

July 12, 2022
North Charleston, SC

A meeting of Charleston County Council was held at 6:30 pm on the 12th day of July 2022, 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.

The following Councilmembers were present: Teddie E. Pryor, Sr., Chairman, who presided; Jenny Costa Honeycutt, Anna Johnson, Kylon Jerome Middleton, Brantley Moody, Herb Sass, Dickie Schweers, and Robert L. Wehrman. Henry Darby was absent.

Deputy County Administrator for General Services Walter Smalls and County Attorney Natalie Ham were also present.

Mr. Middleton gave the invocation and Mr. Smalls led the pledge.

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

The Chairman announced the next item on the agenda was approval of minutes of June 21, 2022. Mr. Moody moved approval of the minutes, seconded by Mr. Middleton, and carried.

The Chairman announced the next item on the agenda was the Gullah-Geechee Nation Appreciation Week Resolution.

**Gullah-Geechee
Resolution**

Mr. Middleton moved approval of the resolution, seconded by Mrs. Honeycutt, and carried.

Request to Adopt

The resolution is as follows:

**A RESOLUTION
OF CHARLESTON COUNTY COUNCIL**
*Proclaiming the Week of July 30 – August 6, 2022 as Gullah-Geechee Nation
Appreciation Week*

WHEREAS, Charleston County is one of the oldest counties in South Carolina, and in the 18th century, Charleston County and the South Carolina coast became the locale of some of the richest rice plantations in the South, which were linked to specific West African ethnic groups who became known as *Gullah-Geechee*; **and**,

WHEREAS, the Gullah-Geechee civilization, originated in West Africa, its people coming to the United States as slaves to work on rice plantations, specifically in the coastal regions, including South Carolina; and with their African fare, original language, and craftsmanship, the Gullah-Geechee people left their mark on southeastern South Carolina, **and**,

WHEREAS, the Gullah-Geechee culture has had a powerful impact on the Low Country of South Carolina, including Charleston County, and these Gullah-Geechee influences have helped to define our southern lifestyle and culture; **and**,

WHEREAS, the preservation and celebration of the Gullah-Geechee culture has gained momentum due to the Gullah-Geechee Cultural Heritage Act, created by United States Representative James Clyburn, as well as the efforts of others such as Queen Quet, Chieftess of the Gullah-Geechee Nation, and Kwame Sha, co-founders of the International Gullah-Geechee Nation Celebration and the annual Gullah-Geechee Nation Music & Movement Festival; **and**,

WHEREAS, Queen Quet has served as the official “Head pun de Bodee” and spokesperson for Gullah/Geechees since July 2, 2000; and

WHEREAS, the 22nd Anniversary of the Gullah/Geechee Nation is being celebrated under the theme “Disya Who WEBE: Celebrating de Gullah/Geechee Living Legacy”; and

WHEREAS, it is appropriate to recognize the importance of bringing awareness and appreciation for this rich culture and history in order to increase understanding of all the contributions the Gullah-Geechee cultural heritage have given to our area and the sustainability of the Gullah/Geechee Nation.

NOW THEREFORE BE IT RESOLVED that **CHARLESTON COUNTY COUNCIL** does hereby proclaim the week of **July 30-August 6, 2022** as

GULLAH-GEECHEE NATION APPRECIATION WEEK

in Charleston County and encourages its citizens to celebrate the Gullah/Geechee Nation under the theme “Disya Who WEBE: Celebrating de Gullah/Geechee Living Legacy” and support Gullah/Geechee businesses and institutions.

CHARLESTON COUNTY COUNCIL

Teddie E. Pryor, Sr., Chairman
July 12, 2022

Ms. Johnson presented the resolution to Queen Quet.

Queen Quet thanked Council for this recognition and invited everyone to come and celebrate Gullah-Geechee Nation Appreciation Week in Beaufort County starting on July 30, 2022.

The Chairman suspended the County Council meeting to complete the Finance Committee meeting, hold public hearings, and receive public comments.

At the conclusion of the Finance Committee meeting, public hearings, and public comments, the Chairman reconvened the County Council meeting.

The Chairman announced the next item on the agenda was third reading of an ordinance regarding the EMS Fee Ordinance Amendment.

EMS Fee
Ordinance
Amendment

Ordinance 3rd
Reading

The ordinance was given third reading by title only.

AN ORDINANCE

TO AMEND THAT PORTION OF CHARLESTON COUNTY CODE OF ORDINANCES SECTION 2-137 PERTAINING TO FEES IN THE EMERGENCY MEDICAL SERVICE DEPARTMENT, AND TO ADD A PROVISION FOR RELIEF FROM DEBT FOR THOSE PATIENTS EXPERIENCING FINANCIAL HARDSHIP

WHEREAS, Charleston County is entitled to commercially reasonable reimbursements for EMS services; and,

WHEREAS, Medicare rates for EMS services regularly increase based on commercially reasonable adjustments; and Charleston County Council last updated the EMS Fee Schedule on May 21, 2009, codified through Ordinance Number 1588; and,

WHEREAS, Charleston County is a participating supplier under the Centers for Medicare & Medicaid Services (CMS) ; and

WHEREAS, Charleston County EMS seeks to increase fees and rates in accordance with the annual Medicare Fee Schedule promulgated by CMS; and additionally authorize the Charleston County Administrator to annually establish such rates and fees in accordance with each annual Medicare Fee Schedule as may be amended by CMS from time to time; and

WHEREAS, Charleston County EMS also seeks to add a provision to the Code of Ordinances authorizing relief of burden for those patients experiencing financial hardship; and,

WHEREAS, Charleston County Council finds that the foregoing requests by Charleston County EMS to be in the best interest of the County and its citizens;

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

SECTION I. FINDINGS INCORPORATED

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

SECTION II. TEXT CHANGES

The Emergency Medical Services fee schedule of Section 2-137 of the Charleston County Code of Ordinances is amended in its entirety and replaced with the following:

EMERGENCY MEDICAL SERVICES

“Type of Service” means those definitions and interpretations as determined by the Centers for Medicare & Medicaid Services (CMS).

Type of Service:	Fee:
Basic Life Support Emergency (BLS)	\$447.00

Advanced Life Support Emergency (ALS) 1	\$725.00
Advanced Life Support Emergency (ALS) 2	\$1,285.00
Mileage, per mile	\$10.25
BLS, without Transport	\$0, no charge
ALS without Transport	\$85.00
Reproduction of Medical Records	\$20.00 or in accordance with applicable law

Annualized Adjustment Authorized: Medicare adjusts reimbursement schedules annually on a calendar year. This ordinance grants to the Charleston County Administrator the authority to adjust Charleston County EMS fees based on the same percentage change as Medicare, to be implemented the following July 1st.

Financial Hardship: The Charleston County Administrator is authorized to develop a Financial Hardship Assistance Procedure. Such procedure may include elements based on Charleston County residency and uninsured/self-pay status, and may authorize the Director of EMS to waive collections from patients or in circumstances authorized by such procedure.

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 is effective immediately upon approval following third reading.

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
Honeycutt	- aye
Johnson	- aye
Middleton	- aye
Moody	- aye
Sass	- aye
Schweers	- aye
Wehrman	- aye
Pryor	- aye

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

The Chairman announced the next item on the agenda was third reading of an ordinance regarding Curbside Collection of Solid Waste Franchise Agreement Amendment.

Curbside
Collection of
Solid Waste
Franchise
Agreement
Amendment

The ordinance was given third reading by title only.

Ordinance 3rd

**AN ORDINANCE
AMENDING ORDINANCE NUMBER 2008, AUTHORIZING AN EXCLUSIVE
FRANCHISE FOR THE COLLECTION OF SOLID WASTE FROM HOUSEHOLDS IN
UNINCORPORATED AREAS OF THE COUNTY AND OTHER MATTERS RELATED
THERETO**

WHEREAS, in 1974, County Council adopted Ordinance No. 180, codified as Section 10-16 et seq. of the Code of Ordinances of Charleston County, which established rules and regulations regarding the use and collection of solid waste in unincorporated areas of the County not serviced by a special public service district; and

WHEREAS, the Ordinance created three (3) door-to-door collection districts in the unincorporated portion of the County in Mt. Pleasant, Johns Island and North Charleston; and,

WHEREAS, the Ordinance also provided for licensing of contractors to make door-to-door curbside pickups, and to bill subscribers on a quarterly basis; and

WHEREAS, the County has subsequently conducted competitive bids and awarded contracts for the collection of household garbage, construction and demolition debris and yard waste in the collection districts pursuant to the Ordinance, county solid waste department policies and other applicable laws, rules, and regulations; and

WHEREAS, County Council believes it to be in the best interest of the County government and the health and welfare of its citizens to reaffirm that the business of collecting and subsequently transporting, transferring, disposing and/or recycling of household solid waste generated, kept, or accumulated in the collection districts previously established affects the health, safety, public welfare, and quality of life of the inhabitants of the County; that the business of collecting and disposing of household solid waste is a public service and should continue to be regulated by the County; and that the use of any public street, road highway or other public property in connection with such business is of interest to the County and a proper subject of regulation; and

WHEREAS, County Council finds it in the best interest of the citizens of the County to add a fourth door-to-door collection district in the unincorporated portion of the County in the Town of Ravenel.

