

September 29, 2015
Charleston, SC

A regular meeting of County Council of Charleston County was held on the 29th day of September, 2015, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, North Charleston, South Carolina.

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

Also present were County Administrator Keith Bustraan and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation and Mr. Dawson led in the pledge to the flag.

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

The Chairman recognized Sheriff's Office staff who assisted with traffic control during the emergency Main Road drainage and roadway repair project. On the morning of August 31, the Bees Ferry Road/Main Road area received in excess of 6 inches of rain. In conjunction with the rains the area experienced extreme high tides or "kings tides". Due to the combination of these events, a section of Main Road between US 17 and the Limehouse Bridge was overtopped with water. For a period of Monday, Tuesday and Wednesday, this section of Main Road was closed or partially closed to traffic. This caused severe gridlock on the only other road on or off of Johns Island. During this time period, Charleston County Sheriff's Office personnel provided traffic control. The Chairman presented challenge coins to thank them for their assistance.

The following Patrol Deputies manned the Main Rd flooding:

Engler
Brian Moniz
C. Sanders
C. Harris
D. Johnson
Bedsaul
Rissanen

The following Traffic Deputies manned the Main Rd. flooding:

Sgt. Burrell
Barton
Craven
Fawcett
Hock
H. Martin
Pate

B. Roy
Shorter
Woodall

The Chairman recognized Eileen Chepenik from Trident Literacy Association to accept a resolution proclaiming September 2015 Literacy Month in Charleston County. The resolution is as follows:



A RESOLUTION OF CHARLESTON COUNTY COUNCIL

*In Honor of International Literacy Day, September 8, 2015, and
National Adult Education and Family Literacy Week, September 20-26*

WHEREAS, the need for a highly literate citizenry increases as our community moves toward an increasingly technological future; and,

WHEREAS, approximately 25% of Charleston County's adults experience literacy issues that impact severely on their lives and families, their ability to work productively, and their full participation as citizens and residents of our community and state; and,

WHEREAS, Trident Literacy Association provides instruction to nearly 1,000 adults in Charleston County annually, helping them improve their skills so they can earn their GED and WorkKeys Career Readiness Certificates, learn English as a Second Language, gain computer skills, qualify for jobs and contribute to our economic growth; and,

WHEREAS, Charleston County deems it important to recognize and highlight the economic and societal importance of literacy.

NOW THEREFORE BE IT RESOLVED, in meeting duly assembled, that Charleston County Council does hereby proclaim September 2015 as Literacy Month, September 8, 2015, as Literacy Day and September 20-26, 2015, as Adult Education and Family Literacy Week in Charleston County, South Carolina,

and urges its citizens to learn more about the importance of literacy and to become involved with literacy in our community.

**CHARLESTON COUNTY COUNCIL
J. Elliott Summey, Chairman
September 29, 2015**

The Chairman recognized Project Officers Kevin Limehouse and Amanda Ramage to talk about Customer Service Week. Mr. Limehouse stated that Customer Service Week would be observed by Charleston County Government the week of October 5-9, 2015, and the following events would take place during that week:

Monday 10/5:

- Information booth - Public Services Building (PSB)-11 AM to 2 PM
- 9-1-1 Public Education
- EMS

Tuesday 10/6:

- Information booth - PSB 11 AM to 2 PM
- Veteran’s Affairs
- Board of Elections and Voter Registration
- Meet a Veteran Speaking Engagement
- Charleston County Council Resolution - Council Chambers-6:30 PM

Wednesday 10/7:

- Information booth - PSB 11AM to 2 PM
- Charleston County Sheriff’s Office (Special Units) and Detention Center, Bomb Squad Robot and Motorcycle Unit

Thursday 10/8:

- Information booth - PSB 11AM to 2 PM
- Charleston Center (Department of Alcohol and Other Drug Abuse Services)
- Charleston County Library

Friday 10/9:

- Animal Society Adoption Event 11 AM to 2 PM
- Food trucks at the PSB

Amanda Ramage recognized second grader Whitney Werking and ninth grader Jaelyn Thieman as the winners of the Everyday Heroes Art Contest and presented each with an award.

An ordinance approving certain amendments to the Zoning and Land Development Regulations was given third reading. The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

ZLDR
Amendments

Ordinance
3rd Reading

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

The vote being eight (8) ayes and one (1) nay, the Chairman declared the ordinance to have received third reading.

The ordinance is as follows:

**AN ORDINANCE
 AMENDING THE CHARLESTON COUNTY ZONING AND LAND
 DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202,
 AS AMENDED: CHAPTER 2, REVIEW AND DECISION-MAKING
 BODIES; CHAPTER 3, DEVELOPMENT REVIEW
 PROCEDURES; CHAPTER 4 BASE ZONING DISTRICTS; AND
 CHAPTER 8, SUBDIVISION REGULATIONS.**

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County of Charleston to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Charleston County Planning Commission has reviewed the proposed amendments of the text of various chapters of the Charleston County Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in South Carolina law and the ZLDR and has recommended that the Charleston County Council (County Council) adopt the proposed amendments of the text of the ZLDR as set forth herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, County Council held at least one public hearing, and after close of the public hearing, County Council approved the proposed text amendments based on the Approval Criteria of Section 3.3.6 of Article 3.3 of the ZLDR; and

WHEREAS, County Council has determined the proposed text amendments meet the following criteria:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition; and
- B. The proposed amendment is consistent with the adopted Charleston County Comprehensive Plan and goals as stated in Article 1.5; and
- C. The proposed amendment is to further the public welfare in any other regard specified by County Council.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. AMENDMENTS OF THE TEXT OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Charleston County Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendments attached hereto as Exhibit "A" and made part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 29th day of September, 2015.

CHARLESTON COUNTY COUNCIL
By:

September 29, 2015

J. Elliott Summey
Chairman of Charleston County

Council
ATTEST:

By: _____
Beverly T. Craven
Clerk to Charleston County Council

First Reading: August 25, 2015
Second Reading: September 15, 2015
Third Reading: September 29, 2015

EXHIBIT "A"

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: CHAPTER 2, REVIEW AND DECISION-MAKING BODIES; CHAPTER 3, DEVELOPMENT REVIEW PROCEDURES; CHAPTER 4 BASE ZONING DISTRICTS; AND CHAPTER 8, SUBDIVISION REGULATIONS.

CHAPTER 2 REVIEW AND DECISION-MAKING BODIES

§2.4.2 DECISION MAKING AUTHORITY

The Director of the Planning Department shall have final decision-making authority on the following matters:

- A. Written Interpretations;
- B. Zoning Permits;
- C. Preliminary Subdivision Plats;
- D. Final Subdivision Plats; and
- E. All other sections of this ordinance and applications that require approval and/or interpretation by the Planning Director.

CHAPTER 3 DEVELOPMENT REVIEW PROCEDURES

§3.1.12 SUCCESSIVE APPLICATIONS

A. Time Limit

If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, development or use on the subject parcel, whether the parcel is in its original configuration, expanded or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application.

B. Waivers

The time limit of Section 3.1.12A notwithstanding, Decision-Making Bodies may, after receipt of written petition by the property owner, waive the waiting period requirement by a 2/3 vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give written notice to the Planning Director, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Denial of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the subject property.

C. Applications Withdrawn Before Public Hearing Notice

Withdrawal of an application by the applicant before advertisement of any public hearing and before any required signs have been posted on the subject property shall be considered a termination of the application. Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12-month waiting period.

D. Applications Withdrawn After Public Hearing Notice

Withdrawals of applications that occur after advertisement of any public hearing or after any required signs have been posted on the subject property shall be treated the same as a denied application. Application processing shall terminate upon receipt of written notice from the applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Section 3.1.12B of this Chapter.

E. Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals

Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any required signs have been posted on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by County Council. For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals the applicant must file a reconsideration application and letter stating the reason for the reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the applicant shall file the applicable Appeal, Special Exception or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.

F. Requests for Postponements of Applications to the Planning Commission

Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawals. In the event an application is withdrawn for failure to meet the ten (10) day provision, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances as determined in the sole discretion of the Planning Commission.

§3.6.1 APPLICATION FILING

- A. Applications for Special Exceptions shall be submitted to the Planning Director on forms available in the Planning Department.

- B. Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.

- C. Special Exception applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.

- D. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Special Exception application signed by the current property owner(s).

 - 2. Applicant's letter of intent explaining the proposed use and how it meets the Approval Criteria of Section 3.6.5.

 - 3. Site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable. However, if the property was developed before April 21, 1999, no site improvements have been made since April 21, 1999, and the proposed use does not require site improvements, as determined by the Planning Director, the applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan. One 24 x 36 copy and twenty (20) reduced 11 x 17 copies shall be submitted.

