A regular meeting of County Council of Charleston County was held on the 15th day of September, 2009 at 7:00 p.m. in Council Chambers, Second Floor, Lonnie Hamilton, III Public Services Building, 4045 Bridge View Drive, Charleston, South Carolina.

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

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

Mr. Pryor gave the invocation. Mr. Rawl led in the pledge to the flag.

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

Mr. Summey moved approval of the Minutes of September 1, 2009, seconded by Ms. Condon, and carried.

The Chairman stated that the next four items on Council’s Agenda were requests for Resolutions.

Mr. Summey moved approval of all four requests, seconded by Ms. Condon, and carried.

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Barrett Tolbert, Charleston County Small Business Program Manager, regarding a request for Council to adopt a Resolution recognizing Minority Enterprise Development Week in Charleston County. It was stated that since 1983 the President of the United States has recognized the achievements of the Nation’s minority-owned and controlled business enterprises and their supporters.

Committee recommended that Council approve a Resolution confirming its commitment to Minority Firms and declaring the week of September 21-25, 2009 as Minority Enterprise Development week in Charleston County.

Mr. Pryor requested Ms. Evelyn DeLaine Hart, Director of Charleston County Organization Development to come forward to pick up Council’s Resolution.

Council Member Thurmond presented the Resolution to Ms. DeLaine Hart, and Council Clerk, Beverly T. Craven, read the Resolution into the record.
A RESOLUTION
RECOGNIZING MINORITY ENTERPRISE DEVELOPMENT WEEK

WHEREAS, as of August 2005, the County of Charleston affirmed its commitment to minority enterprises by establishing a program to maximize competition in the purchase of goods and services; to foster dialogue and strategic relationships; and to promote and participate in activities of government and private organizations that help minority businesses, and

WHEREAS, the County of Charleston recognizes the contributions of minority entrepreneurs and firms, and

WHEREAS, the County of Charleston recognizes how vital minority businesses are to the recovery of the American economy and the active role they play in rebuilding our infrastructure, and

WHEREAS, the County recognizes that of the 630,000 minority-owned employer firms, these businesses are providing employment and stability to 4.7 million workers while renewing urban neighborhoods and rural communities, and

WHEREAS, the County of Charleston recognizes that minority enterprises represent a key component of future growth for our economy, and

WHEREAS, since 1983, the President of the United States has recognized the achievements of the Nation’s minority-owned and controlled business enterprises and their supporters, and

NOW, THEREFORE, BE IT RESOLVED BY CHARLESTON COUNTY COUNCIL, THAT THE COUNTY STANDS FIRM IN ITS COMMITMENT TO MINORITY FIRMS AND DECLARES THE WEEK OF SEPTEMBER 21-25, 2009, MINORITY ENTERPRISE DEVELOPMENT WEEK,

CHARLESTON COUNTY COUNCIL
Teddie E. Pryor, Sr., Chairman
September 15, 2009

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Mark Cowell, Director of the County Department of Alcohol and Other Drug Abuse Services, regarding a request for Council to approve a Resolution stating that the month of September is Alcohol and Drug Addiction Recovery Month and September 20, 2009 is Addiction Professionals Day in Charleston County. It was stated that Charleston Center, the County’s Department of Alcohol and Other Drug Abuse Services is one of the most comprehensive systems of care in South Carolina, and provides over 3,500 citizens of Charleston and surrounding counties twenty four hours a day services.
Committee recommended that Council declare by Resolution that the month of September is Alcohol and Drug Addiction Recovery Month and September 20, 2009 is Addiction Professionals Day in Charleston County.

The Chairman request Mark Cowell, Director of the Charleston County Department of Drug and Alcohol Abuse Services and Members of his Staff to come forward to accept the Resolution, which was presented by Council Member Paul Thurmond. The Clerk of Council read the Resolution into the record.

