

August 21, 2018
Charleston, SC

A meeting of Charleston County Council was held on the 21st day of August 2018, 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: A. Victor Rawl, Chairman, who presided, Anna B. Johnson, Brantley Moody, Teddie Pryor, Joseph K. Qualey, Herbert R. Sass, III, Dickie Schweers, and J. Elliott Summey. Mr. Darby was absent.

County Administrator Jennifer Miller and County Attorney Joe Dawson were also present.

Mr. Pryor gave the invocation and Mr. Schweers led the pledge to the flag.

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

Mr. Summey moved approval of the minutes of May 31, 2018, June 5, 2018, and July 24, 2018, seconded by Mr. Pryor, and carried.

The Chairman stated the next item on the agenda was resolutions for adoption. Mr. Summey moved for approval of the resolutions, seconded by Mr. Pryor, and carried.

The resolution were as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

**HONORING THE ACCOMPLISHMENTS OF THE
NORTH CHARLESTON DIXIE YOUTH MAJORS ALL STARS**

North
Charleston
Dixie Youth
Majors

Request to
Adopt

WHEREAS, competing in Lumberton, North Carolina against other recreational baseball teams from across the land, the **Dixie Majors All Stars** of the **North Charleston Recreation Department** won the coveted **Dixie Youth Majors World Series** on August 9, 2018; and,

WHEREAS, this stellar team also won the South Carolina state championship in late July of this year; and

WHEREAS, the team of champions is comprised of **Ryder Manale, PJ Morlando, Mason Salisbury, Thayer Tavormina, Drew Hayes, Cameron Scott, Landon Gomes, Hunter Gomes, Donovan Johnson, Charlie Meade, Banks Wickersham** and **Micah Anderson**; and,

WHEREAS, the team's outstanding volunteer coaching staff are **John Hayes, Perry Morlando** and **Chad Salisbury**.

NOW, THEREFORE BE IT RESOLVED, CHARLESTON COUNTY COUNCIL, in meeting duly assembled, is proud to congratulate the **Dixie Youth Majors All Stars of North Charleston** for bringing to the Lowcountry the honor of national recognition.

CHARLESTON COUNTY COUNCIL

**A. Victor Rawl, Chairman
August 21, 2018**

Mr. Summey congratulated the North Charleston Dixie Youth Majors World Series Champions and presented them with their resolutions. Mr. Summey congratulated Recreation Director of North Charleston Ed Barfield and praised him for what he has accomplished with the sports programs in North Charleston since he began in 1995. The champions autographed baseballs and presented them to the Councilmembers.

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**

Honoring the 2018 J. Mitchell Graham Award Winning Team

**J. Mitchell
Graham Award**

**Request to
Adopt**

WHEREAS, the J. Mitchell Graham Award competition is conducted on an annual basis by the SC Association of Counties. It is a highly coveted award which recognizes counties that address community challenges, implement operational improvements, or enhance their citizens' quality of life in a unique way; **and**,

WHEREAS, winners of the J. Mitchell Graham Award represent the best qualities of local governance—attention to details, service to citizens, efficient use of tax dollars, and improvement in the quality of life. They demonstrate how creative problem-solving and collaboration can achieve impressive results, and offer new ideas for other counties to consider; **and**,

WHEREAS, Charleston County has previously won the J. Mitchell Graham Award in 1973, 1989, 1993, and 2017; **and**,

WHEREAS, at the 2018 South Carolina Association of Counties Annual Conference, in a rare event of awarding a county in back-to-back years, Charleston County won the J. Mitchell Graham Award for its EMS Mobile Crisis TelePsych project which responds to the increasing number of psychiatric and mental health patients encountered by EMS and allows mental health patients access to the appropriate level of care while avoiding lengthy housing in emergency rooms or detention facilities; **and**,

WHEREAS, the EMS Mobile Crisis TelePsych project is one of the first of its type in the nation and one that the South Carolina Department of Mental Health is hoping to expand to other counties across the state; **and**,

WHEREAS, the EMS Mobile Crisis TelePsych project was developed and implemented by County staff including Chris Farmer, David French, Greig Samuelson, and David Abrams and many other employees of Charleston County EMS in coordination and partnership with Dorchester Charleston Mental Health and the Medical University of South Carolina; **and**,

WHEREAS, the EMS Mobile Health Crisis TelePsych project was selected internally from a pool of other worthy Charleston County projects; the proposal was written by Project Officer Terri Fife; a video was produced and edited by Public Information Officer Shawn Smetana and Media Production Coordinator Jen Matto; the project was reviewed by a team of County employees including Deputy County Administrator Jim Armstrong, EMS Director David Abrams, Dr. David French, Taylor Hall of Transportation Development, Anna Eskridge of Community Development, Clare Petersen of the Deputy County Administrator for Transportation and Public Works Office, and Eddie Haselden of the Clerk of Court’s Office; and the project was presented at the competition by EMS Training Officer Greig Samuelson.

NOW, THEREFORE BE IT RESOLVED that **Charleston County Council** does hereby recognize the excellent work of Charleston County staff and congratulates this team of outstanding public servants who have brought honor to Charleston County Government in winning the prestigious J. Mitchell Graham Award.

CHARLESTON COUNTY COUNCIL

A. VICTOR RAWL, Chairman
August 21, 2018

Deputy Administrator Christine DuRant presented J. Mitchell Graham team with their resolutions. Ms. DuRant gave an overview of the winning project, explained the team’s commitment, and their desire to serve the citizens of Charleston County. Director of EMS Dave Abrams stated that he is proud of his staff and honored by the recognition of winning the J. Mitchell Graham award. He stated his department is constantly striving to learn and do more for the citizens of Charleston County. Through submitting this project, it educated other counties around the state about this program in hopes that they will provide this service to their citizens as well. Chairman Rawl stated that the submissions for the J. Mitchell Graham Award from other counties around the state were great projects so the competition was stiff. He stated this is a huge accomplishment not only to win, but to win two years in a row. He added that being awarded two years in a row says a lot about the quality of this project.

The Chairman suspended the County Council meeting in order to hold public hearings and receive public comments.

Following the public hearings and public comments, the Chairman reconvened the County Council meeting.

The Chairman announced the next item on the agenda was the ZLDR Amendments to County Code Ordinances—Historic Preservation Regulations.

An ordinance establishing a Historic Preservation Commission was given third reading.