4. A copy of a legible approved and recorded plat.
5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.
6. Any other information that the Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Article 3.6.

CHAPTER 4 BASE ZONING DISTRICTS

Section 4.2.3.A. Exceptions to Setbacks

- H. One Time Subdivision of a Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed if each lot resulting from the subdivision meets the minimum lot area of the zoning district. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the side setback required for the zoning district. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NONCONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.3 RM, Resource Management District

Section 4.3.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the RM Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.4 AG-15, Agricultural Preservation District

Section 4.4.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-15 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.5 AG-10, Agricultural Preservation District

Section 4.5.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-10 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.6 AG-8, Agricultural Preservation District

Section 4.6.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-8 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.7 AGR, Agricultural/Residential District

Section 4.7.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AGR Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.8 RR-3, Rural Residential District

Section 4.8.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the RR-3 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.9 S-3, Special Management 3 District

Section 4.9.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the

subdivision meets the minimum lot area requirement of the S-3 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.10 R-4, Single Family Residential 4 District

Section 4.10.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the R-4 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

Article 4.13 MHS, Low-Density Manufactured Housing Subdivision District

Section 4.13.5. One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999

A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the MHS Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.

CHAPTER 8 SUBDIVISION REGULATIONS

ARTICLE 8.15 CONSERVATION SUBDIVISIONS

§8.15.1 PURPOSE AND INTENT

Conservation subdivisions implement the Charleston County Comprehensive Plan by encouraging residential development in the Rural Areas to maintain rural

character and conserve land, promoting compact development form, and preserving natural features. The guidelines for site development emphasize setting aside and conserving the most sensitive areas of a site, with the development of building lots on the remaining less sensitive areas.

§8.15.2 COMPLIANCE WITH THE CHARLESTON COUNTY COMPREHENSIVE PLAN

Conservation subdivisions implement Rural Guideline 3 of the Comprehensive Plan, which states “Develop gross densities at the higher range of the recommended future land use when Clustering or Conservation Design is used, as exhibited in Figure 3.1.3, to offset the provision of significant amounts of preserved land, especially in the Rural Residential and Rural Agricultural Future Land Use categories.” Conservation subdivisions shall comply with the applicable Rural Area Purpose and Intent and Rural Guidelines contained in Chapter 3 of the Charleston County Comprehensive Plan.

§8.15.3 APPLICABILITY

Conservation subdivisions shall be allowed within the RR-3, Rural Residential, and AG-8, Agricultural Preservation, Zoning Districts. In case of conflict between the regulations of this Article and other regulations in this Ordinance, the regulations of this Article shall control. Where no special Conservation Subdivision regulation is stated in this Article, the regulations of the applicable underlying Zoning District and all other applicable provisions of this Ordinance shall apply.

§8.15.4 PROCEDURES

The preliminary plat and final plat subdivision regulations outlined in Chapter 8 of this Ordinance shall apply to conservation subdivisions. A pre-application Sketch Plan review meeting with County staff shall be required prior to preliminary plat submittal.

§8.15.5 PROCESS

The conservation subdivision process shall include:

A. RESOURCE ANALYSIS/MAPPING

The applicant shall identify and map significant natural and cultural resources within the development boundaries. The resource analysis shall identify two categories of resources: primary Conservation Areas and secondary Conservation Areas. Primary Conservation Areas include bodies of water, wetlands, floodplains, wildlife habitat, significant vegetation (particularly Grand Trees and Protected Trees), historic buildings, and any historical or archaeological sites. Secondary Conservation Areas include, but are not limited to, areas of

active agricultural use(s), scenic vistas, and lands with recreational opportunities. The resource analysis may also show any resources and protected open space on neighboring parcels, through aerial photography and other readily accessible documentation, which may enhance the proposed conservation subdivision. All conservation subdivision applications shall include a resource analysis map and calculations for the Conservation Area.

B. SKETCH PLAN REVIEW

The applicant shall schedule a pre-application sketch plan review meeting with County staff. At that time, the applicant shall submit a detailed sketch plan delineating Conservation Areas and cluster lot development areas based on the resource analysis map. Significant cultural and natural resources identified on the resource analysis map shall be included in Conservation Areas. The sketch plan review is intended to ensure that the property improvements are in compliance with conservation subdivision requirements of this Ordinance and the Comprehensive Plan.

C. PRELIMINARY PLAT REVIEW AND APPROVAL

Based on the resource analysis map and sketch plan review, the applicant shall submit a plat for preliminary plat review and approval, in compliance with the requirements of this Article and with Chapter 8 of this Ordinance. The preliminary plat shall identify the Conservation Areas and cluster lot development areas.

D. FINAL PLAT REVIEW AND APPROVAL

The applicant shall submit a conservation subdivision plat for Final Plat review and approval, in compliance with the requirements of this Article and with Chapter 8 of this Ordinance. The final plat shall identify the Conservation Areas and cluster lot development areas.

§8.15.6 DENSITY/INTENSITY AND DIMENSIONAL STANDARDS

Conservation subdivisions shall be subject to the following density/intensity and dimensional standards:

CONSERVATION SUBDIVISION DEVELOPMENT INTENSITY STANDARDS		
See also §		
	RR-3 Zoning District	AG-8 Zoning District
MINIMUM CONTIGUOUS SITE AREA	3 acres	30 acres
MAXIMUM DENSITY	1 dwelling unit per 2 acres	1 dwelling unit per 6 acres

Note: Maximum density shall be calculated based on the total highland acreage and shall not include freshwater wetland or OCRM Critical Line area acreage.	when 30% to 49.9% of total site area is delineated as a Conservation Area	when 30% to 49.9% of total site area is delineated as a Conservation Area
	1 dwelling unit per acre when 50% or more of total site area is delineated as a Conservation Area	1 dwelling unit per 4 acres when 50% or more of total site area is delineated as a Conservation Area
WATERFRONT DEVELOPMENT STANDARDS	See §8.15.7 for lots abutting an OCRM Critical Line	
MINIMUM LOT AREA	Variable but must establish min. 40' x 40' buildable area and meet all Zoning, SCDHEC, Building Services, and Fire Department requirements	
MINIMUM LOT WIDTH: DEPTH RATIO	Depth of the Lot shall not exceed 5 times the width of the lot (1:5 ratio)	
MINIMUM SETBACKS AND BUFFERS		
Front Yard	25 feet	
Side Yard	10 feet	
Rear Yards	10 feet	
Perimeter Buffers	See §8.15.9.C	
OCRM Critical Line Setbacks and Buffers	See §8.15.7 for lots abutting an OCRM Critical Line	
MAXIMUM LOT COVERAGE (includes all impervious surfaces)		
Lot less than 15,000 square feet in size	25%	
Lot 15,000 square feet or greater in size	3,750 square feet	
MAXIMUM HEIGHT	35 feet	

§8.15.7 WATERFRONT LOT STANDARDS

One of the following standards must be utilized to determine the lot configuration and number of lots to be located along an OCRM Critical Line.

- A. When a 50 foot to 74.9-foot setback from the OCRM Critical Line is utilized on private lots in a Conservation Subdivision:
 - 1. The total number of waterfront lots created shall not exceed the total number of waterfront lots that could be developed based on a 135 foot lot width average.

2. A thirty-five (35) foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 3. A private dock or joint use dock may be utilized.
- B. When a minimum 75 foot setback from the OCRM Critical Line is utilized on private lots in a Conservation Subdivision:
1. The total number of waterfront lots created shall not exceed the total number of waterfront lots that could be developed based on a 100 foot lot width average.
 2. A 35 foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 3. If a dock is desired, a joint use dock shall be utilized.
- C. When a 100 foot setback from the OCRM Critical Line is utilized as protected open space through a Conservation Area in a Conservation Subdivision:
1. The total number of lots created shall only have to meet the dimensional standards listed in Section 8.15.6, above, and shall not be calculated based on any lot width average.
 2. A 35 foot buffer from the OCRM Critical Line must be maintained, as required by Section 8.15.9.C below.
 3. If a dock is desired, a community dock must be utilized; however, the community dock shall be exempt from the Special Exception requirement.

§8.15.8

CONSERVATION AREA STANDARDS

Conservation Areas shall be located to preserve significant resources and shall comply with the following requirements:

- A. Conservation Areas shall be detailed on each Sketch Plan and recorded with the Final Plat, Conditional Plat, or separate instrument.

- B. Conservation Areas may include unimproved land, agricultural lands, natural landscapes, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to agricultural or recreational uses, as well as freshwater wetland areas and surface water. Conservation Areas shall not be occupied by streets, drives, parking areas, or structures, other than agricultural or recreational structures.
 - a. Conservation Areas shall be provided within each phase of the conservation subdivision in sufficient amounts to serve the expected population of that phase.

