkeley County will provide 25 percent of the agreed-upon costs by providing the workforce to perform the improvements; and

WHEREAS, Berkeley County Council finds it beneficial to the health, safety and welfare of Berkeley County citizens to enter into the agreement with the NCRS.

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council, in a meeting duly assembled, that the County Supervisor is authorized to execute an agreement with the Natural Resources Conservation Service (NCRS), United States Department of Agriculture, for watershed restoration associated with Hurricane Gaston.

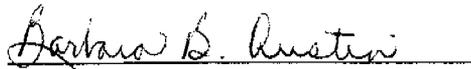
DONE this 28th day of February, 2005.

BERKELEY COUNTY, SOUTH CAROLINA



JAMES H. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

Attest:


Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Judy C. Mims

JUDY C. MIMS Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes

PROCLAMATION

Whereas hunger is a concern among the 26% of people in South Carolina who live at or below the poverty level, and

Whereas 1 in every 4 children in South Carolina is food insecure or hungry, and

Whereas 27% of all food grown in this country is thrown away, and

Whereas gardeners need to help those in need in their community, and

Whereas last year 82,194 pounds of fruits and vegetables were donated by local gardeners and farmers, and

Whereas Plant a Row for the Hungry is sponsored locally by Clemson Extension Service and its Master Gardener Program, and

Whereas Plant a Row for the Hungry helps to provide fresh fruits and vegetables which are distributed by local agencies and organizations, and

Whereas Plant a Row for the Hungry makes fresh food a reality for children, the homeless, the poor, the elderly, the sick and infirm, and those in crisis who might not otherwise have access to fresh food

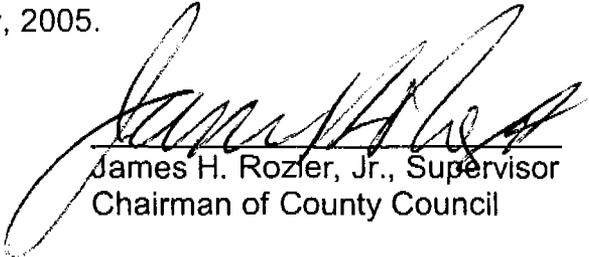
LET IT BE KNOWN THAT:

The County of Berkeley hereby joins with the heart and spirit of the Low Country Plant a Row for the Hungry campaign, created by the Garden Writers Association of America and coordinated by Clemson University Cooperative Extension Service, to inspire and organize the public in a dedicated effort to eliminate hunger within our boundaries. The County of Berkeley hereby dedicates the month of March in the year 2004 as

Low Country Plant a Row for the Hungry Month

This proclamation is made by James H. Rozier, Jr., Supervisor and Chairman of County Council of Berkeley County recognizing March 2005, as Low Country Plant a Row for the Hungry month and calling upon all Berkeley County residents, Master Gardeners, appropriate officials, organizations and businesses to dedicate efforts to the relief of hunger and all Americans to conduct observances and programs designed to inform the public of the necessity and value of this essential program.

Adopted this 28th Day of February, 2005.


James H. Rozier, Jr., Supervisor
Chairman of County Council

ATTEST:

Barbara B. Austin

Barbara B. Austin
Clerk of County Council

MEMBERS OF COUNTY COUNCIL

Phillip Farley

PHILLIP FARLEY Voting yes

Dennis L. Fish

DENNIS L. FISH Voting yes

Judith K. Spooner

JUDITH K. SPOONER Voting yes

Judy C. Mims

JUDY C. MIMS Voting yes

William E. Crosby

WILLIAM E. CROSBY Voting yes

Caldwell Pinckney, Jr.

CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis

CHARLES E. DAVIS Voting yes

Steve C. Davis

STEVE C. DAVIS Voting yes