AN ORDINANCE

ESTABLISHING A HISTORIC PRESERVATION COMMISSION TO PRESERVE THE HISTORIC PROPERTIES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, AND

**Historic
Preservation
Regulations**

**Ordinances (2)-
3rd Reading**

OBJECTS WITHIN CHARLESTON COUNTY, AND SETTING FORTH A PROCESS TO IDENTIFY AND DESIGNATE PROPERTIES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, AND OBJECTS WITHIN CHARLESTON COUNTY IN ORDER TO SAFEGUARD THEIR INTEGRITY AND FOSTER THEIR PRESERVATION, RESTORATION, AND REHABILITATION, AND OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to Title 4, Chapter 9, Section 4-9-10 et seq. of the Code of Laws of South Carolina, 1976 as amended, Charleston County Council establishes a Historic Preservation Ordinance and Historic Preservation Commission to preserve the historic properties, districts, sites, buildings, structures, and objects in Charleston County;

WHEREAS, after providing opportunities for public input and careful study and consideration, Charleston County Council finds it in the best interests of its citizens, residents, and property owners to preserve historic properties, districts, sites, buildings, structures, and objects;

WHEREAS, the purpose of the Historic Preservation Ordinance is to set forth a process by which Charleston County Council can identify and designate properties, districts, sites, buildings, structures, and objects as historic in order to safeguard their integrity and foster preservation, restoration, and rehabilitation of the same; and

WHEREAS, the State of South Carolina also recognizes the importance of preserving the historical resources and Charleston County Council compliments those objectives of the state and establishes a process for determining whether or not the alteration, modification, relocation, demolition, addition to, new construction, rehabilitation, or restoration of National Register of Historic Places (NRHP) listed Historic Properties, NRHP listed Historic Districts, locally designated Historic Properties, and locally designated Historic Districts ("Historic Property" or "Historic Properties"), or subdivision or development of property located within 300 feet of a Historic Property, is in keeping with the historical, cultural, and architectural character of the Historic Property.

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

Chapter 21 – Historic Preservation

Sec. 21-1 – Findings Incorporated

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

Sec. 21-2 – Historic Preservation Commission

A. Composition, Officers, Rules, Meetings, and Minutes

The Historic Preservation Commission shall consist of nine members appointed by the County Council, provided, however, that of the initial members of the Commission, five members shall be appointed for four year terms and four members shall be appointed for two year terms. The members shall serve until their successors are appointed and qualified. The members, both laymen and professional, shall have a demonstrated

interest, competence, or knowledge in historic preservation. The members shall serve without compensation from the County. Any vacancy which may occur on the Commission shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. No member may hold an elected public office in Charleston County.

The Commission shall elect one of its members as chair and one as vice-chair whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the County. The Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Commission shall meet monthly, or as needed, and, in addition, the Commission may meet at the call of the chair or at such times as the chair or the Commission may determine.

Council hereby also establishes the position of Historic Preservation Officer. The Historic Preservation Officer shall provide administrative staff support to the Historic Preservation Commission and fulfill the duties as provided in this Ordinance. The Historic Preservation Officer shall report to the County Administrator, or his/her designee, who will, unless otherwise determined by the County Administrator, be the Charleston County Planning and Zoning Department Director.

B. Review Authority

The Historic Preservation Commission acts in a review and recommending capacity on Designations of Historic Property. The Commission may also conduct first review and evaluation of all proposed nominations for the NRHP.

C. Decision-Making Authority

The Historic Preservation Commission shall have final decision-making authority on Certificates of Historic Appropriateness.

D. Responsibility

In addition to the review and decision-making authority of the Historic Preservation Commission, the Commission shall:

1. Educate the community about the County's historic resources;
2. Maintain a system for the survey and inventory of historic properties;
3. Submit to the State Historic Preservation Office (SHPO) an annual report of Commission activities;
4. Adopt By-Laws and Rules of Procedure; and
5. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register (as applicable).

E. Application Completeness and Submission Deadlines

1. Applications for consideration by the Historic Preservation Commission (Designations of Historic Property and Certificates of Historic Appropriateness) shall be submitted no later than 12:00 p.m. on the Friday, six weeks prior to the regularly scheduled Historic Preservation Commission meeting, unless otherwise provided in this Ordinance. Application filing deadlines and Historic Preservation Commission meeting dates are available at the Zoning and Planning Department. Within 15 Charleston County Government work days of submittal of the application, staff will determine if the

application is complete, and if it is complete, the Historic Preservation Officer will schedule the application for consideration at the next available Historic Preservation Commission meeting.

2. Any application that is determined to be incomplete shall, within 15 Charleston County Government work days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted within six months of the date that the application was returned to the applicant. Applications resubmitted more than six months after the date that the application was returned as incomplete shall require repayment of applicable fees.

F. Requests for Postponements of Applications to the Historic Preservation Commission

Requests for postponements of all applications from Historic Preservation Commission meetings must be made in writing to the Historic Preservation Officer and the letter must be signed by the property owner(s) and/or his/her authorized agent. Postponement requests received within 10 calendar days of the Historic Preservation Commission meeting for which the application is scheduled shall be considered withdrawn. An application that is postponed for more than one year from the date it was scheduled to be heard is deemed withdrawn. If an application is deemed withdrawn, the applicant must submit a new application in compliance with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid.

Sec. 21-3 – Designation of Historic Property

A. Purpose

The standards of this Section are intended to safeguard the integrity of Historic Properties. The criteria and procedures in this Section are to be used by the Historic Preservation Commission to review, consider, and recommend designation of a Historic Property, and for the County Council to approve or deny the same.

B. Applicability

The Historic Preservation Commission may nominate Historic Properties and/or Historic Districts within the unincorporated area of Charleston County for designation with written consent from the owners of such properties pursuant to this Section, provided such nominations comply with the Designation of Historic Property process and requirements contained in this Section. Additionally, applications to designate Historic Properties within the unincorporated area of Charleston County may be submitted by the property owner(s) of the subject property(ies), site(s), building(s), structure(s), object(s), or district(s) provided such applications comply with the Designation of Historic Property process and requirements contained in this Section.

C. Pre-Application Conference

Before submitting an application for Designation of Historic Property, the property owner or applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures. Pre-application conferences are not

required for nominations of Designation of Historic Property by the Historic Preservation Commission.