 - b. The applicant must have proof of commitment from the entity that will be responsible for the Conservation Area prior to the recording of a plat. Conservation Areas shall be conveyed prior to recording the final plat, in accordance with one of the methods listed below:
 - 1. By dedication to the County as publicly-owned open space. Parks, conservation areas, and recreation facilities proposed for dedication to the County must be acceptable to the Parks and Recreation Commission, Planning Commission, County Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or

 - 2. By leasing, conveying, or retaining title to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the Conservation Area(s) to open space and/or agricultural or recreational uses.

§8.15.9 CONSERVATION SUBDIVISION DESIGN STANDARDS

Generally, a conservation subdivision has three primary characteristics: smaller building lots; more open space; and protection of cultural and natural features and agricultural lands.

A. VEHICULAR ACCESS

The requirements of Appendix A Road Construction Standards of this Ordinance shall apply. Lots shall be configured to minimize the amount of roadway and driveway length. Shared driveways shall be utilized in order to minimize impervious surfaces through the reduction of pavement area. The use of pervious materials for driveway construction is required.

B. PEDESTRIAN ACCESS

Pedestrian access shall be provided from all residential lots to the Conservation Area(s) through a continuous system of pervious walkways and/or trails. Access corridors in an easement a minimum of 10' in width shall be utilized to separate clusters of contiguous lots and to connect the conservation area(s) to the right-of-way and trail system.

C. BUFFERS

The conservation subdivision development shall be designed to preserve existing non-invasive vegetation. A 35' minimum natural undeveloped buffer shall be preserved along the external perimeter and/or property line of the conservation subdivision development, as well as along all OCRM Critical Lines, in order to protect natural features and retain the rural community character. The buffer may be included within the Conservation Area(s) or within individual parcels.

§8.15.10 ACCESSORY DWELLING UNITS WITHIN A CONSERVATION SUBDIVISION

One (1) maximum 600 square foot detached accessory dwelling unit is allowed on lots that do not abut an OCRM Critical Line. Accessory dwelling units shall not be permitted on private waterfront lots.

An ordinance rezoning 1232 Main Road was given third reading. The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

Rezoning 1232
Main Road

Ordinance
3rd Reading

Condon	- aye
Darby	- aye
Johnson	- aye

Pryor	- aye
Qualey	- nay
Rawl	- aye
Sass	- nay
Schweers	- nay
Summey	- aye

The vote being six (6) ayes and three (3) nays, the Chairman declared the ordinance to have received third reading.

The ordinance is as follows:

**AN ORDINANCE
 REZONING THE REAL PROPERTY LOCATED AT 1232 MAIN
 ROAD, PARCEL IDENTIFICATION NUMBER 281-00-00-042,
 FROM THE AGRICULTURAL/RESIDENTIAL (AGR) ZONING
 DISTRICT TO THE RURAL COMMERCIAL (CR) ZONING
 DISTRICT.**

WHEREAS, the property identified as parcel identification number 281-00-00-042 is currently zoned Agricultural/Residential (AGR) District; and

WHEREAS, the current owner or agent thereof requests a rezoning of the property, and a complete application for rezoning the property was submitted to the Charleston County Zoning and Planning Department requesting, among other things, that the parcel be rezoned to the Rural Commercial (CR) District, pursuant to Article 3.4 of the *Charleston County Zoning and Land Development Regulations* (ZLDR); and

WHEREAS, the Charleston County Planning Commission reviewed the application for rezoning and adopted a resolution, by majority vote of the entire membership, recommending that Charleston County Council (County Council) approve the application for rezoning based on the procedures established in South Carolina law and the Approval Criteria of Article 3.4 of the ZLDR; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, the County Council held at least one public hearing and after close of the public hearing, County Council has determined the rezoning meets the following criteria of Section 3.4.6 of Article 3.4 of the ZLDR:

- A. The proposed amendment is consistent with the *Comprehensive Plan* and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is

compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;

- C. The proposed amendment corrects a zoning map error or inconsistency;
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. REZONING OF PROPERTY

The property identified as parcel identification number 281-00-00-042 is hereby rezoned from the Agricultural/Residential (AGR) Zoning District to the Rural Commercial (CR) Zoning District. The zoning map of Charleston County is hereby amended to conform to this change. Any development on the site must conform to all requirements of the *Charleston County Zoning and Land Development Regulations* and other applicable laws, rules and regulations.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by County Council.

ADOPTED and APPROVED in meeting duly assembled this 29th day of September, 2015.

CHARLESTON COUNTY COUNCIL

By: _____
J. Elliott Summey
Chairman of Charleston County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk of Charleston County Council

First Reading: August 25, 2015
Second Reading: September 15, 2015
Third Reading: September 29, 2015

An ordinance granting an easement to SCE&G was given third reading. The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

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

The vote being nine (9) ayes, the Chairman declared the ordinance to have received third reading.

The ordinance is as follows:

**AN ORDINANCE
APPROVING AND AUTHORIZING THE GRANT OF AN
EASEMENT TO SOUTH CAROLINA ELECTRIC AND GAS
COMPANY ON A PORTION OF COUNTY PROPERTY,
IDENTIFIED AS TAX MAP PARCEL NUMBER 460-14-00-019,
LOCATED AT 3-5 CHARLESTON CENTER DRIVE,
CHARLESTON, SOUTH CAROLINA**

WHEREAS, South Carolina Electric and Gas (“SCE&G”) has requested the grant of an easement of sixteen (16) feet by twenty (20) feet for the construction and use of a switchgear and an adjacent area on the east side of the switchgear of eight (8) feet by thirty-five (35) feet across a portion of Charleston County’s real property identified by tax map parcel identification number 460-14-00-019, located at 3-5 Charleston Center Drive, in Charleston, South Carolina, in order for SCE&G to construct and place a pad mounted switchgear that will serve the future Medical University of South Carolina Children’s Hospital and to relocate underground electric lines; and

WHEREAS, SCE&G will pay for all costs of constructing, maintaining, and repairing the easement, as needed; and

WHEREAS, SCE&G will be responsible for any damages to County property occurring during its construction and placement of the pad mounted switchgear and relocation of the underground electric lines and its use of the easement; and

WHEREAS, Charleston County Council finds that granting the easement is an appropriate public use for this property; and

WHEREAS, Charleston County Council also finds that the easement will be a benefit to the County and other businesses in the area, and it consents to SCE&G having an easement across the property owned by the County; and

NOW, THEREFORE, BE IT ORDAINED by County Council of Charleston County, South Carolina in meeting duly assembled finds as follows:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants an easement of sixteen (16) feet by twenty (20) feet for the construction and use of a switchgear and an adjacent area to the east side of the switchgear of eight (8) feet by thirty-five (35) feet across a portion of Charleston County's real property identified by parcel identification number 460-14-00-019, located at 3-5 Charleston Center Drive, in Charleston, South Carolina, for SCE&G to place a pad mounted switchgear that will serve the future MUSC Children's Hospital and to relocate underground electric lines. SCE&G will be responsible for any damages to County property occurring during its construction and placement of the pad mounted switchgear and relocation of the underground electric lines and during its use of the easement, or anyone on its behalf to include its invitees. SCE&G will pay for all costs of constructing, maintaining, and repairing the easement, as needed. The location of the easement is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval following third reading.

ADOPTED and APPROVED in meeting duly assembled this 29th day of September, 2015.

CHARLESTON COUNTY COUNCIL

By:

J. Elliott Summey
Chairman of County Council

An ordinance approving the dissolution of the Charleston Center Advisory Board was given third reading. The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

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

The vote being nine (9) ayes, the Chairman declared the ordinance to have received third reading.