WHEREAS, County Council's practice has been generally to establish a franchise by means of the adoption of an ordinance.

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

SECTION I. FINDINGS INCORPORATED

The findings above are hereby incorporated by reference and made a part of this ordinance.

SECTION II. FRANCHISE FOR SOLID WASTE COLLECTION SERVICES

County Council hereby establishes a franchise for solid waste collection services, which authorize the execution of a contract awarded through a reoccurring competitive bid process for solid waste collection services to one or more Waste Services Provider(s), pursuant to the terms and conditions of a solicitation, respectively, which is incorporated herein by reference.

SECTION III. ADDITIONAL COLLECTION DISTRICT

Chapter 10 of the Charleston County Code of Ordinances is hereby amended so to add the following provision:

Sec. 10-19 – Collection Districts Established.

(4) District IV. District IV shall include unincorporated portions of the County in and around the Town of Ravenel.

SECTION IV. 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 V. EFFECTIVE DATE

This ordinance shall become effective immediately upon approval of County Council following third reading.

ADOPTED and APPROVED in meeting duly assembled this 12th day of July 2022

CHARLESTON COUNTY COUNCIL

By: _____
Teddie E. Pryor, Sr.
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen Salisbury
Clerk to Charleston County Council

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
Honeycutt	- aye
Johnson	- aye
Middleton	- aye
Moody	- aye
Sass	- aye
Schweers	- aye
Wehrman	- aye
Pryor	- aye

The vote being eight (8) ayes, 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 ZLDR amendments resilience items.

A report was provided by the Planning and Public Works Committee under date of July 7, 2022, that it considered the information furnished by County Administrator Bill Tuten and Zoning and Planning Director Joel Evans regarding proposed amendments to Chapters 3, 4, 5, 6, 7, 8, 9, 12, and Appendix A of the Zoning and Land Development Regulations (ZLDR). It was stated that the Resilience Element of the Comprehensive Plan was adopted by County Council on March 10, 2020. The strategies and action items included in the element were coordinated with adjacent jurisdictions to promote resilience through enhanced planning and building practices, implementation of higher regulatory standards, and increased public awareness and educational efforts. The goal of the element states: "Charleston County will prioritize resilience in all County plans, policies, and regulations."

One of the action items in the Resilience Element is to identify a Resilience Officer. To implement this action item, the County Administrator appointed Karen Green as the first Chief Resilience Officer for the County in October of 2020.

Another action item in the Resilience Element is to identify and pursue amendments to existing County policies and regulations to improve the County's resilience towards long-term stresses and acute disasters. In order to support this action item, the Chief Resilience Officer created a Resilience Committee made up of community representatives/concerned citizens; representatives from the City of North Charleston, City of Charleston, Town of Mt. Pleasant, and Town of James Island; County departmental representatives from Budget, Facilities, Building Services, Zoning/Planning, and Public Works/Stormwater; representatives from the fields of property management, real estate, engineering, and home building; representatives from The Nature Conservancy, Coastal Conservation League, and the Medical District; and representatives from the County Planning Commission.

The Resilience Committee met regularly from April 2021 through February 2022. Presentations from different subject matter experts were given to the Committee. The presentations covered topics such as: climate change; resilient coastal forests; County building, planning/zoning, stormwater and related requirements and programs; and updates from the City of Charleston's Resilience Officer. The Committee made recommendations regarding ways the Zoning and Land Development Regulations Ordinance (ZLDR), Building and Flood Codes, and Stormwater Manual could be revised to address resilience issues. Many of their suggestions had already been incorporated into the ZLDR, including removing wetlands from density and lot area calculations, reducing parking requirements for developments close to public transportation, and strengthening the tree preservation requirements. Staff drafted amendments to implement the Committee's recommendations that had not yet been addressed and presented them to the Committee for review and feedback, culminating in the final proposed amendments.

The proposed ZLDR amendments (in redlined format) are attached. Below is a summary of the proposed ZLDR amendments:

- Exempt the area under buildings that is used for parking from maximum building height calculations, up to one story for multi-family dwellings and

non-residential development, for parking areas under the buildings that cover at least 51 percent of the building footprint, to encourage parking under buildings and reductions in impervious surfaces:

- Define “Story” as: That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it.
- Change the maximum building coverage requirement to a maximum impervious surface coverage requirement as follows:
 - Limit impervious surface coverage as follows:
 - Parks/Recreation/Open Space, Resource Management, AG-15, AG-10, AG-8, AGR, Rural Residential, Special Management, R-4, Manufactured Housing Subdivision, and Manufactured Housing Park Zoning Districts: Maximum Impervious Surface Coverage of 40% of the lot for nonresidential development and residential development on parcels less than 30,000 square feet in size (maximum 30% building coverage applies to residential development on parcels greater than 30,000 square feet in size);
 - Urban Residential Zoning District: Maximum Impervious Surface Coverage of 50%;
 - Rural Commercial and Rural Industrial Zoning Districts: Maximum Impervious Coverage of 40% of the lot; and
 - Residential Office, Civic/Institutional, General Office, Neighborhood Commercial, Community Commercial, and Industrial Zoning Districts: Maximum Impervious Surface Coverage of 40% if in the Rural Area and 50% if in the Urban/Suburban Area
 - Amend overlay zoning district requirements to correspond with the change from building coverage to impervious surface coverage limitations;
 - Allow increases in impervious surface coverage up to 50% of the lot for parcels involved in shared access agreements;
 - Require that applications for variances from the maximum impervious surface coverage requirements include documentation showing how the proposed increase in Impervious Surface Coverage beyond the maximum allowed will be mitigated and provide documentation that the proposed mitigation has been approved by the Stormwater Division of the Charleston County Public Works Department. Include the same requirement for Planned Developments that request increases in maximum impervious surface coverage.
 - Mitigation may include, but shall not be limited to, green infrastructure and low impact design techniques.
 - In no case shall the maximum Impervious Surface Coverage be increased beyond 70% of the Lot;
 - Prohibit driveways of any surface type from being located in OCRM Critical Line Buffers;
 - Define “Impervious Surface Coverage” as: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced Streets, roofs, sidewalks, Parking Lots, and other similar

- Structures;
- Define “Pervious Surface Coverage” as: A surface type including, but not limited to, grass, permeable asphalt, and permeable concrete, that allows water to penetrate through the surface and drain to the ground below at a rate greater than 0.3 in/hr, as approved by the Charleston County Public Works Department;
 - Change the definition of “Building Height” to be measured from the Design Flood Elevation instead of the Base Flood Elevation to account for potential changes in the Freeboard, which is defined as “a factor of safety usually expressed in feet above a mandatory Base Flood Elevation (BFE) for purposes of floodplain management, as approved by the Charleston County Building Inspections Services Department”:
 - Define “Base Flood Elevation” as: The elevation of surface water resulting from a flood having a one percent chance of being equaled or exceeded in any given year, as determined by the Charleston County Building Inspections Services Department; and
 - Define “Design Flood Elevation” as: The Base Flood Elevation (BFE) plus Freeboard as approved by the Charleston County Building Inspections Services Department; and
 - Clarify differences between the terms “paving” and “impervious surfaces” as applicable throughout the ZLDR.

PLANNING COMMISSION MEETING: APRIL 11, 2022

Staff presented the proposed draft amendments to the ZLDR, and the floor was opened for comments/questions from the Commission. No members of the public spoke in support or opposition to the proposed amendments. Planning Commission directed staff to make some edits to the proposed amendments and bring them back to the May 9, 2022 meeting.

Notifications: 610 notifications were sent to individuals on the ZLDR/Comprehensive Plan Interested Parties List and the Resilience Committee on March 25, 2022. Additionally, this request was noticed in the *Post & Courier* on March 25, 2022.

PLANNING COMMISSION MEETING: MAY 9, 2022

Recommendation: Approval (vote: 6 to 0)

Speakers: One person spoke in support of the proposed amendments, and no one spoke in opposition.

Notifications: 610 notifications were sent to individuals on the ZLDR/Comprehensive Plan Interested Parties List and the Resilience Committee on April 22, 2022. Additionally, this request was noticed in the *Post & Courier* on April 22, 2022.

PUBLIC HEARING: JUNE 21, 2022

Speakers: One person spoke in support of the proposed amendments, and one additional speaker made a general comment about the proposed amendments.

Notifications: 620 notifications were sent to individuals on the ZLDR/Comprehensive Plan Interested Parties List and the Resilience Committee on May 20, 2022. Additionally, this request was noticed in the *Post & Courier* on May 20, 2022.