D. Application Filing

1. Designation of Historic Property.
 - a. Applications for Designation of Historic Property shall be submitted to the Historic Preservation Officer on forms provided by Charleston County. Nominations for Designation of Historic Properties of Historic Properties by the Historic Preservation Commission do not require the submittal of application forms or fees.
 - b. Applications shall comply with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance.
2. No application for, or nomination of, a Designation of Historic Property shall be accepted as complete unless it includes the required fee and the information listed below:
 - a. A completed application signed by the current property owner(s), provided, however, that in the case of applications for designations of Historic Districts, the applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the registered voters of the properties in the proposed Historic District are in favor of the designation of the Historic District. Where the proposed Historic District is less than 50 acres in size and is titled in the name of 10 or fewer Freeholders, the applicant shall canvas the proposed Historic District of the qualified electors residing in the proposed Historic District as to whether the Historic District proposed should be designated as such. The applicant shall submit to the Historic Preservation Officer a petition and/or written consent and other supporting documentation to show that 51% or more of the Freeholders of the properties in the proposed Historic District are in favor of the designation of the Historic District.
 - b. A Restrictive Covenants Affidavit(s) for each property included in the application signed by the applicant or current property owner(s) in compliance with state law;
 - c. A map indicating the address(es) or location(s) of the property(ies), site(s), building(s), structure(s), or object(s), and/or the boundaries of a proposed Historic District;
 - d. A letter of intent including information or statements to demonstrate compliance with the criteria of this Section and documentation of the historical or cultural significance such as photos, primary source documents, etc.; and
 - e. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to conduct a full and proper consideration and disposition of the application.

E. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review the application pursuant to the Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance and refer the application to other departments or entities as necessary. The Historic Preservation Officer shall provide a report to the Historic Preservation Commission.

F. Historic Preservation Commission Review and Recommendation

The Historic Preservation Commission shall review the Designation of Historic Property application at a meeting open to the public and adopt a resolution, by majority vote of the

entire membership, recommending that the County Council approve or deny the application. The Historic Preservation Commission shall render its decision based on the Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance. Neighbors and Parties in Interest Notice of the Historic Preservation Commission meeting shall be provided in accordance with the requirements of Section 21-6, Notices, of this Ordinance.

G. County Council Hearing

After receiving the recommendation of the Historic Preservation Commission, the County Council shall approve or deny the application for Designation of Historic Property based on the Approval Criteria of Section 21-3.H, Approval Criteria, of this Ordinance. County Council shall hold a public hearing prior to giving second reading to Designation of Historic Property applications. Neighbor and Parties in Interest Notice of the Public Hearing shall be provided in accordance with the requirements of Section 21-6, Notices, of this Ordinance. Designations of Historic Property shall not be approved "with conditions."

H. Approval Criteria

In order for an application for Designation of Historic Property to be approved, one or more of the following criteria must be met:

1. Has significant inherent character, interest, history, or value as part of the rural county or heritage of the county, state or nation;
2. Is of an event significant in history;
3. Is associated with a person or persons who contributed significantly to the culture and development of the county, state or nation;
4. Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the county, state or nation;
5. Individually or collectively embodies distinguishing characteristics of a type, style, or period in architecture or engineering;
6. Is the work of a designer whose work has significantly influenced the development of the county, state or nation;
7. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
8. Is part of or related to a square or other distinctive element of community planning;
9. Represents an established and familiar visual feature of the neighborhood or community;
10. Has yielded, or may be likely to yield, information important in pre-history or history (potential archaeological site); and/or
11. Is deemed eligible for or already listed on the NRHP.

I. Final Action

Designations of Historic Properties shall be adopted by ordinance of Charleston County Council.

J. Notice of Decision

Following final action by the County Council, the Historic Preservation Officer shall be responsible for providing the applicant and property owner with written notice of the decision.

K. Removal of Designation of Historic Property

Applications to remove a Designation of Historic Property must be submitted by the owner(s) of the Historic Property or by the Historic Preservation Commission with written consent from the property owner(s) and shall be submitted utilizing the application, fee(s), and process as described in this Article. In order for the designation to be removed, County Council must find that one or more of the following criteria has been met:

1. The Site, Building, Structure, Object or District has ceased to meet the criteria for designation as described Section 21-3.H, Approval Criteria, of this Ordinance because the qualities which caused it to be originally designated have been lost or destroyed;
2. An error occurred regarding whether the Historic Property, Site, Building, Structure, Object, or District met the criteria for designation at the time it was designated; and/or
3. There was a procedural error in the designation process.

Sec. 21-4 – Certificate of Historic Appropriateness

A. Purpose

In order to ensure that any alteration, modification, relocation, demolition, addition to, new construction, rehabilitation, or restoration of a Historic Property, or subdivision or development of property located within 300 feet of a Historic Property, is in keeping with the historical, cultural, and architectural character of the Historic Property, a Certificate of Historic Appropriateness must be obtained pursuant to the standards set forth in this Section.

B. Applicability

1. Certificate Required. A Certificate of Historic Appropriateness is required:
 - a. Before the issuance of Zoning Permits for the demolition, alteration, modification, addition to, new construction, rehabilitation, relocation, or restoration to a Historic Property including construction of new structures in Historic Districts; and
 - b. Before Subdivision Plat and Site Plan Review approvals for properties located within 300 feet of a Historic Property.
2. These requirements shall apply to applications for the permits described herein, that are submitted after [*Date of Adoption of Ordinance*].

C. Application Filing

Applications for Certificates of Historic Appropriateness shall be submitted to the Historic Preservation Officer on forms provided by Charleston County. Applications shall comply with Section 21-2.E, Application Completeness and Submission Deadlines, of this Ordinance. Before submitting an application for a Certificate of Historic Appropriateness, the applicant shall confer with the Historic Preservation Officer to discuss the proposal and the applicable review and approval procedures. No application for a Certificate of Historic Appropriateness shall be accepted as complete unless it includes the required fee and the following information:

1. Completed Certificate of Historic Appropriateness application signed by the current property owner(s);
2. As applicable, a copy of a legible approved and recorded plat showing current property boundaries. Exemptions include applications for Certificates of Historic Appropriateness for alterations, modifications, rehabilitation, demolition or

- restoration of Historic Properties that do not change the footprint of existing structures;
3. Restrictive covenant(s) affidavit signed by the applicant or current property owner(s) in compliance with state law;
 4. A general description of the present use and proposed activity on the property and a written statement addressing the approval criteria set out in this Ordinance, stating specifically how the Certificate of Historic Appropriateness relates to and meets each criterion;
 5. As applicable, a 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), and 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 Zoning and Planning Department 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 20 reduced 11 x 17 copies shall be submitted.
 6. As applicable, proposed Subdivision Plats.
 7. Any further information or documentation as the Historic Preservation Officer may deem necessary or appropriate to conduct a full and proper consideration and disposition of the application.