A RESOLUTION  
OF CHARLESTON COUNTY COUNCIL

WHEREAS, substance abuse disorders are serious, chronic, but manageable public health problems affecting millions of Americans of all ages, races and ethnic backgrounds, and having huge medical, societal and economic costs; and,

WHEREAS, Charleston County supports helping citizens live productive lives free from the impact of alcohol and drug addictive behaviors and promotes active recovery for persons whose lives are affected by addiction, and,

WHEREAS, addiction professionals are uniquely qualified, frontline health care professionals vital to the process of guiding patients with addictive disorders to recovery, and committed to increasing public knowledge of alcohol and drug dependency; and,

WHEREAS, National Addiction Professionals Day recognizes and honors the work of addiction professionals while raising awareness about the effectiveness of alcohol and drug addiction treatment.

NOW THEREFORE, BE IT RESOLVED, that Charleston County Council does hereby join in the 20th anniversary observance of and proclamation of the month of September 2009 as

ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in Charleston County and encourages all citizens to recognize the achievement of those who seek to overcome the stigma and secure the benefits of substance abuse treatment and recovery;

AND BE IT FURTHER RESOLVED, that Charleston County Council does hereby join in observance of and proclamation of September 20, 2009 as

ADDICTION PROFESSIONALS DAY

in Charleston County and encourages all citizens to recognize addiction professionals for their commitment to reducing chemical dependency among our residents.
A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and the request received from the National Center on Addiction and Substance Abuse of Columbia University for Charleston County Council to proclaim by Resolution that the fourth Monday of September is Family Day – A Day to Eat Dinner with your Children.

Committee recommended that Council proclaim by Resolution that the fourth Monday of September is Family Day, A Day to Eat Dinner with your Children.

The Chairman instructed the Clerk to read the Resolution into the record, and to forward the signed copy of the Resolution to the proper parties.

A RESOLUTION
OF CHARLESTON COUNTY COUNCIL

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children; and,

WHEREAS, 13 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and,

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse; and,

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented; and,

WHEREAS, parents who are engaged in their children’s lives – through such activities as frequent family dinners – are less likely to have children who abuse substances; and,

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE BE IT PROCLAIMED, CHARLESTON COUNTY COUNCIL does hereby proclaim the fourth Monday in September as

FAMILY DAY A DAY TO EAT DINNER WITH YOUR CHILDREN

and urges all citizens to recognize and participate in its observance.
A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and the request of Cheryl Moniz of the Charleston Trident Literacy Society, for Council to approve a Resolution proclaiming September as Trident Literacy Month in Charleston County.

Committee recommended that Council approve the requested Resolution.

The Chairman requested Cheryl Moniz and Eileen Chepenik to come forwards to accept the Literacy Month Resolution which would be presented by Council Member Colleen Condon.

The following Resolution was read into the record by the Clerk.

A RESOLUTION
OF CHARLESTON COUNTY COUNCIL

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 state; and,

WHEREAS, more than 30,000 adults in Charleston County do not have a high school credential and 10,000 have less than a ninth grade education, which negatively affects their ability to become employed and to participate full as citizens; and

WHEREAS, Trident Literacy Association provides self-paced, individualized instruction in basic literacy, GED preparation, English as a second language, WorkKeys Career Readiness and basic computer skills to approximately 2,000 adults in Charleston County annually; and,

WHEREAS, Trident Literacy Association consistently exceeds the performance standards set by the state and federal governments; and,

WHEREAS, Charleston County Council 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 2009 as Literacy Month 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.
The Chairman announced that at the Planning/Public Works Committee meeting held on August 27, 2009, the Planning/Public Works Committee had recommended approval of the Zoning Change in Case ZREZ-6-09-4372. Mr. Pryor stated that at County Council’s meeting on September 1st, 2009 Council had been advised that the notice of the Public Hearing which was held on August 11th, 2009 regarding the proposed change on the zoning of this property, although posted by the Zoning Department, had been removed. The Chairman added that at the September 1st, 2009 Council Meeting, Council had authorized the holding of a second public hearing on this case, and that the public hearing had been held at 5:00 on September 15, 2009.