PLANNING/PUBLIC WORKS MEETING : JULY 7, 2022

Recommendations:

- Incorporate Impervious Surface Limitations:
 - *Approval (vote: 4 to 3; Councilmembers Honeycutt, Moody, and Sass dissented).*
- Building Height Definition:
 - *Approval (vote:4 to 3; Councilmembers Honeycutt, Moody, and Sass dissented).*
- Incentivize Parking Under Buildings:
 - *Approval (vote: 6 to 1; Councilman Moody dissented).*
- Prohibit Driveways in OCRM Buffers:
 - *Disapproval (vote: 5 to 2; Councilmembers Sass and Moody dissented).*

Item A:

**Incorporate
Impervious
Surface
Limitations**

Mr. Moody stated that, in light of the comments received from Josh Dix of the Trident Association of Realtors during the public hearing, he recommended that Council postpone this item. The motion was seconded by Mr. Sass.

**-Request to
Consider**

Mr. Middleton stated he understood Mr. Dix was a member of the Resiliency Committee and that he had received credible comments from members of the task force that Mr. Dix had never voiced concerns during their meetings. Mr. Middleton added that he did not understand why one person’s last-minute concerns would be a credible reason for Council to postpone this item.

**-Ordinance
1st Reading**

The Chairman asked if the intent of Mr. Moody’s motion was to bring this back before third reading. Mr. Schweers stated that he understood the motion to be postponing first reading of this item. Mr. Moody confirmed that was correct. Mr. Moody asked the County Attorney if he needed to set a date to bring it back. Mrs. Ham stated it would be helpful if Mr. Moody’s motion included a date to when it would be deferred.

Mrs. Honeycutt stated that Council was provided with a five-page explanation for this item and she had sought further information on this matter because she did not want there to be any unintended consequences to this proposal. She stated that her first home was in a neighborhood with single-family homes on quarter acre lots. Each lot had a house, a detached garage, and a driveway. Mrs. Honeycutt stated that there was no way that neighborhood could be built in that location anymore, but there were plenty of places in Charleston County where that is a perfectly acceptable way to construct this type of neighborhood and it would have to comply with existing stormwater regulations. She stated that this is a huge burden on the building industry from a single-family residence standpoint. Mrs. Honeycutt stated that as to industrial zoned properties, there are currently no impervious surface regulations. She stated that none of the buildings the county had recently constructed – the Teddie E. Pryor building, the MRF, the libraries –

could have been built under these standards with 50% impervious, including parking. She added that there is very good LIDAR data and maps coming out these days following legislation introduced by Rep. Chip Campsen that will pinpoint specific areas where this type of regulation is supposed to address, but these wholesale changes are a sledgehammer to areas that may need where a scalpel could be used. Mrs. Honeycutt stated that she would like to postpone this item until staff could come back and let Council know specifically what areas need these impervious restrictions, what the standards should be, and help Council narrow it down because it is too broad in its current form.

Ms. Johnson stated that Mr. Evans had shared a map with her that indicated responses to people who were surveyed about the drainage in different areas of the County because she thought that map could help answer some of Mrs. Honeycutt's questions. Mr. Evans stated that he did not have a copy of the map with him, but there was a questionnaire that was done asking residents about their concerns in their area as it pertains to flooding and they had received 355 responses with 70 percent of those responses coming from the urbanized areas of West Ashley and James Island. Ms. Johnson stated that, as far as she could tell, James Island was pretty much built out and there wasn't anywhere she could think of that these standards would apply, so there would still be drainage problems there. She added that in West Ashley, it was pretty much also built out, so she did not understand what more needed to be addressed between now and when this item comes back to Council. Mr. Moody stated that this is not a one-size-fits-all problem, and he would rather staff have reasonable alternatives to present to Council.

Chairman Pryor asked Mr. Evans if he would be able to have information back to Council before August 11. Mr. Evans stated that he could have some information, but any changes to the proposal would need to go back through Planning Commission. The Chairman stated that they were just asking for more information in light of Mrs. Honeycutt's concerns and in light of Ms. Johnson's comments regarding certain areas being built out, they needed additional time to talk to constituents and other interested parties to see if they thought these regulations would hurt them, so he would postpone this item until the Special Council meeting on August 11, 2022.

Mr. Middleton stated that he did not understand how one person's opinion trumps anyone else's, and Council needed to balance things out when this returns to the agenda.

Mrs. Honeycutt stated that, to address a comment received during public comments, gravel may be cheaper than concrete, however impervious pavement is not cheaper, in fact, it is substantially more expensive. She stated that a raised house is still considered impervious, any roof surface over the ground, even if it does not create a slab surface, is considered impervious, which is what concerned her because Council had just amended ZLDR to allow accessory dwelling units, in part, to address affordable housing, and whereas currently she could build a unit in her backyard where her mother-in-law could live or a college student could rent out, that would provide more housing, but this cuts off that opportunity because you couldn't build that structure and still stay within the 40-50% impervious surfaces on the lot. She stated that this proposal has far-reaching implications as there are plenty of areas on James Island and across the county where you could still put in an adu, but if we change the zoning ordinance this drastically instead of being more thoughtful about it and making this requirement where it would

actually affect flood-prone areas, so the very things that were implemented last year to address the lack of housing stock would not be able to be done this year.

Mr. Sass stated that currently when permits are given, stormwater is looked at, and there are some areas that are flood prone and some that are not. He stated that this is a one size fits all approach and there should be more decision making made rather than piling regulations higher and higher.

Mr. Moody restated his motion to defer this to the August 11, 2022 Special County Council meeting. The Chairman called for a vote on the motion, which carried.

Item B:

**Building Height
Definition**

**-Request to
Consider**

**-Ordinance 1st
Reading**

Committee recommended that Council approve and give first reading to an ordinance changing the definition of "Building Height" to be measured from the Design Flood Elevation instead of the Base Flood Elevation to account for potential changes in the Freeboard, which is defined as "a factor of safety usually expressed in feet above a mandatory Base Flood Elevation (BFE) for purposes of floodplain management, as approved by the Charleston County Building Inspections Services Department":

- Define "Base Flood Elevation" as: The elevation of surface water resulting from a flood having a one percent chance of being equaled or exceeded in any given year, as determined by the Charleston County Building Inspections Services Department; and
- Define "Design Flood Elevation" as: The Base Flood Elevation (BFE) plus Freeboard as approved by the Charleston County Building Inspections Services Department; and
- Clarify differences between the terms "paving" and "impervious surfaces" as applicable throughout the ZLDR.

Mr. Middleton moved to approve the Committee recommendation with the right to amend up to third reading, seconded by Mr. Sass, and carried.

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO AMEND THE
BUILDING HEIGHT DEFINITION AT THE FOLLOWING DOCUMENT LOCATION:
CHAPTER 12, DEFINITIONS WITH THE RIGHT TO AMEND UP TO THIRD READING.**

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

Item C:

**Incentivize
Parking Under
Buildings**

**-Request to
Consider**

-Ordinance 1st

Committee recommended that Council approve and give first reading to an ordinance exempting the area under buildings that is used for parking from maximum building height calculations, up to one story for multi-family dwellings and non-residential development, for parking areas under the buildings that cover at least 51 percent of the building footprint, to encourage parking under buildings and reductions in impervious surfaces:

- Define “Story” as: That portion of a building included between the surface of any floor and the surface of the next floor above, or if there be no floor above it, then the space between such and the ceiling next above it.

Mr. Middleton moved to approve the Committee recommendation with the right to amend up to third reading. The motion was seconded by Ms. Johnson.

Mr. Sass asked if Mr. Middleton and Ms. Johnson would consider an amendment to include these incentives for single-family houses. Both Mr. Middleton and Ms. Johnson accepted the amendment.

Mr. Schweers asked if there would be any potential negative impact regarding the addition of single-family residences. Mr. Evans stated that because this incentivizes parking underneath houses, in established neighborhoods you could end up with houses that are a full story higher than other surrounding houses. Mr. Schweers remarked that height of neighbors’ houses is meaningful to a lot of people. Mrs. Honeycutt stated that this happens all the time on James Island.

Ms. Johnson withdrew her second. Mrs. Honeycutt seconded the motion with the amendment to include single-family residences in the provision to incentivize parking under buildings.

The Chairman called for a vote on the amended motion, which carried. Mr. Schweers and Ms. Johnson voted nay.

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO INCENTIVIZE
PARKING UNDER BUILDINGS AT THE FOLLOWING DOCUMENT LOCATIONS:
CHAPTER 4, BASE ZONING DISTRICTS; CHAPTER 9, DEVELOPMENT
STANDARDS; AND CHAPTER 12, DEFINITIONS WITH THE RIGHT TO AMEND UP
TO THIRD READING.**

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

Item D:

**Prohibit
Driveways in
OCRM Critical
Line Buffers**

Committee recommended that Council approve and give first reading to an ordinance prohibiting driveways of any surface type from being located in OCRM Critical Line Buffers.

**-Request to
Consider**

Mr. Middleton moved to approve the Committee recommendation with the right to amend up to third reading, seconded by Mrs. Honeycutt, and carried. Mr. Moody voted nay.