D. Historic Preservation Officer Review and Report

The Historic Preservation Officer shall review each application for a Certificate of Historic Appropriateness pursuant to the Approval Criteria of Section 21-4.F, Approval Criteria, of this Ordinance. The Historic Preservation Officer shall provide a report on the application to the Historic Preservation Commission that addresses the Approval Criteria of Section 21-4.F, Approval Criteria, of this Ordinance, and includes, but is not limited to, whether or not the application complies with the requirements contained in the Charleston County Zoning and Land Development Regulations Ordinance.

E. Historic Preservation Commission Public Hearing, Review and Determination

The Historic Preservation Commission shall review the Certificate of Historic Appropriateness application at a public hearing and render a decision based on the Approval Criteria of Section 21-4.F, Approval Criteria, of this Ordinance. A majority of the Historic Preservation Commission members present and voting shall be required to approve, approve with conditions, or deny applications for Certificates of Historic Appropriateness.

Neighbor and Parties in Interest Notice of the Historic Preservation Commission meeting shall be provided in accordance with the requirements of Section 21-6, Notices, of this Ordinance. If a property is located in a NRHP listed or locally designated Historic District ("Historic District"), notifications shall also be sent to the owners of properties located within the Historic District.

F. Approval Criteria

1. In granting a Certificate of Historic Appropriateness applications, the Historic Preservation Commission shall consider:
 - a. The historic, cultural, and architectural significance of the district, site, building, structure, or object under consideration;
 - b. The exterior form and appearance of any proposed additions or modifications and the effect of such additions and modifications upon other structures on the Historic Property or within the Historic District;
 - c. When considering applications for new construction, alteration, repair, rehabilitation, or restoration, the Historic Preservation Commission shall apply the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
 - d. Certificate of Historic Appropriateness applications for properties located within Historic Districts, or for Subdivision Plats or Site Plan Review proposals for properties located within 300 feet of Historic Districts, must demonstrate consistency with the prevailing patterns of existing lots, densities, spacing of homes, lot sizes and shapes, and other characteristics of the Historic District that the Historic Preservation Commission deems applicable.
2. In granting a Certificate of Historic Appropriateness for Subdivision Plats and Site Plan Review proposals for properties located within 300 feet of a Historic Property, the Historic Preservation Commission shall require that potential negative impacts of the proposed development be minimized through site design techniques such as the location of vehicular access points, screening treatments, and buffering treatments.

G. Notice of Decision

Following final action by the Historic Preservation Commission, the Historic Preservation Officer shall provide the applicant and property owner with written notice of the decision.

H. Submission of a New Application

If the Historic Preservation Commission denies an application for a Certificate of Historic Appropriateness, a new application affecting the same Historic Property may be submitted if the Historic Preservation Officer determines there has been some substantial change made in the plans for the proposed work or development.

I. Appeals

Any person with a substantial interest in a decision of the Historic Preservation Commission or any officer, board, or bureau of the County may appeal a final decision of the Historic Preservation Commission to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the date of the meeting at which the decision of the Historic Preservation Commission is rendered.

Sec. 21-5 – Nomination To The National Register Of Historic Places

The Historic Preservation Commission may conduct first review and evaluation of all proposed nominations for the NRHP for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Commission may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Commission shall not nominate properties directly to

the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by the Federal statute.

Sec. 21-6 – Notices

A. Neighbor Notice

When the provisions of this Ordinance require that "Neighbor Notice" be provided, the Historic Preservation Officer shall mail notice to the applicant and all property owners within 300 feet of the subject property. Ownership information shall be obtained from the County Assessor's Office. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Failure to provide this notice will not invalidate any action taken.

B. Parties in Interest Notice

When the provisions of this Ordinance require that notice be sent, the following "Parties in Interest" shall be notified: the applicant and the owner of the property (if other than applicant). Parties in Interest shall mean any individual, associations, corporations or others who have expressed an interest in writing in an application that has been received by the Historic Preservation Officer. It is the responsibility of the Parties in Interest to provide updated contact information to the Historic Preservation Officer. The Historic Preservation Officer will keep the Parties in Interest contact information on file for one year from the initial date received. Failure to provide this notice will not invalidate any action taken.

Sec. 21-7 – Terms and Uses Defined

A

Archaeological Site. A place (or group of physical sites) in which evidence of past activity is preserved (prehistoric, historic, or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. A site may range from one with few or no remains visible above ground, to a building or other structure still in use.

C

Certificate of Historic Appropriateness. The document issued by the Historic Preservation Commission (HPC) certifying that proposed actions are found to be acceptable relating to any alteration of, or change to a locally designated or National Register of Historic Places (NRHP) listed Historic Property or District, or for subdivision or site plan review applications for properties located within 300 feet of a locally designated or NRHP listed Historic Property or District.

F

Freeholder. Any person 18 years of age, or older, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights, and future interests) and who owns, at the date of the application, at least an undivided one-tenth interest in a single tract and whose name appears on the county records as an owner of real estate.

H

Historic Building. A “building”, such as a house, barn, church, hotel, or similar construction, that is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. Buildings must include all of their basic structural elements; parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. Examples may include, but are not limited to: administration building; carriage house; church; city or town hall; courthouse; detached kitchen, barn, and privy; dormitory; fort; garage; hotel; house; library; mill building; office building; post office; school; shed; social hall; stable; store; theater; or train station.

Historic District. A Historic Preservation District possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. It means a geographically definable area, urban or rural, which contains sites, buildings, structures, objects, works of art, or a combination thereof which:

- Have a special character or special historical or ethnic heritage or aesthetic interest or value;
- Represent one or more periods or styles of architecture typical of one or more eras in the history of Charleston County or the state or region; and
- Cause such area, by reason of these factors, to constitute a visibly perceptible section of Charleston County, which may either be locally-designated or NRHP-listed.

A Historic District derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A Historic Preservation Overlay District can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

A Historic District can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A Historic District can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the Historic Preservation Overlay District. The number of noncontributing properties a Historic Preservation Overlay District can contain yet still convey its sense of time and place and historical development depends on how these properties affect the Historic Preservation Overlay District's integrity. In archeological

districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

Historic Object. The term "Historic Object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Small objects not designed for a specific location are normally not included in this definition. Such works include a transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place. Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for designation. Examples may include, but are not limited to: boundary marker; monument; milepost fountain; sculpture; or statuary.