The ordinance is as follows:

**AN ORDINANCE
AMENDING AND DELETING SECTIONS 11-154, 11-155, 11-156,
11-157 AND 11-158 OF CHAPTER 11, HEALTH AND
SANITATION, ARTICLE X, ALCOHOL AND OTHER DRUG**

**ABUSE DEPARTMENT, OF THE CHARLESTON COUNTY CODE
OF ORDINANCES, AND DISSOLVING THE CHARLESTON
CENTER ADVISORY BOARD**

WHEREAS, the Charleston County alcohol and other drug abuse department was established by Ordinance Number 908, adopted on November 2, 1993, and the Charleston County Department of Alcohol and Other Drug Abuse and Services (“DAODAS” and commonly known as the “Charleston Center”) was formed and established in accordance with that Ordinance; and

WHEREAS, Ordinance Number 908 also created an alcohol and other drug abuse advisory board (“Advisory Board”), which was authorized to do the following:

- (1) Upon approval of the county council, receive and make recommendations for expending gifts, bequests, devises, contributions, grants, and appropriates from public and private sources;
- (2) Propose a budget to the county council for approval for the activities of the department for each fiscal year beginning July 1 and ending June 30, provided that no budget shall be required for the remainder of the 1993-1994 fiscal year;
- (3) Assess the alcohol and other drug abuse program needs of the community and develop and submit to county council for approval, a county alcohol and other drug abuse plan, pursuant to section 61-5-320(b), Code of Laws of South Carolina, 1976, and make decisions on behalf of the county council with respect to alcohol and other drug abuse programs, i.e., their design, implementation and cancellation, all such decisions subject to the availability of funds;
- (4) Offer coordination, through its staff, to all public and private agencies during the planning stage, seeking input from, and providing an opportunity to participate for, appropriate agencies, interested groups, firms, and individuals;
- (5) Seek and offer coordination, through its staff, for all programs directed toward solving the alcohol and other drug abuse problem;
- (6) Through personal and group efforts and through their staff,

generate and maintain interest among, and enlist the support of, the local community;

- (7) Seek financial support from private and corporate citizens of the community, from foundations and other private sources; and
- (8) Review, through its staff, and make recommendations concerning the application of any agency for alcohol or drug abuse program funds to be spent in the county, providing technical assistance and counsel to the applying agency. The board shall report to the county administrator, in writing, those applications which it considers not in keeping with the approved county program, specifying the factual basis for such conclusions, with a copy of such report to the applying agency;

WHEREAS, Charleston County Council desires to dissolve the Advisory Board, and amends Charleston County Ordinance Number 908, as amended, to provide for the same.

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. AMENDMENT OF CHARLESTON COUNTY CODE OF ORDINANCES, CHAPTER 11, ARTICLE X, SECTION 11-158

The Charleston County Code of Ordinances, Chapter 11, Article X, Sections 11-154, 11-155, 11-156, 11-157, and 11-158 are hereby amended and deleted to dissolve the Charleston Center Advisory Board.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following third reading by Charleston County Council.

ADOPTED and APPROVED in meeting duly assembled this 29th day of September, 2015.

CHARLESTON COUNTY COUNCIL

By:

J. Elliott Summey
Chairman of Charleston County Council

An ordinance approving financial incentives for Project Daily was given second reading by title only. The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

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

The vote being nine (9) ayes, the Chairman declared the ordinance to have received second reading.

The ordinance title is as follows:

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA (THE "COUNTY") AND A COMPANY TO BE IDENTIFIED INITIALLY AS "PROJECT DAILY", ACTING FOR ITSELF, ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE "COMPANY"), WHEREBY THE COUNTY SHALL COVENANT TO ACCEPT NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES IN CONNECTION WITH THE ACQUISITION, IMPROVEMENT AND EQUIPPING OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT"); [(2) SPECIAL SOURCE REVENUE CREDITS IN CONNECTION WITH THE PROJECT]; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE PROJECT; AND (4) OTHER MATTERS RELATING THERETO.

The ordinance in its entirety will appear in the Minutes of Charleston County Council at the time of third reading.

An ordinance approving financial incentives for Project Thor was given second reading by title only. The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

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

The vote being nine (9) ayes, the Chairman declared the ordinance to have received second reading.

The ordinance title is as follows:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND PROJECT THOR; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES

The ordinance in its entirety will appear in the Minutes of Charleston County Council at the time of third reading.

An ordinance authorizing Special Source Revenue Credits for Project Thor was given second reading by title only. The Chairman called for a roll call vote on second reading of the ordinance. The roll was called and votes were recorded as follows:

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

The vote being nine (9) ayes, the Chairman declared the ordinance to have received

second reading.

The ordinance title is as follows:

AN ORDINANCE AUTHORIZING THE
GRANTING OF CERTAIN SPECIAL SOURCE
CREDITS BY CHARLESTON COUNTY, SOUTH
CAROLINA TO PROJECT THOR

The ordinance in its entirety will appear in the Minutes of Charleston County Council at the time of third reading.

A report was furnished by the Finance Committee under date of September 10, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Deputy Clerk to Council Kristen Salisbury regarding the need to make appointments to the St. Andrew's Park & Playground Commission. It was stated that an announcement of vacancies for the St. Andrew's Parks and Playground Commission was previously made.

Applications for reappointment were received from Ronald Bailey and Michael Eykyn. No other applications were received.

The St. Andrews Parks and Playground Commission is a Public Service District formed by the state legislature and is composed of five volunteer citizens that live within the Public Service District. The Commission is appointed by the Governor, upon recommendation of Charleston County Council for a term of three years. The duties of the Commission include preparing an annual budget to be approved by Charleston County Council and making and maintaining policy for the Agency. The staff of St. Andrews Parks and Playground report to the Executive Director who in turn reports directly to the Commission.

Committee recommended that Council recommend that the Governor reappoint Ronald Bailey and Michael Eykyn to the St. Andrew's Park & Playground Commission for terms to expire in July 2019.

Mr. Pryor moved approval of the Committee recommendation, seconded by Ms. Condon, and carried unanimously.

A report was furnished by the Planning/Public Works Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Zoning and Planning Director Dan Pennick regarding a rezoning request received for Buckland Plantation Planned Development. It was stated that the applicant is requesting to rezone from the Agricultural Preservation (AG-8) Zoning District to the Planned Development Zoning District (PD-152) to allow for a maximum of 28 residential lots or a maximum of one dwelling unit per four acres, whichever is more restrictive. Specifically, PD-152 requests the following:

- Allowed uses are limited to single family homes, private stables, community recreation, active recreation, community docks, joint use docks, private docks,

RV and boat storage area (for residents only), boat ramp, and resource extraction (for on-site lake only);

- Accessory dwelling units are prohibited;
- Home occupations are prohibited;
- Equestrian-related special events are allowed in the large open space area and must comply with Article 6.7;
- A minimum of 48 acres of common open space (approximately 40 percent of the total site) that will be owned and maintained by a homeowners' association; and
- Dimensional standards and waterfront development standards of the AG-8 Zoning District.

It was shown that staff and Planning Commission recommended approval of the applicant's request with the following conditions:

1. Land Use Master Plan: Remove the amount of acreage associated with Common Open Space #6.
2. Sec. 3.02, Table of Proposed Land Uses, Footnote 2: Clarify that Community Docks will also comply with Site Plan Review.
3. Sec. 3.02, Table of Proposed Land Uses, Footnote 5: Clarify that the Vehicle Storage Area will have to comply with Site Plan Review and buffer requirements of Section 3.07.
4. Sec. 3.02, Table of Proposed Land Uses, Footnote 6: Delete "site plan submittal" from the sentence so it states that resource extraction uses will comply with ZLDR Sec. 6.4.14, SCDOT, SCDHEC, and County regulations.
5. Sec. 3.04, Dimensional Standards: Add a footnote for Waterfront Development Standards Minimum Lot Width Average that states compliance with ZLDR Section 4.22.1 and attach the section with other ZLDR sections.
6. Sec. 3.07, Buffer: Add the following sentence, "The Vehicle Storage Area shall have a minimum buffer of 25' and be comprised of at least three canopy trees, four understory trees, and 25 shrubs in compliance with Article 9.5 of the ZLDR."
7. Sec. 3.08, Lots to Abut Common Open Space: Change the second sentence to read "The interior lots directly abut the common open space with their rear lot lines, and the remaining lots are oriented to the waterfront."
8. Ensure the Common Open Space will be protected in perpetuity through a legally binding action (e.g. conservation easement, deed restriction, etc.).

Committee recommended approval with Planning Commission's recommended conditions.

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

An ordinance approving PD-152, Buckland Plantation, was given first reading by title only.

The ordinance title is as follows:

AN ORDINANCE

REZONING THE REAL PROPERTIES LOCATED AT 3844 and 3788 CHISOLM ROAD FROM THE AGRICULTURAL PRESERVATION (AG-8) ZONING DISTRICT TO PLANNED DEVELOPMENT ZONING DISTRICT (PD-152).

The ordinance in its entirety will appear in the minutes of Charleston County Council at the time of third reading.

The Chairman stated that the next item on the agenda was the Consent Agenda. Mr. Pryor moved approval of the Consent Agenda, seconded by Ms. Condon, and carried unanimously.