**-Ordinance 1st
Reading**

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO PROHIBIT
DRIVEWAYS IN OCRM CRITICAL LINE BUFFERS AT THE FOLLOWING
DOCUMENT LOCATIONS: CHAPTER 4, BASE ZONING DISTRICTS WITH THE
RIGHT TO AMEND UP TO THIRD READING.**

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

Mr. Schweers asked to go back to the previous item, 5C, and stated that the homes in his neighborhood are elevated such that the first floor is 15 feet in the air and owners could build two stories on top of those 15 feet. He asked if this would allow them to build even higher or would it not be impacted because they are already elevated. Mr. Evans stated the incentivized parking does not penalize property owners if they decide to park underneath the building no matter where the flood zone or freeboard is. He stated building height would be measured wherever the floor area is located, so it could be 8' or 4' or something in between that would not be counted as part of the building height. Mr. Schweers stated that the homes are already very high, and he could not imagine them being even higher. Mr. Evans stated that depending on the flood zone, the height of the house would be measured at 2' above the base flood elevation. That would be the base where you started measuring the height of the house. With the incentive for the parking, if you wanted to go up even further to be allowed to park under the house, this does away with using the parking area into the height of the house. The new base would be up to the ceiling of the garage, not 2' above base flood elevation regardless of the flood zone. Mr. Schweers stated that if someone already had 15 feet to park then there would be no incentive to change anything.

The Chairman announced the next item on the agenda was the ZLDR amendments non-resilience items.

A report was provided by the Planning and Public Works Committee under date of July 7, 2022, that it considered the information furnished by County Administrator Bill Tuten and Zoning and Planning Director Joel Evans regarding proposed amendments to the following ZLDR text amendments:

- a. Art. 5.3, Johns Island Maybank Highway Corridor Overlay Zoning District; Art. 5.14, James Island Maybank highway Corridor Overlay Zoning District; Art. 5.15, Main Road Corridor Overlay Zoning District; Art. 8.4, Preliminary Plat; Art. 8.5, Final Plats; and Chapter 12, Definitions: Per the April 6, 2022 letter from the U.S. Army Corps of Engineers (USACE), the Charleston District Regulatory Division will no longer prioritize wetland delineation requests that are not associated with a USACE permit application. They recommend allowing wetland delineations prepared by environmental consultants utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation instead of relying on jurisdictional determinations when those requests are not associated with a USACE permit application. The proposed amendments implement that recommendation.
- b. Sec. 9.2.4, Required Tree Protection: Reduce the tree barricade radii distance requirement from 1.5 feet times the DBH to one foot times the DBH.

- c. Sec. 9.8.6, Billboards: Clarify that the minimum distance between billboards and other on- premises signs applies only to freestanding signs and not wall signs.
- d. Sec. 4.24.4, Reductions of OCRM Critical Line Setbacks, Sec. 9.2.1, General (Tree Protection and Preservation), and Chapter 12, Definitions: Authorize the Zoning and Planning Director to waive or modify existing OCRM Critical Line setbacks and buffers when the alteration results in an overall expansion of the OCRM Critical Line into the existing highland and freshwater wetland areas for the creation of a Mitigation Bank and specific conditions are met; exempt the removal of trees associated with relocating the OCRM Critical Line as described above from the Tree Protection and Preservation requirements of the ZLDR; and define “Mitigation Bank.”

Staff Recommendation:

Consideration of amendments to the Zoning and Land Development Regulations Ordinance (ZLDR).

Planning Commission Review and Recommendation – May 9, 2022:

Public Input and Planning Commission Recommendations:

- Art. 5.3, Johns Island Maybank Highway Corridor Overlay Zoning District; Art. 5.14, James Island Maybank highway Corridor Overlay Zoning District; Art. 5.15, Main Road Corridor Overlay Zoning District; Art. 8.4, Preliminary Plat; Art. 8.5, Final Plats; and Chapter 12, Definitions: Amend requirements to allow wetland delineations prepared by environmental consultants utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation instead of relying on jurisdictional determinations when those requests are not associated with a USACE permit application:
 - *Public Input prior to the meeting: No correspondence regarding the proposed amendments was received prior to the Planning Commission meeting.*
 - *Public Comments: One person spoke in support; no one spoke in opposition; three people spoke with questions regarding the proposed amendments.*
 - *Planning Commission Recommendation: Approval with the addition of the following language: “reviewed and approved by the Charleston County Public Works Department (Stormwater Division)” (vote: 6 to 0).*
- Sec. 9.2.4, Required Tree Protection: Reduce the tree barricade radii distance requirement from 1.5 feet times the DBH to one-foot times the DBH:
 - *Public Input prior to the meeting: No correspondence regarding the proposed amendments was received prior to the Planning Commission meeting.*
 - *Public Comments: Four people spoke in support; no one spoke in opposition.*
 - *Planning Commission Recommendation: Approval (vote: 6 to 0)*
- Sec. 9.8.6, Billboards: Clarify that the minimum distance between billboards and other on- premises signs applies only to freestanding signs and not wall signs:
 - *Public Input prior to the meeting: No correspondence regarding the proposed amendments was received prior to the Planning*

- Commission meeting.*
 - Public Comments: No one spoke regarding the proposed amendments.*
 - Planning Commission Recommendation: Approval (vote: 6 to 0)*
- Sec. 4.24.4, Reductions of OCRM Critical Line Setbacks: Authorize the Zoning and Planning Director to waive or modify existing OCRM Critical Line setbacks and buffers when the alteration results in an overall expansion of the OCRM Critical Line into the existing highland and freshwater wetland areas for the creation of a Mitigation Bank and specific conditions are met:
 - Public Input prior to the meeting: No correspondence regarding the proposed amendments was received prior to the Planning Commission meeting.*
 - Public Comments: One person spoke in support; six people spoke in opposition.*
 - Planning Commission Recommendation: Disapproval (vote: 5 to 1; Commissioner Logan Davis dissented).*
- Sec. 9.2.1, General (Tree Protection and Preservation), and Chapter 12, Definitions: Authorize the Zoning and Planning Director to waive or modify existing OCRM Critical Line setbacks and buffers when the alteration results in an overall expansion of the OCRM Critical Line into the existing highland and freshwater wetland areas for the creation of a Mitigation Bank and specific conditions are met; exempt the removal of trees associated with relocating the OCRM Critical Line for a Mitigation Bank pursuant to the amendments proposed for Sec. 4.24.4:
 - Public Input prior to the meeting: No correspondence regarding the proposed amendments was received prior to the Planning Commission meeting.*
 - Public Comments: One person spoke in support; six people spoke in opposition.*
 - Planning Commission Recommendation: Disapproval (vote: 5 to 1; Commissioner Logan Davis dissented).*
- Chapter 12, Definitions: Add a definition for “Mitigation Bank”:
 - Public Input prior to the meeting: No correspondence regarding the proposed amendments was received prior to the Planning Commission meeting.*
 - Public Comments: No one spoke regarding the proposed amendments.*
 - Planning Commission Recommendation: Approval (vote: 6 to 0).*

May 9, 2022 Planning Commission Meeting Notifications:

The Planning Commission meeting was noticed in the *Post & Courier* on April 22 and the same day, notifications were sent to 608 people on the ZLDR/Comprehensive Plan Interested Parties' List.

PUBLIC HEARING: JUNE 21, 2022

Public Input: Four letters in support and four letters in opposition to the proposed mitigation bank amendments have been received. One letter in support of the tree ordinance amendments have been received.

Speakers: Three individuals spoke in support of Sections 4.24.2 and 9.2.1 of the ZLDR. Seven individuals spoke in opposition to Sections 4.24.2 and 9.2.1 of the ZLDR. One individual spoke in opposition to the USACE amendments, one individual asked a

question regarding the tree radius protection amendments, and one individual made general comment about the proposed amendments.

June 21, 2022 Public Hearing Notifications:

The public hearing was noticed in the *Post & Courier* on May 20, 2022 and the same day, notifications were sent to 608 people on the ZLDR/Comprehensive Plan Interested Parties' List.

PLANNING/PUBLIC WORKS COMMITTEE MEETING: July 7, 2022

Recommendations:

- Freshwater Wetland Delineation Requirements:
 - *Approval (vote: 6 to 1; Councilman Middleton dissented)*
- Required Tree Protection Requirements:
 - *Approval (vote: 7 to 0)*
- Clarify Billboard Distance Requirements:
 - *Approval (vote: 7 to 0)*
- Allow Modifications of OCRM Critical Line Setback and Buffer Requirements-Mitigation Banks:
 - *Disapproval (vote: 6 to 1; Councilman Middleton dissented).*
- Allow Removal of Trees Subject to Conditions-Mitigation Banks:
 - *Approve (vote: 7 to 0)*
- Incorporate a Definition for "Mitigation Bank":
 - *Approve (vote: 6 to 1; Councilman Middleton dissented)*

Item A:

Committee recommended that Council approve and give first reading to an ordinance amending requirements to allow wetland delineations prepared by environmental consultants utilizing the 1987 Army Corps of Engineers Wetland Delineation Manual and the appropriate Regional Supplement(s) for Wetland Delineation instead of relying on jurisdictional determinations when those requests are not associated with a USACE permit application.

Mr. Moody stated that he understood the Army Corps of Engineers had requested that we revisit this, so he requested that Council postpone this item until the Special Council meeting on August 11, 2022.