Historic Property. A Historic Site, Historic Building, Historic Structure, or Historic Object that is fixed in location, which reflects historic, cultural or architectural significance.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate. A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well-documented through scholarly research. Generally, though, the definition of "site" excludes natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways. Examples may include, but are not limited to: battlefield; campsite; cemeteries significant for information potential or historic association; ceremonial site; designed landscape; habitation site; natural feature (such as a rock formation) having cultural significance; petroglyph; rock carving; rock shelter; ruins of a building or structure; shipwreck; trail; or a village site.

Historic Structure. The term "Historic Structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Structures must include all of the extant basic structural elements; parts of structures cannot be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility. If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is considered a "ruin" and is categorized as a site.

R

Rehabilitation (Historic Property or District). The process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) that are significant to its historic, architectural and cultural values.

Repair (Historic Property or District). The mending or restoration of a building or structure to a sound or good state, at or nearest to its original designed condition, due to decay, dilapidation, damage or partial destruction. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation", "rebuilding" and "reconstruction" for purposes of this Ordinance.

Restoration (Historic Property or District). The act or process of accurately depicting the form, features, and character of a designated property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration period.

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes recorded as follows:

Darby	- absent
Johnson	- aye
Moody	- nay
Pryor	- aye
Qualey	- aye
Sass	- aye
Schweers	- aye
Summey	- nay
Rawl	- aye

The vote being six (6) ayes, two (2) nays, and one (1) absent, the Chairman declared the ordinance to have received third reading approval.

An ordinance amending the ZLDR regarding Historic Preservation was given third reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED: VARIOUS CHAPTERS
REGARDING HISTORIC PRESERVATION.**

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 Section 3.7.1 of Article 3.7, Section 8.1.2 of Article 8.1, Article 9.8, and Article 12.1 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;
- 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 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 21st day of August, 2018.

CHARLESTON COUNTY COUNCIL

By: _____
A. Victor Rawl
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to Charleston County Council

First Reading: June 5, 2018
Second Reading: July 24, 2018
Third Reading: August 21, 2018

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes recorded as follows:

Darby	- absent
Johnson	- aye
Moody	- nay
Pryor	- aye
Qualey	- aye
Sass	- aye
Schweers	- aye
Summey	- nay
Rawl	- aye

The vote being six (6) ayes, two (2) nays, and one (1) absent, the Chairman declared the ordinance to have received third reading approval.

ZREZ-03-18-00079, 10587 Hwy 78

The Chairman stated the next item on the agenda was the request to approve rezoning ZREZ-03-18-00079, 10587 Highway 78.

An ordinance rezoning 10587 Highway 78 was given third reading.

Ordinance-3rd Reading

**AN ORDINANCE
REZONING THE REAL PROPERTY LOCATED AT 10587 HIGHWAY 78,
PARCEL IDENTIFICATION NUMBER 385-06-00-014, FROM THE R-4,
SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE CC,
COMMUNITY COMMERCIAL ZONING DISTRICT.**

WHEREAS, the property identified as parcel identification number 385-06-00-014 is currently zoned R-4, Single Family Residential District; and

WHEREAS, the current owner of the property 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 CC, Community Commercial District pursuant to Article 3.4 of the Charleston County Zoning and Land Development Regulations Ordinance (“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 the 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 385-06-00-014 is hereby rezoned from the R-4, Single Family Residential 4 Zoning District to the CC, Community Commercial 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 Ordinance 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 21st day of August, 2018.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
A. Victor Rawl
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk of Charleston County Council

First Reading: June 19, 2018
Second Reading: July 24, 2018
Third Reading: August 21, 2018

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes recorded as follows:

Darby	- absent
Johnson	- aye
Moody	- aye
Pryor	- aye
Qualey	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Rawl	- aye

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

The Chairman announced the next item on the agenda was the FY18 St. Andrews Parks and Playground Commission budget amendment.

An ordinance amending the FY 18 St. Andrew's Parks and Playground Commission Budget was given third reading.

AN ORDINANCE TO AMEND THE 2017-2018 BUDGET ORDINANCE NO. 1953, TO PROVIDE FOR THE INCREASE OF ST. ANDREW'S PARISH PARKS AND PLAYGROUND COMMISSION'S OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$345,000 FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, AND ENDING JUNE 30, 2018, HEREINAFTER REFERRED TO AS FISCAL YEAR 2018; TO PROVIDE FOR BUDGETARY CONTROL OF SAID APPROPRIATIONS BY THE COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR AND OTHER MATTERS RELATED THERETO.

WHEREAS, Charleston County Council enacted Ordinance Number 1953 on June 20, 2017, which provided approval of the Fiscal Year 2018 budget for the St. Andrew's Parish Parks and Playground Commission, and

WHEREAS, the Commission has requested a revision to the budget ordinance, and

WHEREAS, as provided in Ordinance Number 1953, County Council must approve an amendment to said Budget Ordinance when fund totals are adjusted,

NOW, THEREFORE, BE IT ORDAINED BY CHARLESTON COUNTY COUNCIL that Charleston County Ordinance No. 1953 is hereby amended as follows:

SECTION 1:

Section 2 is amended by increasing the budget amount by \$345,000 so that Section 2 shall read as follows:

“That the General Fund Budget of the St. Andrew's Parish Parks and Playground Commission in the amount of \$2,989,926 is hereby approved by Charleston County Council.”

SECTION 2: Section 4 is amended by increasing the budget amount of \$2,644,926 by \$345,000 so that Section 5 shall read as follows:

“The \$1,382,733 difference between the \$2,989,926 in budgeted expenditures and the \$1,607,193 in budgeted ad valorem taxes consists of other available funding sources.”

SECTION 3: If any provision of this Ordinance or its applications to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared by Council to be severable.

SECTION 4: The remainder of the original Ordinance shall continue in full force and effect.

SECTION 5: This Ordinance shall take effect following approval of third reading.

First Reading: June 19, 2018
Second Reading: July 24, 2018
Third Reading: August 21, 2018

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes recorded as follows:

Darby	- absent
Johnson	- aye
Moody	- aye
Pryor	- aye
Qualey	- aye
Sass	- aye
Schweers	- aye
Summey	- aye
Rawl	- aye

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

The Chairman stated the next item on the agenda was an amendment to the Rules of Council regarding the Duties of the Clerk of Council pertaining to Minutes of Committee Meetings.