Consent Agenda items are as follows:

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Contracts and Procurement Director Barrett Tolbert regarding the need to award a contract for the New Road (Ravenel) Rocking Project. It was stated that The New Road Rocking project is located within the Town of Ravenel. The project consists of placing stone on New Road over the existing earth road from its intersection with US-17 Savannah Highway to S-10-1332 Old Jacksonboro Road, approximately 2,800 linear feet. The composite of stone shall be no larger than 2 inches and it shall be placed six inches in depth.

It was shown that bids were received in accordance with the terms and conditions of Invitation for Bid No. 4977-16C. State "C" Fund regulations do not allow Small Business Enterprise (SBE) or local preference goals.

Bidder	Total Bid	DBE %
Landscape Pavers Charleston, South Carolina 29417 Principal: Joyce Schirmer	\$120,658.00	100%
Allston Farrell, LLC Mount Pleasant, South Carolina 29465 Principal: Matthew R. Farrell	\$139,690.00	0%
Celek & Celek Charleston, South Carolina 29416 Principal: Brian Celek	\$146,730.00	10.22%
J. R. Wilson Construction Company, Inc. Varnville, South Carolina 29944 Principal: Nathan Wilson	\$149,337.50	0%
BES Construction, LLC Fairhope, Alabama Principal: William W. Bolton	\$152,162.50	5.26%

K&K Industries, Inc. Newberry, Michigan 49868 Principal: Keith Klaty	\$172,568.83	0%
W. E. Davis Construction Company Pinopolis, South Carolina 29469 Principal: William E. Davis III	\$174,510.50	0%

Committee recommended that Council, as agent for the Charleston County Transportation Committee (CTC), authorize award of a contract for the CTC New Road Rocking, to Landscape Pavers, LLC, the lowest responsive and responsible bidder, satisfying all specifications, in the amount \$120,658.00, with the understanding that funding is available through the State "C" Fund for road improvements and the Transportation Sales Tax Roads Program.

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Jeremy Cook, Esquire, attorney for the Goodwill JEDA Bond project, regarding a Resolution in support of the issuance of South Carolina Development Revenue Refunding Bonds for the Goodwill project, in an amount not to exceed \$20,000,000.

Committee recommended that Council, following a public hearing on the matter, adopt a resolution in support of the issuance of South Carolina Development Revenue Refunding Bonds for the Goodwill project, in an amount not to exceed \$20,000,000.

The resolution is as follows:

A RESOLUTION
**IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA
 JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC
 DEVELOPMENT REVENUE REFUNDING BOND (GOODWILL
 PROJECT) SERIES 2015, PURSUANT TO THE PROVISIONS OF
 TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH
 CAROLINA 1976, AS AMENDED, IN THE AGGREGATE PRINCIPAL
 AMOUNT OF NOT EXCEEDING \$20,000,000.**

WHEREAS, the South Carolina Jobs-Economic Development Authority (the "*Issuer*") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

WHEREAS, the Issuer is further authorized by Section 41-43-110 of the Act to issue revenue and revenue refunding bonds payable by the Issuer solely from a revenue producing source

and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

WHEREAS, the Issuer and Goodwill Industries of Lower South Carolina, Inc., a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (“*Goodwill*”), entered into an Inducement Agreement dated July 16, 2015 (the “*Inducement Agreement*”), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Issuer pursuant to the Inducement Agreement, the Issuer proposes, subject to such approval of the State Fiscal Accountability Authority, Charleston County, Dorchester County, Florence County, Horry County and Orangeburg County as may be required by law, to issue not exceeding \$20,000,000 aggregate principal amount of its Economic Development Revenue Refunding Bond (Goodwill Project), Series 2015 (the “*Bond*”), under and pursuant to Section 41-43-110 of the Act, to (a) refinance up to seven existing Goodwill properties described below (including land, real property, improvements, furnishings, fixtures and equipment and other personal property associated therewith), each including a retail store for the resale of donated goods, generally including a finished retail area, a donation drive-thru, goods processing area, offices and training areas and (b) finance all or a portion of the costs associated with the issuance of the Bond; and

WHEREAS, the proceeds of the Bond will be used as follows: (i) approximately \$2,178,419 used to refinance approximately 2 acres of land at 1551 Second Loop Rd., Florence, Florence County, SC 29505 and an approximately 15,000 square foot facility located thereon; (ii) approximately \$2,534,781 used to refinance approximately 2.49 acres of land at 2164 Oakheart Rd., Carolina Forest, Horry County, SC 29579 and an approximately 15,000 square foot facility located thereon; (iii) approximately \$2,677,597 used to refinance approximately 2 acres of land at 1758 Main Rd., Johns Island, Charleston County, SC 29455 and an approximately 15,000 square foot facility located thereon; (iv) approximately \$1,838,461 used to refinance approximately 1.69 acres of land at 1734 St. Matthews Rd., Orangeburg, Orangeburg County, SC 29115 and an approximately 15,028 square foot facility located thereon; (v) approximately \$1,998,327 used to refinance approximately 1.6 acres of land at 825 Orangeburg Rd., Summerville, Dorchester County, SC 29483 and an approximately 12,000 square foot facility located thereon; (vi) approximately \$4,156,520 used to refinance approximately 4 acres of land at 127 Loyola Dr., Myrtle Beach, Horry County, SC 29588 and an approximately 25,000 square foot facility located thereon; and (vii) approximately \$2,556,149 used to refinance approximately 4.65 acres of land at 6813 Rivers Avenue, North Charleston, Charleston County, SC 29406 and an approximately 28,420 square foot facility located thereon (collectively referred to as the “*Projects*”). Items (iii) and (vii) above are hereinafter referred to as the “*Charleston County Project*”. The Projects are owned and operated by Goodwill. Goodwill expects that certain of the Projects will be transferred to Palmetto Goodwill, a South Carolina nonprofit corporation, pursuant to a reorganization to be completed subsequent to the issuance of the Bonds; and

WHEREAS, Goodwill is projecting that the assistance of the Issuer by the issuance of the Bond will result in maintaining employment for approximately 235 employees (as well as a substantial number of indirect job positions through Goodwill’s job training and placement services by the placement of a multitude of Goodwill trainees and jobs placement candidates), in Charleston County, Dorchester County, Florence County, Horry County and Orangeburg County and surrounding areas and that the portion of the Projects located in Charleston County will stimulate the economy of Charleston County and surrounding areas by increased payrolls, capital investment and tax revenues; and

WHEREAS, the County Council of Charleston County and the Issuer have on this date jointly held a public hearing, duly noticed by publication on September 11, 2015, in the *Post and Courier*, a newspaper having general circulation in Charleston County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Charleston County, South Carolina, as follows:

SECTION 1. It is hereby found, determined and declared that (a) the Charleston County Project will subserve the purposes of the Act, (b) the Charleston County Project is anticipated to benefit the general public welfare of Charleston County by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Charleston County Project will give rise to no pecuniary liability of Charleston County or a charge against its general credit or taxing power, (d) the amount of bonds required for the purposes described herein is not exceeding \$20,000,000, and as a part thereof the amount of bonds required to finance or refinance the Charleston County Project is approximately \$5,233,746; and (e) the documents to be delivered by Goodwill and the Issuer with respect to the Bond will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bond, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bond and the maintenance of the Charleston County Project (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that Goodwill shall maintain the Charleston County Project and carry all proper insurance with respect thereto.

SECTION 2. The County Council of Charleston County supports the Issuer in its determination to issue the Bond a portion of the proceeds of which will used be to defray the costs related to the refinancing of the Charleston County Project consisting of (i) approximately \$2,677,597 used to refinance approximately 2 acres of land at 1758 Main Rd., Johns Island, Charleston County, SC 29455 and an approximately 15,000 square foot facility located thereon and (ii) approximately \$2,556,149 used to refinance approximately 4.65 acres of land at 6813 Rivers Avenue, North Charleston, Charleston County, SC 29406 and an approximately 28,420 square foot facility located thereon.

SECTION 3. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 29th day of September, 2015.

September 29, 2015

**CHARLESTON COUNTY, SOUTH
CAROLINA**

By: _____

Chairman, County Council

ATTEST:

By: _____

Clerk to County Council

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Clerk of the County Council of Charleston County, South Carolina, do hereby certify that the foregoing is a true, correct and verbatim copy of a Resolution duly adopted at a meeting of said County Council held on September 29, 2015, at which meeting a quorum was at all times present.

WITNESS MY HAND this ____ day of September, 2015.

Clerk to County Council of
Charleston County, South Carolina

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Contracts and Procurement Director Barrett Tolbert regarding the need to award a contract for the Transportation Sales Tax Covington Drive Sidewalk Project. It was stated that the Covington Drive Sidewalk project is located in the City of North Charleston. The project will consist of installing a concrete sidewalk along the south side of Covington Drive from Dorchester Road to Ryans Bluff Road. The work shall include, but is not limited to, site excavation, concrete sidewalk installation, erosion and sedimentation control, maintenance of traffic during construction, pavement striping and associated appurtenances. The project will be constructed utilizing the items listed on the bid form in the solicitation.