Mr. Summey moved approval of the request to change this property from an Agricultural/Residential (AGR) District to a Rural Commercial (CR) District. This motion was seconded by Mr. Rawl, and carried. Mr. Inabinett voted nay.

An Ordinance rezoning property located at 2398 Highway 174, Edisto Island was given first reading by title only.

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 2398 HIGHWAY 174, EDISTO ISLAND, PARCEL IDENTIFICATION NUMBER 028-00-00-059, FROM AN AGRICULTURAL RESIDENTIAL (AGR) DISTRICT TO A RURAL COMMERCIAL (CR) DISTRICT.

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

A report was read from the Planning/Public Works Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding a request to rezone the property located at 3881 Savannah Highway, West Ashley from a single family residential (R-4) District to a Community Commercial (CC) District. It was stated that the request is consistent with the Comprehensive Plan and the majority of the parcels in the area contain Community Commercial or Industrial zoning and uses.

Committee recommended approval.

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

An Ordinance rezoning property in Case ZREZ-6-09-4357 was given first reading by title only.
AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 3881 SAVANNAH HIGHWAY, WEST ASHLEY, PARCEL IDENTIFICATION NUMBER 285-00-00-084, FROM A SINGLE FAMILY RESIDENTIAL (R-4) DISTRICT TO A COMMUNITY COMMERCIAL (CC) DISTRICT.

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

A report was read from the Planning/Public Works Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding a request to rezone the property located at Mauss Road, in the St. Pauls Area from an Agricultural Preservation (AG-10) District to an Agricultural Preservation (AG-8) District. It was stated that the request is consistent with the Comprehensive Plan and the Zoning, Land Development Regulations.

Committee recommended approval.

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

An Ordinance rezoning property in Case ZREZ-7-09-4632 was given first reading by title only.

AN ORDINANCE

REZONING THE PROPERTY LOCATED AT 5366 MAUSS HILL ROAD, PARCEL IDENTIFICATION NUMBER 098-00-00-124, FROM AN AGRICULTURAL PRESERVATION (AG-10) ZONING DISTRICT (AG-10) TO AN AGRICULTURAL PRESERVATION (Ag-8) ZONING DISTRICT.

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

A report was read from the Planning/Public Works Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding a request to rezone the property located at 22568 and 2570 Cherry Point Road and 6765, 6811, 5815, and 6817 Maybank Highway in the Wadmalaw Island Area from an Agricultural/Residential (AGR) District to a Planned Development (PD-141) District. It was stated that the request is consistent with the Comprehensive Plan.

Committee recommended approval.

Mr. Summey moved approval of Committee recommendation, seconded by Mr. Thurmond, and carried.
An Ordinance rezoning property in Case ZPD-6-09-4266 was given first reading by title only

AN ORDINANCE

REZONING PROPERTIES LOCATED AT 2568, 2570 CHERRY POINT ROAD; 6765, 6811, 6815, 6817 MAYBANK HIGHWAY FROM AN AGRICULTURAL/RESIDENTIAL (AGR) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT (PD-141).

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

A report was read from the Planning/Public Works Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Dan Pennick, Director of the Zoning/Planning Department, regarding a request to rezone the property located at 2932 Canyon Lane in the Mount Pleasant Area from a Special Management 3 (S-3) District to a Planned Development (PD-142) District. It was stated that the request is consistent with the Comprehensive Plan and the Zoning Land Development Regulations Ordinance.

Committee recommended approval.

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

An Ordinance rezoning property in Case ZPD-7-09-4699 was given first reading by title only

AN ORDINANCE

REZONING PROPERTY LOCATED AT 2932 CANYON LANE FROM A SPECIAL MANAGEMENT 3 (S-3) DISTRICT TO A PLANNED DEVELOPMENT (PD-141) DISTRICT.