**Rule Change/
Duties of the
Clerk of
Council/
Minutes**

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by Clerk of Council Kristen Salisbury in regards to proposed rule change in reference to minutes of committee meetings. It was stated that Rule 9.2 states:

**Request to
Approve**

9.2 All meetings of Council and its committees, except those matters discussed in executive sessions, shall be electronically recorded by the Clerk. Additionally, the Clerk shall also prepare and send written copies of the minutes of full Council meetings to each member of Council prior to the next meeting thereof. All electronically produced records and written minutes shall be retained in the office of the Clerk for a period of not less than two years.

The rule states that the Clerk shall prepare minutes of full Council meetings and that the records will be retained for a period of not less than two years.

In order to comply with state laws regarding public bodies, minutes of Council Committees are prepared. Additionally, minutes are required to be maintained permanently and recordings are required to be maintained for a period of not less than 2 years.

The newly proposed language addresses both of these items. The proposal is as follows with the amendments:

9.2 All meetings of Council and its committees, except those matters discussed in executive sessions, shall be electronically recorded by the Clerk. Additionally, the Clerk shall also prepare and send written copies of the minutes of Council Committee and full County Council meetings to each member of Council prior to the next meeting thereof. These records shall be retained in the office of the Clerk of Council in

compliance with the SC Department of Archives and History General Records Retention Schedules for County Records.

Committee recommended that Council approve the proposed language as a part of the Rules of Council. The proposal is as follows with the amendments:

9.2 All meetings of Council and its committees, except those matters discussed in executive sessions, shall be electronically recorded by the Clerk. Additionally, the Clerk shall also prepare and send written copies of the minutes of Council Committee and full County Council meetings to each member of Council prior to the next meeting thereof. These records shall be retained in the office of the Clerk of Council in compliance with the SC Department of Archives and History General Records Retention Schedules for County Records.

Mr. Pryor moved for approval of committee recommendations, seconded by Mr. Moody, and carried.

The Chairman stated the next item on the agenda was a proposed amendment to the Maybank Highway Overlay Zoning District.

A report was furnished by the Planning and Public Works Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Director of Planning and Zoning Joel Evans in reference to the Comprehensive Plan Amendment and ZLDR Text Amendment for the Maybank Highway Overlay Zoning District Amendments. It was stated that the Charleston County *Comprehensive Plan* (the Plan) states the MHC-O “was developed in coordination with the residents of Johns Island and the City of Charleston in the late 1980s/early 1990s. Since that time, many changes affecting this corridor have taken place, including...” Here the Plan includes in the list of changes that have affected this corridor, the revision of the City of Charleston’s Maybank Highway Corridor Overlay Zoning District resulting in standards that differ from the County’s overlay zoning district and the approval of the final leg of Interstate 526. The Plan goes on to state “...the recommended implementation strategy is to review this overlay zoning district in light of the changes described above, work with the public and the City of Charleston to make revisions as appropriate, and extend the overlay zoning district along Maybank Highway onto James Island”, and includes a review of the Maybank Highway Corridor Overlay Zoning District as part of the Annual Work Program. Staff has begun the update to the Maybank Highway Corridor Overlay Zoning District in coordination with the City of Charleston and will be holding the first public workshop regarding this on June 27, 2018. Therefore, staff recommends disapproval of the request at this time, as land use changes should be addressed as part of the comprehensive study of the Maybank Highway Corridor Overlay Zoning District.

Committee recommended that Council disapprove the zoning request and waive the one-year waiting period to reapply if the applicant’s request is not addressed in the review of the Maybank Highway Corridor Overlay Zoning District.

Mr. Schweers moved for approval of committee recommendations, seconded by Ms. Johnson, and carried.

**Maybank Hwy
Overlay Zoning
District
Amendment
Recommendation**

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

Consent Agenda items are as follows:

ITEM A

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Sheriff J. Al Cannon, Jr. in regards to a grant application to be submitted for the FY18 COPS School Violence Prevention Program. It was stated that the U. S. Department of Justice Office of Community Oriented Policing Services (COPS) is providing funding to state and local governments to improve security at schools and on school grounds through evidence-based school safety programs.

**FY18 COPS
School
Violence
Prevention
Program**

The 2018 COPS Office STOP Violence: School Violence Prevention Program (SVPP) is a two-year project from October 1, 2018 through September 30, 2020.

**Request to
Approve**

The purpose of proposed funding is to support equipment and technology needed to improve coordination with local law enforcement, placement and use of deterrent measures, and for technology to allow expedited notification of law enforcement during an emergency for schools in Charleston County in coordination with Charleston County School District (CCSD). Funds will cover equipment and technology for the total amount of \$580,001 over a two-year period. There is a 25% match requirement under this grant. The match of \$145,000 will be provided by Charleston County School District.

Committee recommended that Council allow the Sheriff's Office to apply for and accept, if awarded the FY 2018 COPS Office STOP Violence: School Violence Prevention Program (SVPP) grant in the amount of \$435,001 (total project \$580,001 with requested grant funds of \$435,001 and CCSD-provided match \$145,000) to support equipment and technology for schools in Charleston County School District with the understanding that:

- The grant period is October 1, 2018 through September 30, 2020.
- No FTEs are associated with this funding.
- There is a 25% match requirement in this grant that will be provided by Charleston County School District.

ITEM B

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Sheriff J. Al Cannon in regards to FY18 BJA Justice Assistance Grant Program. It was stated that the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is a direct allocation grant funding program which must be used only for criminal justice initiatives. The Bureau of Justice Statistics (BJS) calculates the yearly award amount based on a formula of crime statistics and population. Based on this formula, the allocation for

**FY18 BJA
Justice
Assistance
Grant**

**Request to
Approve**

Charleston County for 2018 will be \$36,281. The Sheriff's Office will receive \$24,199 and the remaining \$12,082 will be allocated to the Solicitor's Office.

The Sheriff's Office is requesting to use this award for Taser cartridges and repairs. The grant period will run from October 1, 2018 until September 30, 2019. There are no FTEs requested in this grant. No match is required.

Because of the County's disparate jurisdiction status with North Charleston and in accordance with JAG regulation, the County will file a joint application with the City whereby the City serves as the fiscal agent for the award.