Mr. Evans stated that, actually, this amendment came about because the Army Corps of Engineers contacted staff and stated that they would no longer provide their approval unless there was a permit associated with the delineation. He stated that the County and other jurisdictions had been relying on the Army Corps of Engineers to help identify and locate where the freshwater wetlands were because density is based on freshwater delineation for planning and zoning purposes, but the Army Corps of Engineers recently wrote a letter to all the local jurisdictions and said they are not going to provide those

Freshwater
Wetland
Delineation
Requirements

-Request to
Consider

-Ordinance 1st
Reading

letters anymore because the requests had become burdensome and negatively affected their staff's ability to perform one of their core functions, which was to issue permits.

Mrs. Honeycutt asked Mr. Evans for clarity on what the ACE's letter stated because she thought they would only provide a letter based on final application and the County was asking them to do it based on the preliminary application. Mr. Evans stated that the Army Corps of Engineers letter to the County and other jurisdictions was that they are no longer going to provide final determination to any individual or jurisdiction that is not requesting an actual permit to fill or alter wetland. He stated that Planning and Zoning used that determination for development standards within the County's ordinances for density, location of driveways, and other instances. Staff needed to know where the wetlands are in order to determine how something could be developed. Mrs. Honeycutt asked if this delineation was only a requirement of final plat approval or the initial submission. Zoning and Planning Deputy Director Andrea Melocik stated that the final determination is a final Army Corps of Engineers jurisdictional determination and now the Corps will only review a request for delineations when it has to do with an Army Corps of Engineers permit to fill. She added that staff had been getting an approved jurisdictional delineation from the Army Corps of Engineers as part of preliminary and final approval in order to determine where freshwater wetlands are so they could determine appropriate density. The language included in the new proposed amendment came directly from the letter from the Army Corps of Engineers suggesting other ways to determine wetlands for staff's purposes.

Mr. Moody withdrew his motion. He moved to approve the Committee recommendation with the right to amend up to third reading, seconded by Ms. Johnson, and carried.

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO AMEND THE
FRESHWATER WETLAND DELINEATION REQUIREMENTS AT THE FOLLOWING
DOCUMENT LOCATIONS: CHAPTER 5, OVERLAY AND SPECIAL PURPOSE
ZONING DISTRICTS; CHAPTER 8, SUBDIVISION REGULATIONS; AND CHAPTER
12, DEFINITIONS WITH THE RIGHT TO AMEND UP TO THIRD READING.**

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

Item B:

Committee recommended that Council approve and give first reading to an ordinance reducing the tree barricade radii distance requirement from 1.5 feet times the DBH to one-foot times the DBH.

**Required Tree
Protection
Requirements**

**-Request to
Consider**

Mr. Moody moved to approve the Committee recommendation with the right to amend up to third reading, seconded by Mr. Sass, and carried.

**-Ordinance 1st
Reading**

The ordinance was given first reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO AMEND THE TREE BARRICADE RADIUS DISTANCE REQUIREMENT AT THE FOLLOWING DOCUMENT LOCATION: CHAPTER 9, DEVELOPMENT STANDARDS WITH THE RIGHT TO AMEND UP TO THIRD READING.

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

Item C:

Committee recommended that Council approve and give first reading to an ordinance clarifying that the minimum distance between billboards and other on premises signs applies only to freestanding signs and not wall signs.

Clarify Billboard Distance Requirements

-Request to Consider

Mr. Moody moved to approve the Committee recommendation with the right to amend up to third reading, seconded by Ms. Johnson, and carried.

-Ordinance 1st Reading

The ordinance was given first reading by title only.

AN ORDINANCE

AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO CLARIFY THE BILLBOARD DISTANCE REQUIREMENTS AT THE FOLLOWING DOCUMENT LOCATION: CHAPTER 9, DEVELOPMENT STANDARDS WITH THE RIGHT TO AMEND UP TO THIRD READING.

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

Item D:

Committee recommended that Council approve and give first reading to an ordinance authorizing the Zoning and Planning Director to waive or modify existing OCRM Critical Line setbacks and buffers when the alteration results in an overall expansion of the OCRM Critical Line into the existing highland and freshwater wetland areas for the creation of a Mitigation Bank and specific conditions are met.

Allow Modifications of OCRM Critical Line Setback and Buffer Requirements - Mitigation Banks

-Request to Consider

Mr. Moody moved to approve the Committee recommendation with the right to amend up to third reading. The motion was seconded by Mr. Sass.

-Ordinance 1st Reading

Mr. Middleton asked if there were any appeals currently in process relative to the mitigation bank application with Point Farm. Mrs. Ham stated there was an appeal currently pending on the decision that the Board of Zoning and Appeals made, but not on the bank itself. Mr. Middleton stated that in regard to the public having the opportunity to give input on this level, the members from the community stated that they had not been contacted at critical junctures when the mitigation bank permitting was being considered by state and federal agencies. He noted that putting up signs in areas that the public cannot see does not indicate public engagement. He stated that in the past Council had made a point not to allow developers carte blanche approval if they had not engaged with the community and that was important.

Ms. Johnson asked Mr. Evans to explain the process of public inclusion from the time an application is put in to when it goes to the Army Corps of Engineers. Mr. Evans stated that he appreciated the opportunity to clarify some comments he made at the Planning/Public Works Committee. He stated that there is a standing parties of interest list for zoning appeals applications and planning commission rezoning requests. He stated that if a member of the public knows of a certain piece of property that they are interested in knowing if any plans are submitted for, they can contact the Planning and Zoning staff, staff will flag that property in the system to notify them as a party of interest. There is also a parties of interest list for administrative decisions. In those instances, there is not a mass mailout for administrative decisions, it would be whoever has requested notification. Mr. Evans stated that in the case of a mitigation bank where there would be DHEC and Army Corps of Engineers permits that would already have been obtained before staff could entertain a request, interested parties and people in the surrounding areas would already know about it before it came to staff because those permits would have already been issued. He pointed out that when they get requests to be added to interested parties lists for other administrative decisions, the people know to request notification because they were already aware of the permit request. He stated that they would create a new parties of interest list for mitigation banks and would notify interested parties when a request is filed, but as was stated earlier, the process for creating a mitigation bank is a process that is years in the making and somewhere along the line, someone in the surround areas will know about the application making its way through the state and federal permitting process. Ms. Johnson asked if there was any way to include notification directly to property owners that are within a certain distance from the property that is seeking this change. Mr. Evans stated yes, staff already has that process in place for the Board of Zoning Appeals applications and Planning Commission rezoning requests. Ms. Johnson stated that it seemed like once somebody put in an application, there is a parties of interest list that a person would request their name to be put on. Mr. Evans stated that is a separate process when its administratively approved and it would be impossible for staff to notify everyone of every application that is considered at the staff level, but if someone from the public contacted staff and asked to be notified about any applications coming in for a specific property, staff had they ability to do that. He added that for the BZA and Planning Commission there was a standing list and people on that list were notified of every application or request that goes before the BZA or Planning Commission. Ms. Johnson asked if there were people from Wadmalaw Island on the interested parties lists. Mr. Evans confirmed that there were a number of people from Wadmalaw Island on the list. Ms. Johnson stated that she was concerned about the public having notification, and while she now understands the notification process, she would be changing her vote from the Planning/Public Works Committee.

Chairman Pryor asked if the Coastal Conservation League was contacted and were they on the contact list. Mr. Evans stated yes, they were on the interested parties list for the Board of Zoning Appeals so they were notified of the application to the Board of Zoning Appeals. They were not notified of the site plan review process because staff does not notify interested parties for site plan review unless someone from the public says they want to be notified if something happens to a particular property and that property has a site plan review.

Mr. Schweers asked if, specifically for the two mitigation bank items, staff could borrow from the Board of Zoning Appeals and the Planning Commission policy on public notice and implement that for mitigation bank decisions that would be made administratively. Mr. Evans stated that was a possibility and he could get with the Legal Department to help draft an amendment to the ordinance. Mr. Schweers pointed out that would be public notice and there is a difference between public notice and public comment and public input. He asked if he was correct that in the future if staff administratively approved a mitigation bank and someone objected to that administrative decision it would be appeals to the Board of Zoning Appeals. Mr. Evans confirmed that was correct. Mr. Middleton stated that it would cost the citizen something to do it that way.

Mr. Schweers stated that the other concerning factor on this Point Farm bank was the zoning density that exists on the property. He stated that he appreciated Mr. Evans' past interpretation of the zoning that would be in place once the mitigation bank was in place, but a concern he had heard in the community was that interpretation could be challenged in court. Mr. Evans stated that every decision made by staff could be subject to challenge in court. Mr. Schweers stated that these amendments had been tailored to the Point Farm mitigation bank and he wondered how the regulations would play out in the future with other mitigation banks in other scenarios. He asked if Mr. Nelson would be willing to alter the conservation easement to reflect that he recognized the zoning as had been discussed at previous meetings. Mr. Nelson stated that with the conservation easement that is currently being placed on the property, he cannot go back and alter it because part of the requirement of the Army Corps of Engineers as part of permitting the mitigation project was a very restrictive easement that is more restrictive than what would typically be found on any other type of protected property. He stated that there is special tax treatment with this easement for the mitigation bank and he was not willing to risk the special tax treatment by amending the easement to something that had not been approved by the Army Corps of Engineers. Mr. Schweers asked how it could be established that the zoning is understood. Mr. Nelson stated that he was hired to develop the mitigation bank and design the restoration plan. He stated that his company does not propose mitigation sites on lands that they feel are threatening for development that would be a threat to their mitigation project. Mr. Nelson stated that his goal was to make sure that the owner does not do anything that is detrimental to the project. Mr. Schweers stated that he did not realize Mr. Nelson was not the owner and that he still believed a planned development would have been a better scenario for this project.