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

A report was read from the Planning/Public Works Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Kurt Taylor, Assistant Administrator for Transportation & Emergency Management, regarding Council approval for the County Staff to administer the funds, engineering design, contracts and perform construction management services for the Charleston County Transportation Committee (CCTC). It was stated that the CCTC has been allocated $3,504,365.00 for resurfacing various State, County and Municipal roads, and an additional $1,001,247.40 for small project construction program.
Committee recommended that Council authorize County Staff to enter into necessary agreement(s) with the South Carolina Department of Transportation and others to enable County Staff to carry out project design, contract administration, and construction management for the Charleston County Transportation Committee's Fiscal Year 2010 "C" Fund Road Improvement Program, with the understanding that funds are available in the "C" Fund Program.

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

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

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

The Consent Agenda is as follows:

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O'Neal, County Administrator, and Christine DuRant, Director of the County Grants Department concerning additional funds that have been made available to the Urban Entitlement Program through a new entitlement grant program called the Homelessness prevention and Rapid Re-Housing Program (HPRP). It was stated that on May 19, 2009, Charleston County Council authorized Staff to submit a substantial amendment to the Consolidated Plan 2008 Annual Action Plan in order to receive the funds. It was shown that Staff met all federal requirements and successfully submitted the substantial amendment and received a HUD Grant Agreement effective July 13, 2009, totally $831,125. It was further stated that Staff conducted a competitive request for applications and the results of that process were presented to the Community Development Advisory Community for funding consideration.

Committee also considered the recommendations of the Charleston County Community Development Advisory Committee which met on August 27, 2009.

Committee recommended that Council Allocate $831,125 of the U. S. Department of Housing and Urban Development (HUD) Homelessness Prevention and Rapid Re-Housing funds for Program Year 2008 (Fiscal Year 2010) through the American Recovery and Reinvestment Act Title XI as follows:

1. Allocate to the Charleston County urban Entitlement Program five percent ($41,556) of the total Homelessness Prevention and Rapid Re-housing Program (HPRP) allocation based upon the established formula provided by HUD.

2. Allocate to the Lowcountry Continuum of Care Partnership $10,500 to administer the overall data collection of the HPRP.
3. Upon review and consideration of the Community Development Advisory Committee recommendations, direct staff to administer the funds as approved by Charleston County Council.

4. It is understood that there is no ongoing County commitment associated with this request and funding does not require additional FTE’s or matching funds, and the grant period is from July 13, 2009 –July 12, 2012.

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Ninth Judicial Circuit Solicitor, Scarlett Wilson, regarding funds available from the S. C. Prosecution Commission. It was stated that approximately $76,000 will be used to fund a Criminal Domestic Violence prosecutor in Berkeley County and $24,000 will be used to fund a part-time temporary employee (law clerk and/or clerical assistance) in Charleston.

Committee recommended that Council approve the acceptance of grant funds through the S. C. Prosecution Commission, with the understanding that the County is under no obligation for the continuation of the services provided by this grant; that there is no match or FTE’s required and the grant period is July 1, 2009 through June 30, 2010.

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Ashley Pennington, Public Defender, regarding permission for the Public Defender to accept funding from the City of North Charleston 2009-2010 FY 2009 Recovery Act JAG Program. It was stated that the Public Defender would be a sub-awardee of the City of North Charleston and would receive $50,000 to retain one (1) General Sessions Public Defender to handle North Charleston Cases.

Committee recommended that Council approve the Public Defender Office’s request to accept the City of North Charleston 2009-2010 FY 2009 Recovery Act JAG Program grant award in the amount of $50,000, for 1 General Sessions Public Defender position; with the understanding that the grant period is one year from the award of the grant and the County is under no obligation for the continuation of the services provided by this grant.

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Scarlett Wilson, Ninth Judicial Circuit Solicitor, regarding the Solicitor’s request for the County to approve an additional FTE in the Pre-Trial Intervention (PTI) division of the Solicitor’s office. It was stated that the PTI has always been a self-funded unit that allows a Defendant to complete a program that diverts the Defendant from being prosecuted. It was shown that from FY 07 to FY09 the number of disposed cases has increased by 48%, and that current staff levels are not adequate to meet the demands of this huge increase.