It was shown that bids were received in accordance with the terms and conditions of Invitation for Bid No. 4995-16C. The mandatory Small Business Enterprise (SBE)

utilization for this solicitation is 12.2% and the Disadvantaged Business Enterprise (DBE) goal is 20%.

Bidder	Total Bid Price	SBE Percentage	DBE Percentage
First Construction Management Hanahan, South Carolina 29410 Principal: Roger Holcombe	\$113,671.00	100%	5.96%
IPW Construction Group, LLC Charleston, South Carolina 29423 Principal: Cyrus D. Sinor	\$149,824.80	100%	100%
Green Construction Company of Summerville, Inc. Summerville, South Carolina 29484 Principal: Marion Green	\$169,644.00	100%	100%

Committee recommended that Council authorize award of bid for the TST Covington Drive Sidewalk project to First Construction Management, the lowest responsive and responsible bidder, in the amount of \$113,671.00 with the understanding that funds are available in the roads portion of the Transportation Sales Tax.

The previous item was the last item on Consent Agenda.

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information provided by County Administrator Keith Bustraan and Economic Development Director Steve Dykes regarding financial incentives extended to an economic development project working under the code name "Project Phoenix". It was stated that The Economic Development Director began working during 2015 with national relocation advisors seeking to site a major back office facility for their Fortune 500 client involved in customer care and technical support. The company is proposing a project in North Charleston which involves the expenditure of \$21 million and the creation of 564 new jobs over a 5-year period.

The facility would create a stream of new public revenues of approximately \$8.7 million over the next thirty years, including about \$890,484 for Charleston County. New annual payroll resulting from the project would be approximately \$17 million, with the average wage of the jobs at \$30,551 / yr.

Working with officials from the S.C. Department of Commerce, and readySC (workforce training program) during the recruitment process, the Economic Development Director offered fee-in-lieu-of-taxes (FILOT) as part of the overall state and local incentives package in an effort to help leverage this investment decision. The FILOT would feature a standard 6% assessment rate over a 30 year term, with the millage rate 'fixed' at the current level. The Director also offered a Special Source Revenue Credit (SSRC) to the company for use in site preparation and construction of the new facility. The SSRC is equivalent to 30% of FILOT revenues, not to exceed \$2.6 million.

NOTE: While beginning the FILOT process under a code name to preserve confidentiality, the company plans to finalize its decision and reveal its identity prior to the public hearing. This initial action by County Council to approve the inducement resolution is a key step in facilitating a final decision by the company, and will need to be followed by introduction of an ordinance at an upcoming Finance Committee meeting later this fall / winter. At a future date the development site would also be added to the Charleston – Colleton Multi-County Industrial Park (MCIP), helping to enhance state corporate income tax perks available to the company.

Committee recommended that Council approve an inducement resolution authorizing the execution and delivery of fee-in-lieu-of-taxes (FILOT) and the offering of a Special Source Revenue Credit (SSRC) for 'Project Phoenix' to support development of this \$21 million customer care and technical support center in North Charleston, creating 564 new jobs and a \$17 million annual payroll. FILOT terms will include a 6% assessment rate over the 30 year term, with millage 'fixed' at its current rate of 276.1. SSRC will be equivalent to 30% of FILOT revenues over the 30 year period, not to exceed \$2.6 million.

Mr. Pryor moved approval of the Committee recommendation, seconded by Mr. Rawl, and carried unanimously.

The resolution is as follows:

A RESOLUTION SETTING FORTH THE COMMITMENT OF CHARLESTON COUNTY, SOUTH CAROLINA TO PROJECT PHOENIX, WHEREBY, UNDER CERTAIN CONDITIONS, CHARLESTON COUNTY WILL ENTER INTO A FEE AGREEMENT WITH RESPECT TO CERTAIN PROPERTY AND COVENANT IN SUCH FEE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO SUCH PROPERTY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorised and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the "Code"), and particularly Title 12, Chapter 44 of the Code (the "FILOT Act"), to enter into an inducement agreement which sets forth the commitment of the County to enter into a fee agreement to provide for payment of fees in lieu of taxes ("FILOT Payments") for a project qualifying as "economic development property" under the FILOT Act; and

WHEREAS, the County is presently recruiting an investment in Charleston County by a company presently under the code name "Project Phoenix" in the form of a facility to be located in Charleston County and which constitutes a "project" within the meaning of the FILOT Act (such facility is referred to herein as the "Project"); and

WHEREAS, the Project when completed will represent an anticipated “investment” (as defined in the FILOT Act) (the “Investment”) of approximately \$21,400,000; and

WHEREAS, the County has been advised that upon the completion of the Project, the Project is anticipated to employ approximately 564 full-time employees with an annual payroll of approximately \$17 million; and

WHEREAS, the Project is located entirely within Charleston County and within the incorporated limits of North Charleston and will be included in and subject to the multi-county park and fee-in-lieu of tax arrangements as described herein; and

WHEREAS, the County has made specific proposals, including proposals to offer certain economic development incentives set forth herein, for the purpose of inducing the Project Phoenix to invest its funds to acquire, construct, and equip the Project (the “Incentives”), and is desirous of having the Incentives set forth herein for the purposes of establishing the framework for a working relationship between the County and the Project Phoenix and for forming the basis for the negotiation and documentation of each of the specific Incentives into separate and definitive legally binding agreements; and

WHEREAS, the Incentives provided to the Project would be subject to review by the County and possible adjustments or clawbacks in the event that within five years of entering into specific Incentive agreements, the capital investment, job creation, or payroll is less than the expected \$21.4 million in capital investment or if new job creation lags below the projected 564 new jobs, and an annual payroll of \$17 million, which benefits were the basis for this understanding; and

WHEREAS, the Project Phoenix understands that to approve and implement any of the Incentives, the County will have to comply with all constitutional and statutory requirements, and those requirements may, depending upon the specific proposal involved, include the need to make certain findings with respect to the Project and obtain certain requisite approvals from other councils and bodies and their own governing bodies as required by law, all of which will be evidenced in the definitive documents;

WHEREAS, it is in the public interest, for the public benefit, and in furtherance of the public purposes of the FILOT Act that the County Council provide a preliminary commitment for qualifying the Project under the FILOT Act as economic development property, to provide special source revenue credits (the “SSRC”) in the amount of 72% of each FILOT payment during years 1-12 of the term of the FILOT Agreement, but not to exceed \$2.6 million, and to enter into a “fee agreement” (as defined in the FILOT Act) with respect thereto subject to the conditions described herein;

NOW, THEREFORE, BE IT RESOLVED by the County Council in meeting duly assembled as follows:

Section 1. Preliminary Evaluation of the Project. County Council have evaluated the Project on the following criteria based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors:

- (a) the purposes to be accomplished by the Project are proper governmental and public purposes;
- (b) the anticipated dollar amount and nature of the investment to be made; and
- (c) the anticipated costs and benefits to the County.

Section 2. Findings by County Council. Based upon their investigation of the Project and information provided by Project Phoenix, including the criteria described in Section 1 above, and based upon the advice and assistance of the South Carolina Department of Revenue and the Board of Economic Advisors, County Council hereby find that:

- (a) the Project constitutes a “project” as that term is defined in the FILOT Act;
- (b) the Project will serve the purposes of the FILOT Act;
- (c) the Investment in the Project will be approximately \$21,400,000, all to be invested within the “investment period” (as defined in the FILOT Act); and Project Phoenix will employ 564 full-time employees at the Project, with an annual payroll of \$17,000,000;
- (d) the Project will be located entirely within Charleston County and is anticipated to be located in a multi-county industrial park created pursuant to Code Section §4-1-170;
- (e) the Project is anticipated to benefit the general welfare of Charleston County by providing services, employment, or other public benefits not otherwise adequately provided locally;
- (f) the Project gives rise to neither a pecuniary liability of the County nor a charge against its general credit or taxing power;
- (g) the purposes to be accomplished by the Project are proper governmental and public purposes;

- (h) the inducement of the location of the Project is of paramount importance;
- (i) the benefits of the Project to the public are greater than the cost to the public; and
- (j) this Inducement Resolution shall constitute an action reflecting or identifying the Project for purposes of Section 12-44-40(D) of the FILOT Act.