Ms. Wehrman stated that it seemed that Council was being asked to bail out a process that did not play out the way the developer was planning and while he did not see a problem with the project, he was concerned about the process because the developer does not want to make this commitment.

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

Darby	- absent
Honeycutt	- aye
Johnson	- nay
Middleton	- nay
Moody	- aye

Sass	- aye
Schweers	- nay
Wehrman	- aye
Pryor	- aye

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

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO ALLOW
MODIFICATIONS OF THE OCRM CRITICAL LINE SETBACK AND BUFFER
SUBJECT TO CONDITIONS FOR MITIGATION BANKS AT THE FOLLOWING
DOCUMENT LOCATION: CHAPTER 4, BASE ZONING DISTRICTS WITH THE RIGHT
TO AMEND UP TO THIRD READING.**

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

Item E:

Committee recommended that Council approve and give first reading to an ordinance:

**Allow Removal of
Trees Subject to
Conditions -
Mitigation Banks**

**-Request to
Consider**

**-Ordinance 1st
Reading**

- Authorizing the Zoning and Planning Director to waive or modify existing OCRM Critical Line setbacks and buffers when the alteration results in an overall expansion of the OCRM Critical Line into the existing highland and freshwater wetland areas for the creation of a Mitigation Bank and specific conditions are met.
- Exempting the removal of trees associated with relocating the OCRM Critical Line for a Mitigation Bank pursuant to the amendments proposed for Sec. 4.24.4.

Mr. Moody moved to approve the Committee recommendation with the right to amend up to third reading. The motion was seconded by Ms. Johnson.

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

Darby	- absent
Honeycutt	- aye
Johnson	- aye
Middleton	- nay
Moody	- aye
Sass	- aye
Schweers	- nay
Wehrman	- aye
Pryor	- aye

The vote being six (6), two (2) nays, and one (1) absent, the Chairman declared the Chairman declared the motion to have passed.

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO ALLOW
REMOVAL OF TREES SUBJECT TO CONDITIONS IN ASSOCIATION WITH
MITIGATION BANKS AT THE FOLLOWING DOCUMENT LOCATIONS: CHAPTER 9,
DEVELOPMENT STANDARDS WITH THE RIGHT TO AMEND UP TO THIRD
READING.**

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

Item F:

Committee recommended that Council approve and give first reading to an ordinance incorporating a definition for "Mitigation Bank".

Incorporate a
Definition for
"Mitigation Bank"

Mr. Moody moved to approve the Committee recommendation with the right to amend up to third reading. The motion was seconded by Mr. Sass.

-Request to
Consider

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

-Ordinance 1st
Reading

Darby	- absent
Honeycutt	- aye
Johnson	- aye
Middleton	- aye
Moody	- aye
Sass	- aye
Schweers	- aye
Wehrman	- aye
Pryor	- aye

The vote being eight (8) ayes, and one (1) absent, the Chairman declared the Chairman declared the motion to have passed.

The ordinance was given first reading by title only.

**AN ORDINANCE
AMENDING THE CHARLESTON COUNTY ZONING AND LAND DEVELOPMENT
REGULATIONS ORDINANCE, NUMBER 1202, AS AMENDED, TO INCORPORATE A
DEFINITION FOR "MITIGATION BANK" AT THE FOLLOWING DOCUMENT
LOCATIONS: CHAPTER 12, DEFINITIONS WITH THE RIGHT TO AMEND UP TO
THIRD READING.**

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

The Chairman announced the next item on the agenda was the Consent Agenda.

Mr. Middleton moved to approve the Consent Agenda, seconded by Ms. Johnson, and carried.

Consent Agenda items are as follows:

**CARTA's FY 2023
Budget
Request to
Approve**

Item A:

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information provided by County Administrator Bill Tuten and Budget Director Mack Gile regarding a request to approve CARTA's FY 2023 Budget. It was stated that State Regional Transportation Authority Law requires the Charleston Area Regional Transportation Authority (CARTA) Board of Directors to adopt an annual budget that has been approved by jurisdictions representing 50 percent of the population in its service area. At their June 15, 2022, meeting, the CARTA board approved the CARTA FY2023 Annual Budget and submitted it to each member jurisdiction for approval.

The total requested FY2023 budget is \$34,691,347. This is a \$14,682,388 decrease from their FY2022 adjusted budget. The decrease reflects lower capital expenditures for rolling stock and bus facilities. CARTA's FY2023 budget includes \$13,337,000 in Transportation Sales Tax funding which was previously approved by County Council as part of the County's FY2023 budget.

Please refer to the following attachment that was presented to the CARTA Board of Directors.

Committee recommended that Council approve the FY2023 Charleston Regional Transportation Authority Operating and Capital budget totaling \$34,691,347 in both revenues and expenses.

Item B:

**Local
Accommodations
Tax Allocations
for FY23
Request to
Approve**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information provided by County Administrator Bill Tuten and Budget Director Mack Gile regarding a request to approve the Local Accommodations Tax Allocations for FY23. It was stated that as part of the annual budget process, a lump sum amount is appropriated in the Local Accommodations Tax for future allocation to entities. Council has committed \$300,000 in the FY2023 budget toward the Local Accommodations Tax allocation.

As requested by Council in August 2008, Explore Charleston (Convention and Visitors Bureau), in conjunction with the College of Charleston's Office of Tourism Analysis, continues to assist the County the applications' review and to provide economic impact data for Council's consideration on the applications. The Explore Charleston/College of Charleston analysis was distributed to Council by Explore Charleston.

Committee recommended that Council allocate \$300,000 of Local Accommodations Tax as follows:

Applicant Name	FY 2023 Recommended Funding
Avian Conservation Center/SC Center for Birds of Prey	5,800
Charleston Area Sports Commission	21,299
Charleston Jazz	6,535

Charleston Restaurant Foundation	9,698
Charleston Stage Company	8,638
Charleston Symphony Orchestra	8,091
Charleston Wine + Food Festival	15,347
Children Museum of the Lowcountry	11,647
City of Charleston: Free Verse Poetry Festival	4,669
City of Charleston: Holiday Magic in Historic Charleston	6,078
City of Charleston: MOJA Arts Festival	8,584
City of Charleston: Piccolo Spoleto Festival	9,324
City of North Charleston: Cultural Arts Dept.	5,000
Closing The Gap In Health Care, Inc.: Low County Jazz Festival	8,921
College of Charleston / Halsey Institute of Contemporary Art	7,198
Company Company	5,268
Cooper River Bridge Run	15,437
Drayton Hall	10,430
Engaging Creative Minds	4,717
Gibbes Museum of Art	19,560
Historic Charleston Foundation	20,000
Preservation Society of Charleston	8,616
Project L.O.V.E.	4,726
South Carolina Aquarium	30,000
South Carolina Historical Society	8,913
Southeastern Wildlife Exposition	20,613
Spoleto Festival USA	14,891
TOTAL	\$300,000

Item C:

**Forest Lakes
Boulevard
Drainage Repairs**

**Award of
Contract**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information provided by County Administrator Bill Tuten and Procurement Director Barrett J. Tolbert regarding an award of contract for the Forest Lakes Boulevard Drainage Repairs. It was stated that the Forest Lakes Boulevard Drainage Repairs project is located in West Ashley. The project shall consist of repairing 769' of corrugated metal pipe with cured in place pipe in Forest Lake subdivision. The work shall include, but is not limited to, pipe cleaning, inspection, and dewatering. The project will be constructed utilizing the items listed on the bid tab form in the solicitation.

Bids were received in accordance with the terms and conditions of Invitation for Bid No. 5702-22C.

Bidder	Total Bid Price
Vortex Services, LLC Greenville, South Carolina 29601 Principal: Connor Collier	\$269,123.00
Truluck Roadway Services, LLC	\$294,772.98

Charleston, South Carolina 29416
Principal: Chris Truluck

IPW Construction Group, Inc. \$325,511.59
Charleston, South Carolina 29423
Principal: Bryan Rembert

Committee recommended that Council authorize an award of contract for the Forest Lakes Boulevard Drainage Repairs project to Vortex Services, LLC, the lowest responsive and responsible bidder, in the amount of \$269,123.00 with the understanding that the funds have been previously appropriated for this project from ARPA Recovered Revenues.