Committee recommended that Council allow the Sheriff's Office to apply for and accept if awarded, the Edward Byrne Memorial Justice Assistance (JAG) Grant Program through the U.S. Department of Justice with the understanding that:

- Funding is for \$36,281, with \$12,082 allocated to the Solicitor's Office.
- The grant period will run from October 1, 2018 until September 30, 2019.
- There are no FTEs requested in this grant. No match is required.

ITEM C

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Sheriff J. Al Cannon in regards to allocation of funds from the Kennedy Center. It was stated that the Ernest F. Kennedy Center is a private, non-profit organization based in Moncks Corner, SC, which is designated as a county substance abuse provider by the South Carolina Department of Alcohol and Other Drug Abuse Service (SC DAODAS).

**Allocation of
Funds from The
Kennedy
Center**

The Kennedy Center is partnering with the Charleston County Sheriff's Office (CCSO) to reduce underage drinking and underage smoking. CCSO is the lead agency for the Ninth Judicial Circuit's Alcohol Enforcement Team Grant. This funding is a sub-award from the federal Center for Substance Abuse Prevention (CSAP) block grant prevention funds. The CCSO has been sub-awarded \$6,500 of these funds to use for the enforcement of underage drinking and smoking laws.

**Request to
Accept**

The funds were remitted to the CCSO on June 26, 2018, were available for expenditure as of that date, and have no stated expiration date.

There are no FTE's requested in this funding and no match is required.

Committee recommended that Council allow the Sheriff's Office to accept pass-through federal CSAP funding of \$6,500.00 from The Ernest F. Kennedy Center to use for the enforcement of underage drinking and smoking laws with the understanding that:

- The funding was available for expenditure as of June 26, 2018, and has no stated expiration date.
- No FTE's or matching funds are associated with this funding.

The previous item was the last item on the Consent Agenda.

The Chairman announced the next item on the agenda was SCDOT Turnback Program.

**SCDOT
Turnback
Program**

**Request to
Approve**

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Director of Transportation Steve Thigpen in regards to the SCDOT Turnback Program. It was stated that SCDOT has approved implementing a voluntary road transfer demonstration project program that allows local governments to take control over certain roads within their jurisdiction. Both the SCDOT and the local government must mutually agree to the transfer. This program was modeled after a similar program that has been successful in other states and based on a 40-year life cycle cost to operate and maintain the mutually agreed upon section of road.

SCDOT has stated that \$10 Million dollars will be used to fund the statewide program for FY 2019 to determine the level of interest and potential effectiveness of the program.

Transportation Development and Public Works worked together to develop a list of 14 miles of roadway for consideration in the SCDOT Turnback Program. All roads have been ranked in order from highest to lowest priority. Roads were selected based on location (unincorporated), current County ownership over a portion of the roadway, and if we are currently performing maintenance on the road. The condition of the roadway and roadside drainage were also considered. The overall drainage integrity and connection to County drainage held higher priority. Any roads with dysfunctional drainage systems were eliminated from the list. Roads with bridges were excluded from consideration.

Historically, 60% of our annual \$7 Million resurfacing budget is spent towards State roads. This amounts to approximately \$4.2 Million on 21.5 miles of road per year.

The benefits of this program include allowing Charleston County to take ownership of additional local secondary roads. This allows greater authority in our communities to regulate traffic, development, aesthetics, and efficiencies in customer service delivery.

Committee recommended that Council authorize staff to submit a letter of interest, including the attached list of prioritized roadway segments to Christy Hall, SCDOT Secretary of Transportation, to participate in the SCDOT Demonstration Project Turnback Program that allows local governments to take control over certain roads within their jurisdiction with the understanding that additional road maintenance costs incurred in the future will be funded through State funds.

Mr. Summey moved approval of the committee recommendation, seconded by Mr. Sass, and carried. Mr. Pryor voted nay.

**Maybank Hwy
Improvements
—Northern
Pitchfork**

**Request to
Approve**

The Chairman stated the next item on the agenda was the Maybank Improvements—Northern Pitchfork.

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Director of Transportation Steve Thigpen in regards to the approval of additional funds needed to construct the Northern Pitchfork. It was stated that Charleston County's (the County)

Transportation Development Department received the updated traffic study for the Maybank Highway Northern Pitchfork Project on July 13, 2018, as a follow up to the May 9, 2018 Council Directive. The study shows that the construction of the Northern Pitchfork Road is superior to a no-build alternative and effective in dealing with future traffic demands. The Northern Pitchfork Road will save those traveling west during rush hour on Maybank Highway approximately three minutes of travel time from the Paul Gelegotis Bridge to the River Road intersection.

Staff concluded this timesaving after the study evaluated various modifications to the Northern Pitchfork design. The study examined raising the speed limit, eliminating on street parking, and widening the Northern Pitchfork design. All of these modeled modifications revealed a negligible difference in travel time.

Staff continues to work with the property owners and the city of Charleston (the City) to resolve right-of-way (ROW) issues. Currently, the project affects two outstanding parcels. One property owner is working with the City on an agreement for a planned use development variance and reverter language. Once the City executes the agreement, the property owner will dedicate the ROW to the County for construction. The County will present a final offer for ROW to the property owner of the other outstanding parcel prior to proceeding with condemnation, per Council Directive dated January 25, 2017.

The estimated cost to construct the Northern Pitchfork is \$4.1 Million. Council originally approved \$15 million for the Maybank Highway Improvements Project. To date, \$12.4 million has been allocated for design fees, environmental fees, and construction costs. Staff has enough carry over funding from the first 2004 TST bonded projects to cover the Northern Pitchfork shortage of \$1.5 Million.

Committee recommended that Council approve increasing the budget of the Maybank Highway Improvement Project from \$15 million to \$16.5 million in order to move the Northern Pitchfork project forward with the understanding that the additional \$1.5 million needed to fund the Northern Pitchfork is available in carry over funding from the first 2004 TST bonded projects in the Roads portion of the first Transportation Sales Tax.

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

**5-Year
Extension
Tower Lease**

The Chairman stated the next item on the agenda was the five (5) year extension on the tower lease for WCB/Channel 2.

**Request to
Approve**

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Director of Radio Communications Bill Tunick in regards to the approval of a five (5) year extension of WCB/Channel 2 Tower Lease Agreement. It was stated that Charleston County maintains an existing tower lease/license agreement with WCB/Nexstar Broadcasting (Channel 2) in Mt. Pleasant for our public safety radio equipment. This is the prominent, nearly 1,000 ft. tower near the Ravenel Bridge. The current lease rate is \$9,650 per month and includes the installation and operation of eight sizeable radio and microwave antennas on the tower. It also includes climate controlled interior space

adjacent to the tower to house up to ten racks of the County’s radio equipment and generator backup with commercial electric power.