Section 3. Fee-in-Lieu of Taxes Arrangements. If the Project is located in Charleston County, the County hereby agrees to enter into a fee agreement with respect to the Project under the FILOT Act (the "FILOT Agreement") as to the real and personal property constituting the Project. The FILOT Agreement will provide for FILOT Payments to be made as follows:

(a) the FILOT Payments shall be calculated on the basis of an assessment ratio of six percent (6%);

(b) the fair market value of the property shall be as calculated in the FILOT Act, including providing that the fair market value of real property portions of the Project established for the first year of the FILOT arrangement shall remain the fair market value for the entire term of the FILOT Agreement;

(c) the FILOT Payments on each part shall be payable in 30 annual instalments on the due date which would otherwise be applicable for *ad valorem* property taxes for each part of the Project, with the first instalment for each part of the Project being due on the date when, but for the FILOT Agreement, property taxes would have been paid with respect to such part of the Project;

(d) the FILOT Payments on each part shall be calculated on the basis of the millage rate which shall be [fixed for the full term of the FILOT Agreement] and shall be the lower of the cumulative property tax millage rate levied on behalf of all taxing entities within which the Project is to be located on either (1) the June 30 preceding the year in which the FILOT Agreement is executed, or (2) the June 30 of the year in which the FILOT Agreement is executed, which millage rate is expected to be 276.1 mills; and

(e) the FILOT arrangement shall be available for 30 years for each part of the Project up to a maximum of 35 years for the FILOT arrangement should the Project be completed and put into service in more than one (1) year. At the conclusion of the thirty-year period after each part of the Project is placed in service, FILOT Payments shall be due to the County on such part of the Project

equal to the property taxes that would be due on such part if it were taxable as provided in the FILOT Act.

Section 4. Fee Agreement. The provisions, terms, and conditions of the FILOT Agreement with respect to Project Phoenix shall be prescribed by subsequent ordinance of the County Council. The FILOT Agreement will provide for a fee-in-lieu of taxes arrangement as set forth in this Inducement Resolution. All commitments of the County hereunder are subject to the condition that the County and Project Phoenix do agree on acceptable terms and conditions of all documents, including the FILOT Agreement, the execution and delivery of which are contemplated by the provisions hereof.

Section 5. Multi-County Park.

The County, in cooperation with Colleton County, and/or additional counties which shall be determined by subsequent ordinance(s) (collectively, the “Partner Counties”), will designate the Project site as a multi-county park pursuant to Article VIII, Section 13 of the Constitution of South Carolina and Sections 4-1-170, 4-1-172 and 4-1-175 of the Code (the “Multi-County Park”), and will maintain such designation for a term of at least 12 years to fund the Special Source Revenue Incentive described below, which term shall commence no later than the beginning of the first property tax year in which the Project is placed in service.

Section 6. Special Source Revenue Credits.

(a) After the identification of qualifying infrastructure and additional qualifying property (the “Infrastructure”) located solely within Charleston County and the costs thereof to the satisfaction of the County, the County will provide to Project Phoenix an infrastructure improvement or special source revenue incentive (the “Special Source Revenue Incentive”) under Section 4-1-175 of the Code (the “MCIP Provision”) in the form of the SSRC in the amount of 72% of each FILOT payment made during the years 1-12 of the term of the FILOT Agreement; provided, however, that such SSRC shall not, in the aggregate, exceed (i) \$2,600,000 or (ii) the aggregate cost of the Infrastructure funded from time to time by Project Phoenix.

(b) The documents providing for the Special Source Revenue Incentive shall include customary terms providing: (i) that Project Phoenix will pay the County’s reasonable administrative expenses associated with the approval and implementation of the Special Source Revenue Incentive; and (ii) that Project Phoenix will indemnify and hold the County harmless for claims, losses and damages with respect to the Project.

Section 7. Continued Evaluation of Project.

The undertakings of the County hereunder are contingent upon the County Council continuing to evaluate the Project as beneficial to the public interest after considering all additional circumstances of which the County Council may hereafter become aware and upon the County receiving such further evidence as may be satisfactory to the County as to compliance with all applicable statutes and regulations. The Incentives provided to Project Phoenix would be subject to review by the County and possible adjustment or clawbacks in the event that within five years of entering into the FILOT Agreement, the capital investment, job creation, or payroll is less than the pledged \$21.4 million in capital investment or if new job creation lags below the projected 564 new jobs, with an annual payroll of \$17,000,000, which benefits were the basis for this understanding.

Section 8. Project May Proceed Without Incentives.

The County understands that Project Phoenix may choose not to proceed with the Project as herein provided, in which event this Inducement Resolution shall become void upon written notice to the County as to such choice.

Section 9. No Liability of County.

All commitments of the County under this Inducement Resolution are subject to all of the provisions of the FILOT Act and the condition that nothing contained in this Inducement Resolution or the FILOT Agreement shall constitute nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Accordingly, Project Phoenix will hold the County harmless from all pecuniary liability and reimburse it for all legal expenses which it might reasonably incur in implementation of the terms and provisions of this Inducement Resolution. Subject to the provisions of Section 7 hereof, the County agrees to provide the incentives set forth in this Inducement Resolution as long as Project Phoenix agrees to the payment of all costs and expenses, including legal fees, incurred by the County due to the grant of the incentives set forth herein for the Project.

Section 10. Repeal of Conflicting Resolutions; Effective Date.

All resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force upon its adoption by the County Council.

Adopted this 29th day of September, 2015.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
Chairman, County Council of
Charleston County, South Carolina

ATTEST:

Clerk of County Council
Charleston County, South Carolina

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Contracts and Procurement Director Barrett Tolbert regarding a contract with AT&T to purchase the 9-1-1 internal phone system equipment (ANI/ALI Controller System) for the Consolidated Dispatch Center. It was stated that the County signed a contract with AT&T in 2011 to purchase the 9-1-1 internal phone system equipment (ANI/ALI Controller System) for the Consolidated Dispatch Center. This contract was amended in 2012 to incorporate the needs of a transitional backup site. The Consolidated Dispatch Center is requesting that a second amendment be authorized to extend the contract for three years and incorporate major upgrades to the system. The upgrades are necessary to enable the Emergency Services Internet Protocol System (ESInet), which was authorized by County Council on June 2, 2015. Together, these upgrades will allow for significant improvement of call routing and the ability to receive text messages and multimedia messages. These upgrades will allow for continuity on a national basis with the Next Generation 9-1-1 Standards of the National Emergency Number Association.

In addition to the technical upgrade required for functionality with ESInet, the upgrades include enhanced mapping features which will increase the effectiveness and efficiency of locating 9-1-1 callers and related 9-1-1 call taker functions.

It was shown that the cost of this upgrade is \$98,765 and will be paid from County 9-1-1 funds, with 80% reimbursable from State 9-1-1 Funds. With the three year extension of the contract, the current yearly maintenance cost of \$5,489 will remain the same for an additional three years.

Committee recommended that Council authorize amendment of the contract with AT&T to purchase the 9-1-1 internal phone system equipment (ANI/ALI Controller System) for the Consolidated Dispatch Center and allow staff to complete negotiations and enter into a contract amendment with AT&T for the necessary upgrades to the existing ANI/ALI Controller System, and to extend the existing contract for three years from the contract amendment date, for the cost of \$98,765.00 and a reoccurring cost of \$5,489 with the understanding that funds are available in the Emergency 9-1-1 Fund.

Mr. Pryor moved approval of the Committee recommendation, seconded by Mr. Rawl,

and carried unanimously.

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and Director of Transportation Development Steve Thigpen regarding the Main Road/Highway 17 Intersection Project. It was stated that the intersection of US 17 at Main Road was identified for improvements by the Federal Highway Administration and has been approved by the SCDOT Commission. SCDOT currently plans to implement improvements to the intersection of US 17 at Main Road as a safety improvement project funded through the Federal Highway Safety Improvement Program (\$2 Million) and allocated funding in the amount of \$1.5 Million provided from the Transportation Sales Tax per Council Directive 13-9 dated January 23, 2013. On May 3, 2013 a Financial Participation Agreement between Charleston County and SCDOT was executed formalizing the funding for the project.

It was shown that the current design under development by SCDOT is a superstreet intersection which improves safety and capacity by reducing the number of conflicting movements. However, the ideal alternative, as identified and documented by SCDOT and Charleston County is a grade separated interchange. A grade separated interchange alternate would construct a Main Road bridge over US 17 to physically separate US 17 through movement traffic from all other traffic movements. It allows US 17 through movements to operate in free flow condition. SCDOT selected the superstreet design as the preferred alternative because a grade separated interchange design has overall increased impacts to the environment, including displacements of numerous businesses and a dramatic increase in cost.