Item D:

**Energy Office
Mini-Grant
Application

Request to
Accept**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information provided by County Administrator Bill Tuten and Sustainability Coordinator Arielle Gerstein regarding a request to approve the SC Energy Office Mini-Grant Application. It was stated that the US Department of Energy has awarded funding to the SC Office of Regulatory Staff-Energy Office (Energy Office) to competitively fund several high-impact demonstration projects in the areas of energy efficiency, renewable energy, and clean transportation. These highly visible demonstration projects should serve as an example to encourage awareness of emerging technologies or innovative approaches to energy efficiency, renewable energy, or clean transportation. The maximum award value will be \$10,000. Cost sharing is not required but leveraging of funds is encouraged in order to maximize the energy-related benefits of a project. The grant will be used toward providing electric vehicle charging stations at County facilities.

Committee recommended that Council authorize the Sustainability Coordinator to apply and accept, if awarded, for the SC Energy Office Mini Grant with the maximum award value of \$10,000 with the understanding that if awarded, funds will be used to provide electric vehicle charging stations at County facilities.

Item E:

**FY 2022 Port
Security Grant
Program (Dept.
of Homeland
Security/FEMA)

Request to
Approve**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information provided by County Administrator Bill Tuten and Sheriff Kristin Graziano regarding a request to approve the FY 2022 Port Security Grant Program (Dept. of Homeland Security/FEMA). It was stated that the Department of Homeland Security Fiscal Year (FY) 2022 Port Security Grant Program (PSGP) plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. The Charleston County Sheriff's Office (CCSO) has a county-wide jurisdiction which includes the Port areas, as well as the surrounding barrier islands. The Port of Charleston is in the top ten in the United States.

The Charleston County Sheriff's Office requests to accept the grant amount of \$69,242, if awarded, for the period of September 1, 2022, through August 31, 2025:

- to fund National Association of State Boating Laws Administrators (NASBLA) Boat Training, One (1) training class Tactical Operator Course (TOC). This

course is required for all entities operating in the role of USGC security zone enforcement partners;

- and to purchase three outboard motors (and required rigging parts) for rapid response boats for preventing and responding to maritime security incidents.

The equipment and training are vital to improving and maintaining maritime safety in Charleston County. The total cost of this project is \$92,323. Matching funds of \$23,081 will be provided from the Sheriff's Office General budget. There are no FTEs associated with this project.

Committee recommended that Council allow the Sheriff's Office to apply and accept, if awarded, for the Port Security Grant Program award of \$69,242 with the understanding that:

- Grant funds will fund NASBLA Boat Training and three rapid response boat motors.
- The grant period is September 1, 2022, through August 31, 2025.
- Matching funds of \$23,081 will be provided from the Sheriff's Office General budget.
- There are no FTEs associated with the grant award.

Bureau of Justice Assistance FY 22 Improving Reentry Education and Employment Outcomes Grant Request to Approve

Item F:

A report was provided by the Finance Committee under date of June 16, 2022, that it considered the information provided by County Administrator Bill Tuten and Sheriff Kristin Graziano regarding a request to approve the Bureau of Justice Assistance FY 22 Improving Reentry Education and Employment Outcomes Grant. It was stated that the Improving Reentry Education and Employment Outcomes Program of the United States Department of Justice, Bureau of Justice Assistance, is designed to improve correctional educational and employment programs that serve individuals during incarceration and throughout their period of reentry into the community. It promotes an evidence-based and data-informed approach that will provide meaningful opportunities, interrupt the cycle of unemployment, and promote reentry success for formerly incarcerated adults. This solicitation is part of the Second Chance Act (SCA) suite of programs in FY 2022. Program staff at the Sheriff Al Cannon Detention Center (SACDC) have been working to Improve the educational and vocational education programs available to individuals incarcerated in the facility and upon their return to the community. This grant will allow the SACDC to provide much greater opportunities to access organized educational programs. Our aim is that through these programs we will empower incarcerated residents to become learners, to be accountable individuals, to refocus their decision-making processes in a positive direction, and to become good citizens and positive stewards of their communities. SACDC hopes that by helping residents to realize and reclaim their individual and collective potential and worth in society recidivism will be reduced, and restorative justice served.

Committee recommended that Council allow the Sheriff's Office to apply and accept, if awarded, for the Bureau of Justice Assistance FY 22 Improving Reentry Education and Employment Outcomes Grant in the amount of \$892, 218 with the understanding that:

- There is no cost match.
- No FTEs are associated with this grant.
- The period of performance is 36 months from 10/3/2022 through 9/30/2025.

- The grant funds will be used to: pay the full-time tuition of Trident Technical College for 50 detention residents per year for three years; textbooks for the residents; educational supplies, and office expenses.

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

The Chairman announced the next item on the agenda was appointments to boards and commissions.

Mr. Middleton moved for approval of the recommended appointments to boards and commissions, seconded by Ms. Johnson, and carried.

Item A:

**Procurement
Appeals Board
Appointment (1)**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to make an appointment to the Procurement Appeals Board. It was stated that an announcement of vacancy for the Procurement Appeals Board was previously made.

An application for re-appointment was received from Andrew Connor. After this appointment, there will be one vacancy on this board.

The Charleston County Procurement Appeals Board meets only in the case of a formal protest by a vendor, regarding the solicitation of an award or an appeal from a determination made by the Director of Procurement. The Chairman of this five-member Board must be an attorney. Terms are for four years.

The term for this seat will expire 6/26.

Committee recommended that Council re-appoint Andrew Connor to the Procurement Appeals Board for a term to expire in June 2026.

Item B:

**Forestry
Commission
Appointment (1)**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to make an appointment to the Forestry Commission. It was stated that an announcement of vacancies for the Forestry Board were previously made.

An application for reappointment was received from Fred Kinard.

The five members of the Charleston County Forestry Board shall assist in the general conduct of the forestry program in the County. The Board shall review, revise, and adopt the annual forest fire protection plan. Members of the Board shall reside in Charleston County. Appointments are made by the State Forester upon recommendation of County Council. Terms are for five years.

The term for this seat will expire 6/27.

Committee recommended that Council recommend to the State Forester to re-appoint Fred Kinard to the Forestry Commission for a term to expire in June 2027.

Item C:

**Board of
Assessment
Appeals
Appointments (3)**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to make three appointments to the Board of Assessment Appeals. It was stated that an announcement of vacancies for the Board of Assessment Appeals was previously made.

Applications for re-appointment were received from Charles Brewer and William Kleindienst. An application for appointment was received from Andrew Thomas. After these appointments, there will be two vacancies on this board.

The Board of Assessment Appeals hears appeals from the Assessor's valuation of property values. Hearings are workload driven and are usually held on Wednesday afternoons. The Board's fifteen members shall be appointed by County Council to four-year terms.

The terms for these seats will expire 6/26.

Committee recommended that Council re-appoint Charles Brewer and William Kleindienst and appoint Andrew Thomas to the Board of Assessment Appeals for a term to expire in June 2026.

Item D:

**St. Paul's Fire
District
Commission
(Edisto Seat)
Appointment (1)**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to recommend that the Governor make an appointment to the St. Paul's Fire District Commission (Edisto Seat). It was stated that an announcement of vacancies for the St. Paul's Fire District was previously made.

An application for reappointment was received from Bertha North-Lee and an application for appointment was received from Suzanne James to fulfil the Edisto Island seat.

The St. Paul's Fire District Commission Board consists of seven members, appointed by the Governor upon recommendation by Charleston County Council, responsible for the oversight of all administrative and operational aspects of the St. Paul's Fire Protection special purpose district. The board has the authority to purchase, establish, enlarge, maintain, conduct, and operate the special purpose district as deemed necessary. The board meets to review operational, financial, and administrative activity reports. The board meets on the third Thursday of each month at 6:00 pm with special meetings called as necessary.

The term for this seat will expire 6/26.

Committee recommended that Council recommend to the Governor to appoint Suzanne James to the St. Paul's Fire District Commission (Edisto Seat) for a term to expire in June 2026.

Item E:

**St. John's Fire
District
Commission
(Johns Island
seat)
Appointment (1)**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to recommend that the Governor make an appointment to the St. John's Fire

District Commission (Johns Island seat). It was stated that an announcement of vacancy for the St. John's Fire District was previously made.

Applications for appointment were received from Yvonne Johnstone and Bruce McGougan to fulfil the John's Island seat.

The St. John's Fire District Commission Board consists of nine members, appointed by the Governor upon recommendation by Charleston County Council, responsible for the oversight of all administrative and operational aspects of the St. John's Fire District special purpose district. The board has the authority to purchase, establish, enlarge, maintain, conduct, and operate the special purpose district as deemed necessary. The board meets to review operational, financial, and administrative activity reports.

The term for this seat will expire 12/25.

Committee recommended that Council recommend to the Governor to appoint Yvonne Johnstone to the St. John's Fire District Commission (Johns Island seat) for a term to expire in December 2025.

Item F:

**Charleston
County Parks &
Recreation
Commission
Appointments (3)**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury regarding the need to recommend that the Governor make appointments to the Charleston County Parks & Recreation Commission. It was stated that an announcement of vacancies for the Charleston County Parks & Recreation was previously made.