Currently, we have a year-to-year lease that is cancellable by either party with 30-days’ notice prior to the yearly renewal date each year of July 1st. This is our most critical public safety tower, which covers Downtown, Mt. Pleasant, and the Charleston Peninsula. The current year-to-year term is inadequate. WCBD/Nexstar (Channel 2) has agreed to a five-year extension of this lease with no other changes to the existing lease.

Committee recommended that Council authorize the execution of the First Amendment to the Tower and Transmission Building Space License Agreement for the County’s public safety radio installation and operation on the WCBD/Nexstar tower in Mt. Pleasant, extending the current lease for five-years with the understanding that the County Attorney’s Office will review all documents.

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Sass, and carried.

**FY19
Community
Investment
Allocations**

The Chairman announced the next item on the agenda was the FY19 Community Investment Allocations.

**Request to
Approve**

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller and Director of Budget Mack Gile in regards to the FY19 Community Investment Allocations. It was stated that as part of the annual budget process, a lump sum amount was appropriated in the General Fund for future allocation to agencies. Council has committed \$400,000 in the Fiscal Year 2019 budget for the Community Investment Funding. Of the \$400,000, specific allocations of \$100,000 for M.A.D. USA, \$50,000 for SC Legal Services and \$50,000 for Turning Leaf were included. \$200,000 remains to be allocated among the applicants.

Applications were received from 43 organizations totaling \$412,529. After applying the Community Investment policy criteria, there were 7 small organizations requesting a total of \$62,700 and 23 large organizations requesting a total of \$209,936 for a total of \$272,636 in eligible requests. The allocation of 1/3 of \$200,000 or \$66,667 to the small organizations is sufficient to fully fund their requests. The allocation of 2/3 of \$200,000 or \$133,333 to the large organizations and the \$3,967 balance of the small organizations allocation totals \$137,300. This amount is not sufficient to fund all of the large organizations’ requests, so the large organizations’ requests were reduced proportionally to the available funds.

Committee recommended that Council approve the allocation of \$199,986 Community Investment appropriations as listed below.

Community Investment FY19

Organization

American College of the Building Arts

6,326

American Music System Charleston	8,700
American Red Cross	6,326
Association for the Blind & Visually Impaired (ABVI)	6,326
Augusta Warrior Project	6,326
Barrier Islands Free Medical Clinic	6,326
Be a Mentor, Inc.	10,000
Boy Scouts of America (Coastal Carolina Council)	6,326
Charleston Jewish Family Services	6,326
Charleston Miracle League	10,000
Charleston Promise Neighborhood	6,326
Charleston Symphony Orchestra	3,266
Communities in Schools of the Chas. Area	6,326
Crime Stoppers of the Lowcountry	4,000
Dee Norton Lowcountry Children's Center	2,500
Disability Resource Center d/b/a AccessAbility	6,326
East Cooper Land Trust	6,326
Engaging Creative Minds	6,326
Father to Father, Inc.	6,326
Lowcountry Food Bank	6,326
Lowcountry Orphan Relief	5,000
My Sister's House	6,326
OriginSC (formerly Family Services)	6,326
Palmetto Community Action Partnership	6,326
People Against Rape	6,326
Reading Partners	6,326
Veterans on Deck	10,000
Village Repertory Co	6,326
Wando-Huger CDC (Moved from Economic Dev. funding)	10,000
Youth Empowerment Services, Inc. (Y.E.S.)	<u>10,000</u>
 Total	 199,986

Mr. Pryor moved approval of the committee recommendation, seconded by Mr. Summey, and carried.

The Chairman announced the next item on the agenda was Three Friars Urban Greenbelt Project.

**Three Friars
Urban
Greenbelt
Project**

A report was furnished by the Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller, Director of Greenbelt Cathy Ruff, and County Attorney Joe Dawson in regards to the Three Friars

**Request to
Approve**

Urban Greenbelt Project. It was stated that at its meeting of April 23, 2018, County Council voted to disapprove the Three Friars Urban Greenbelt Project application and that at that meeting councilmembers had cited a concern for the project's impact on and proximity to the pathway of the proposed Mark Clark Completion project. Following the meeting, the County Attorney was asked to determine the applicant's interest in negotiating further in an attempt to find conditions for approval of the project that might satisfy County Council's concerns regarding the Mark Clark Completion project.

Committee recommended that Council:

1. Approve the funding of the Three Friars Urban Greenbelt Project, provided that upon approval, grant agreements will be executed between the County and appropriate parties.

<u>Applicant</u>	<u>Project Name</u>	<u>Project Type</u>	<u>Acres</u>	<u>Funding Amount</u>
Lowcountry Land Trust	Three Friars	Conservation Easement	48 acres	\$900,000

2. Authorize the County Administrator to require the execution and delivery of proper agreements and instruments to implement the conditions of the approval of the grant funds, and to effectuate the goals of the Greenbelt Program ordinances and policies.

3. Authorize the use of \$900,000 from Greenbelt fund balance.

Mr. Summey moved approval of the committee recommendation. The motion was seconded by Mr. Sass.

Mr. Moody thanked the legal staff for working with the property owner, Mr. Kerr, on resolving the potential issue with I-526.

The Chairman called for a vote and the motion carried. Mr. Pryor voted nay.

The Chairman stated the next item on the agenda was 3600 Rivers Avenue.

**3600 Rivers Avenue
Recommendation**

A report was provided by the Special Finance Committee under date of August 16, 2018, that it considered the information provided by County Administrator Jennifer Miller, Chief Deputy County Administrator Walt Smalls, and Facilities and Capital Projects Director Tim Przybylowski in regards to 3600 Rivers Avenue. Committee also considered information provided in Executive Session.

Committee recommended that Council authorize staff to coordinate with consultants on options including demolition and new construction, subject to results of the Invitation for Bid (IFB).

Mr. Pryor moved approval of the committee recommendation, seconded by Ms. Johnson, and carried. Mr. Qualey voted nay.

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

**Council
Comments**

Ms. Johnson thanked Kiawah River Developers and the community for working together to continue to be good neighbors.

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

Kristen L. Salisbury
Clerk of Council