SCDOT held a Public Information meeting on May 14, 2013, presenting the superstreet design. There were 160 people in attendance, 55 written comments, and one petition in opposition received. Of the comments received, 22 people stated that they were against the proposed project, two were for it, and five stated no opinion. Further, SCDOT originally anticipated the project to be under construction by summer of 2014. However, due to the public apprehension of the superstreet design the Federal Highway Administration required full oversight of the project as they determined it to be a "Project of Interest." The right-of-way phase of the project has also been extended and the duration is longer than originally scheduled. Due to the delays as described above the project is not expected to be under construction until summer of 2016.

Committee recommended that Council authorize staff to negotiate with SCDOT to terminate the Financial Participation Agreement and reallocate the \$1.5 Million to begin efforts for the grade separated interchange and drainage improvements and bring the product of those negotiations back to Council for approval.

Mr. Rawl moved approval of the Committee recommendation. The motion was seconded by Ms. Condon.

Mr. Pryor and Mr. Schweers asked if this motion included bringing the negotiations back to Council for final approval. The Chairman confirmed that it did.

Mr. Pryor stated that his biggest concern was that if the DOT wanted to move away from

the Superstreet project, why didn't they come to Council and ask us to end the project and why would Charleston County go to them to ask to negotiate out of the contract when the County had not advanced any money towards the project to date. He stated that he believed the DOT may tell the County that there would be a financial penalty for breaking the contract.

The Chairman stated that in the aftermath of the Johns Island tornado, he had spoken with Secretary of Transportation Christy Hall and DOT Commission Chairman Jim Rozier and that their recommendation to DOT staff would be that there would be no financial penalty associated with ending the Superstreet project. He also stated that the new leadership at the DOT had been marvelous and he looked forward to working with them on projects moving forward.

Mr. Schweers stated that he believed the DOT saw this project as a choice for Charleston County. If the County wanted a project done in the near term, then the Superstreet was the way to go, but if the County is willing to wait a number of years, the DOT is also willing to wait. He also questioned where the funding for this project on top of other projects in Charleston County would come from.

Ms. Johnson stated that she needed clarification because she remembered the DOT had recommended the Superstreet project to us and now they want us to ask them to get out of the project. Chairman Summey stated that as leadership at the state changes, the recommendations of the DOT also change, but that it was his opinion that County Council should do what they believed was right for this community and that was why he was recommending the flyover project.

Ms. Johnson stated that she didn't like the idea of moving money from one project and allocating it to another project. She stated that she believed the citizens of Johns Island liked the Superstreet project. She also said she didn't know where the funding for the flyover project was coming from and she would need to see where the funding was coming from before she could support it.

Mr. Summey stated that sometimes Council goes down a road and sees that it's not going to work out so they need to change direction before they get too far down the street and that spending money on the Superstreet when it is just a temporary fix and then spending additional money down the road for the permanent fix would not be prudent.

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

Condon	- aye
Darby	- nay
Johnson	- nay
Pryor	- nay
Qualey	- aye
Rawl	- aye
Sass	- aye
Schweers	- abstain

Summey

- aye

The vote being five (5) ayes, three (3) nays, and one (1) abstention, the Chairman declared the motion to have passed.

Mr. Rawl stated that he had a discussion with Deputy Administrator for Transportation and Public Works Jim Armstrong and that Mr. Armstrong would appreciate guidance from Council regarding the parameters for negotiation with the DOT. Mr. Rawl asked the Chairman under his authority to direct staff to:

- 1) Request SCDOT to let Charleston County out of the Superstreet Contract and either reimburse or not require Charleston County to allocate \$1.5 Million to the Superstreet project.
- 2) Negotiate to widen Main Road from Bees Ferry to River Road to include the railroad trestle and raise Main Road sufficiently to avoid the drainage issues the County recently responded to.
- 3) Negotiate and be involved in the environmental impact study and construction of an overpass over Highway 17 which would allow Main Road traffic to go over Highway 17 without going through the lighted intersection.

Mr. Pryor stated that he believed the County Attorney's Office needed to be involved in the negotiations.

Chairman Summey stated that as the Deputy Administrator of Transportation and Public Works, Mr. Armstrong would lead the team during negotiations, but that Mr. Dawson or anyone on his staff and any other member of County staff which needed to participate would be a part of the team.

Mr. Pryor stated that he also did not see in the motion where Council was giving staff the authority to negotiate anything about raising or widening Main Road and he believed the item would need to go on a future agenda since the information was not provided in the presented information. The Chairman asked the County Attorney for guidance. Mr. Dawson stated that Council could entertain any and all motions regarding the US17 at Main Road intersection under this agenda item. The Chairman asked if Mr. Rawl would like to make his comments in the form of a motion.

Mr. Rawl moved that Council direct staff to:

- 1) Request SCDOT to let Charleston County out of the Superstreet Contract and either reimburse or not require Charleston County to allocate \$1.5 Million to the Superstreet project.
- 2) Negotiate to widen Main Road from Bees Ferry to River Road to include the railroad trestle and raise Main Road sufficiently to avoid the drainage issues the County recently responded to.
- 3) Negotiate and be involved in the environmental impact study and construction

of an overpass over Highway 17 which would allow Main Road traffic to go over Highway 17 without going through the lighted intersection.

The motion was seconded by Ms. Condon.

Ms. Johnson stated that she did not understand the thinking behind widening Main Road from Bees Ferry to River.

Mr. Rawl stated that his thinking is that widening that length would accommodate the amount of traffic that will be flowing over the Limehouse Bridge and that even if the overpass is in the far future, widening Main Road and raising it near the marsh would help alleviate some of the issues.

Ms. Johnson stated that she understood that prior to her service on Council there was a study done regarding widening Main Road and the idea was ultimately abandoned because of the impact to a number of homes and trees. She also asked if raising Main Road would be necessary if the drainage system under the railroad tracks was upsized.

Mr. Armstrong stated that the two lanes of Main Road could not handle the traffic capacity for the amount of homes currently on Johns Island.

Ms. Johnson asked if Mr. Armstrong would recommend widening the entire length of Main Road.

Mr. Armstrong stated that widening from Bees Ferry to River would be logical termini at this time.

Ms. Johnson stated that her concern was that on Maybank Highway, the road funneled from 4 lanes to 2 lanes right after the bridge at the Stono River and there is a significant bottleneck in that area until the pitchfork is completed and she didn't want to see that same scenario on Main Road.

Chairman Summey asked if Ms. Johnson thought widening the entire length of Main Road would be a better idea.

Ms. Johnson stated that she did not, but if that was the direction Council was headed in, she wanted to know up front.

Mr. Rawl stated that his motion was simply guidance for Mr. Armstrong, not set in stone what the project would be and that Mr. Armstrong's negotiations would come back to Council for approval.

Mr. Darby stated that he needed more time to consider the motion and asked if there was a possibility of deferring a vote on the motion.

Mr. Rawl stated that the motion needed to be voted on at this meeting so Mr. Armstrong could start negotiations right away.

The Chairman called for a roll call vote on the motion. The roll was called and votes

were recorded as follows:

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

The vote being five (5) ayes, three (3) nays, and one (1) abstention, the Chairman declared the motion to have passed.

A report was furnished by the Finance Committee under date of September 24, 2015, that it considered the information furnished by County Administrator Keith Bustraan and the request of Council Member Qualey that Council consider renovating the existing James Island Library in addition to building a new library at the Baxter Patrick site.

Committee recommended that Council approve renovation of the current James Island Library, if finances are available at the end of the library construction projects and if funding is not available, bring the renovation back to Council for reconsideration.

Mr. Qualey moved approval of the Committee recommendation. The motion was seconded by Ms. Condon.

Mr. Darby stated that he was concerned about the cost of maintaining two libraries on James Island.

Ms. Johnson stated that she was also concerned about the idea of maintaining two libraries on James Island.

Mr. Pryor asked staff to investigate what the cost would be to make the Cooper River Library a 20,000 square foot library.

Mr. Darby asked staff to get him information regarding patronage at the existing James Island Library.

Mr. Schweers called for the question. His motion was seconded by Mr. Pryor, and carried. Mr. Darby and Ms. Johnson voted against the motion.

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

Condon	- aye
Darby	- nay
Johnson	- nay
Pryor	- aye

Qualey	- aye
Rawl	- nay
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being six (6) ayes and three (3) nays, the Chairman declared the motion to have passed.

The Chairman asked if any member of Council wished to address the Body.

Ms. Johnson and Mr. Rawl thanked staff for their work on Johns Island in the wake of the tornado.

Mr. Pryor asked Mr. Smalls to get him the information he requested regarding the libraries as soon as possible.

Chairman Summey stated that as Council already knew, we have some of the best employees around.

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

Kristen L. Salisbury
Deputy Clerk
Charleston County Council