Committee recommended that Council approve a new PTI Specialist 1 FTE in the Pre-Trial Intervention Division of the Solicitor’s Office with the understanding that if
PTI funds are no longer available the position would be eliminated, and that no County funds are required.

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

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Carl Simmons, regarding needed changes in the Ordinance regulating fees in the Building Inspections Department. It was stated that the changes are:

1. Change the ordinance to define that the Trade Permit fee only applies one time for all work being done by the contractor’s employees in one or more than one trade and no trade permit fee would apply to a prime contractor doing trade classifications of work with the prime contractor’s employees.

2. Define the application of flood zone filing fees is only applicable to the prime permit holder and is not also charged to the trade permitted subcontractors.

3. Eliminate a conflict by deleting exceptions for systems operating at 70 volts or less which due to advances in technology and energy efficiency are no longer exempt from code requirements.

4. New Section: Establish an application fee for processing all variances and appeals before the Construction Board of Adjustment & Appeals. Currently, an application fee only applies to Stormwater Variances & appeals. Applicant fees for appeals successfully granted by the Construction Board of Adjustment & Appeals will be reimbursed to the applicant.

Committee recommended that Council approve and give first reading to a proposed Ordinance amending fees in the Building Inspections Department.

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

**AN ORDINANCE**

**AMENDING THOSE PORTIONS OF THE CHARLESTON COUNTY CODE, SECTION 2-137 DEALING WITH FEES IN THE BUILDING INSPECTIONS DEPARTMENT.**

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

A report was read from the Finance Committee under date of September 10, 2009 that it considered the information furnished by Allen O’Neal, County Administrator, and Jim Lake, Director of the Consolidated 9-1-1 Center, regarding the Consolidated 9-1-1 Transition Plan. It was stated that this plan would bring about consolidation of
several public safety agencies, primarily fire departments, into the existing consolidated 9-1-1 Center prior to the move to the new building.

Committee recommended that Council:

1. Authorize the County Administrator to sign separate agreements with the respective jurisdictions for the public safety communications of St. Andrews PSD Fire Department, Folly Beach Public Safety, St. Johns Fire District and the City of Charleston Fire Department to consolidate into (and under the management of) the existing Charleston County Consolidated 9-1-1 Center with effective dates to be during the current fiscal year (FY-10), and with the understanding that Operational funding will be provided to the County based on the Intergovernmental Agreement for the Charleston County Consolidated 9-1-1 Center, and that participation by the City of Charleston Fire Department will be contingent upon completion of the required approval process to enter in the Intergovernmental Agreement for the Consolidated 9-1-1 Center.

2. Authorize the County Administrator to create 26 new FTE positions (4 for St. Andrews, 5 for Folly Beach, 5 for St. Johns and 12 for the City of Charleston Fire Department.

The Chairman announced that Council needed to go into executive session to discuss contractual and personnel matters, but in deference to those persons in the audience that wished to address Council, he would have the public forum portion of the meeting first.

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

Mr. David Cole of James Island re-stated his plea for Council/the Auditor to take action to require boat owners who have boats at Charleston Marinas, and these boats remain in Charleston water for periods of more than 180 days to be required to pay personal property taxes on these boats.

Mrs. Sandra Rourke and Mr. L. H. Rourke of 3012 Bohicket Road spoke in opposition to widening Main and Bohicket Roads and in favor of a “green way” for Johns Island.

Mr. Sam Brownlee of Bohicket Road spoke against the study of the proposed “green way” across Johns Island.

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

Mr. Rawl thanked the people for coming to Council’s Meeting to express their opinions. He added that Council welcomes their input.

The Chairman moved for Council to go into executive session, seconded by Mr. Summey, and carried.
At the conclusion of Council’s executive session, the Chairman announced that no action or votes had been taken during the session, and that Council had received information from the County Attorney regarding contractual and personnel matters.

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

Beverly T. Craven
Clerk of Council