Applications for re-appointment were received from Collin Bruner and Lisa Shine King. Applications for appointment were received from Devon Andrews, Darien Applegate, Brant Glover, Ron Jaruzel, Tomeka Middleton, Joel Ogle, Leslie Skardon, and Emily Vogelgesang.

The Charleston County Park and Recreation Commission is a seven-member board. The Commission is a policy making board and has specific areas of responsibility outlined in legislation. The Staff administers the policies of the Commission under the direction of the Executive Director. The mission of the Commission is to improve the quality of life in Charleston County by offering a diverse system of park facilities, programs and services without duplicating services provided by other agencies. The Commission generally schedules three Committee meetings and one Commission meeting each month. Special and additional meetings are held as needed. The Commission is appointed by the Governor, on the recommendation of County Council for two (2) year terms.

The term for these seats will expire 6/24.

Committee recommended that Council recommend to the Governor to re-appoint Collin Bruner and Lisa Shine King and appoint Devon Andrews to the Charleston County Parks & Recreation Commission for terms to expire in June 2024.

Item G:

**Board of Zoning
Appeals
Recommendation
(Pryor)
Appointment (1)**

A report was provided by the Special Finance Committee under date of July 12, 2022, that it considered the information furnished by Clerk of Council Kristen Salisbury

regarding the need to make an appointment to the Board of Zoning Appeals. It was stated that the Clerk of Council Kristen Salisbury was notified that Chairman Pryor's recommended appointee, Morgan Allison, resigned from the Board of Zoning Appeals. Chairman Pryor is recommending that A.D. Jordan be appointed to serve on the Board of Zoning Appeals with a term to expire December 2022.

Committee recommended that Council appoint A.D. Jordan to the Board of Zoning Appeals for a term to expire in December 2022.

The Chairman announced the next item on the agenda was Critical Home Repair Program Phase 1A.

**Critical Home
Repair Program
Phase 1A**

**Request to
Approve**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by County Administrator Bill Tuten and Community Services Director Jean Sullivan regarding a request to approve the Critical Home Repair Program Phase 1A. It was stated that on June 21, 2022, Council approved the Critical Home Repair Program Plan submitted by Community Development. The plan as submitted included 3 phases. Council requested that Community Development staff research the repair services capacity available through a local community group, Liberty Hill Redevelopment Group. If sufficient capacity was present, staff was to develop a plan to move forward. By running this as a pilot program, staff can assess and develop processes and procedures for future expansion. This action will be Phase 1A.

Community Development staff contacted Liberty Hill Redevelopment Group to discuss their repair program, organizational structure, and capacity to manage an ARPA Federally- funded repair program. The preliminary assessment of the group indicated that both staff capacity and technical knowledge were present. Staff then conducted a review of administrative and financial capacity to manage Federal funds and review the group's prior construction/home repair outcomes. The Liberty Hill Redevelopment Group Field Manager, Craig Mitchell, and Administrator Valerie Young, met with Community Development staff to present an overview of their organization and repair outcomes. Liberty Hill Redevelopment Group Mission Statement is: "To develop and implement creative community-based strategies to enhance economic opportunity, rebuild a strong, safe, and sustainable neighborhood, and ensure a dynamic framework for quality growth and development"

The following items were presented by Liberty Hill Redevelopment Group for review and discussion:

- IRS 501(c)3 Determination
- SC State Non-Profit Certificate
- SC Department of Labor Licensing for principal/licensed contractor/Rev. George Jenkins
- Biographical information for principal contractor/Rev. George Jenkins
- Liberty Hill Development Group Liability Insurance
- Letter of Engagement for Legal Services -Smith /Closer, P.A.
- Evidence of Financial Services support from Calvert and Company, CPA SC LLR #9128. Andrew Calvert
- Listing of repair projects that have been scoped and priced
- Homeowner Application Packet

At the conclusion of the presentation and discussion it was determined that Liberty Hill Redevelopment Group possessed the organizational skills essential to managing the ARPA funds. The members of this grass roots group have a personal commitment and connection to the community, neighbors, culture, history, and revitalization of the area that they affectionately refer to as "The Hill". This dedication to providing safe homes and re-building a vibrant community is evident in the work that they pursue and relationships that they are building on behalf of Liberty Hill residents.

Committee recommended that Council:

1. Approve staff establishing the Pilot Project/PHASE 1A, funding Liberty Hill Redevelopment Group for \$500,000. The group has expressed an ability to obligate and expend \$250,000 by December 31, 2022, and the remaining \$250,000 to be obligated and expended by June 30, 2023. Community Development staff will provide technical support to promote performance outcomes.
2. Grant approval for an additional FTE to assist with project reporting and application processing of applicants. Based on the work of staff since the initial week of the program launch, response level required to meet the needs of the citizens and the County indicate the need for this additional FTE with the understanding that there is no requirement to continue the FTE beyond the available grant funding.

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

The Chairman announced the next item on the agenda was solicitation for disposition of County real property known as the Lee Building.

Solicitation for Disposition of County Real Property known as the Lee Building

Request to Approve

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by County Administrator Bill Tuten and Facilities Management Director Philip A. Sabatino regarding a request to approve solicitation for disposition of County Real Property known as the Lee Building. It was stated that on December 20, 2019, County Council authorized the design and construction of the Social Services HUB to relocate Charleston County social services including the Charleston Center ("DAODAS"), the Department of Health and Environmental Control ("DHEC"), the Department of Social Services ("DSS"), the Department of Health and Human Services ("DHHS"), and Vital Records.

DSS and DHHS currently occupy approximately 51,709 square feet of space in County real property located on 1.77 acres at 3366 Rivers Avenue and 2036 Cherokee Lane in North Charleston and otherwise known as the Lee Building. Further identified by TMS# 469-08-00-153, 469-08-00-154, 469-08-00-157, and 469-08-00-158.

The construction of the Teddie E. Pryor, Sr. Social Services Hub is on schedule to be substantially complete in the Fall of 2022, with the relocation of the DSS and DHHS into the Teddie E. Pryor, Sr. Social Services Hub, the Lee Building will become vacant and is not currently programmed for future County occupancy. In anticipation of the

pending vacancy, County staff has ordered a real estate appraisal to provide the estimated current market value of the property known as the Lee Building.

Committee recommended that Council, upon receipt of the real estate appraisal, authorize staff to solicit proposals for the sale of County Real Property known as the Lee Building, located at 3366 Rivers Avenue and 2036 Cherokee Lane in North Charleston, through the RFP process per the Charleston County Procurement Ordinance.

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

The Chairman announced the next item on the agenda was the Charleston Regional Hazard Mitigation and Public Information Plan.

**Charleston
Regional Hazard
Mitigation and
Public
Information Plan

Request to
Approve**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by County Administrator Bill Tuten and Building Inspections Director Hakim Bayyoud regarding a request to approve and adopt a resolution regarding the Charleston Regional Hazard Mitigation and Public Information Plan. It was stated that the Charleston Regional Hazard Mitigation and Program for Public Information Plan must be re-adopted every five years to remain compliant with FEMA standards. The plan was previously adopted by County Council in 1999, 2004, 2008, 2013, and 2017. It is now due for formal re-adoption to remain compliant with FEMA requirements.

The Charleston Regional Hazard Mitigation and Program for Public Information Plan was submitted to the South Carolina Emergency Management Department (SCEMD) and FEMA for approval in 2019. FEMA granted formal approval of the plan on March 28, 2019. This approval is for a period of five years, until March 27, 2024.

Charleston County Council recognizes the Charleston Regional Hazard Mitigation Plan as the blueprint for all hazard mitigation related activities undertaken in the Charleston County area. Annually, the Charleston Regional Hazard Mitigation and Public Information Plan Committee is charged with updating the plan. The Committee works with each municipality within the County, several non-governmental jurisdictions, South Carolina Department of natural Resources (SCDNR), Federal Emergency Management Agency (FEMA), and most importantly, the public, to update the document. Once every five years, FEMA requires the local community to formally re-adopt the plan in order to remain eligible for pre-and post-disaster federal grants and assistance. The plan is an essential component of the Community Rating System (CRS), which provides flood insurance premium discounts to the residents of Charleston County.

The Public Information Plan, an appendix to the Hazard Mitigation Plan, is required to be a part of the adoption for Community Rating System (CRS) credit. This plan evaluates public information and outreach activities and is also updated annually with the Charleston Regional Hazard Mitigation Plan update.

The Charleston Regional Hazard Mitigation Plan is available on Charleston County's website and hardcopies can be made available upon request to the Building Inspection Services Department.

The Plan is also undergoing its annual update. Council will be notified in the future of the completion of the annual update, but no formal adoption of the updated Plan will be required.

Committee recommended that Council approve the resolution adopting the FEMA-approved 2019 Charleston Regional Hazard Mitigation Plan and to authorize the Charleston County Administrator to approve and recertify future editions of the Charleston Regional Hazard Mitigation Plan.

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

The Chairman announced the next item on the agenda was the Repetitive Loss Area Analysis.

**Repetitive Loss
Area Analysis
Request to Adopt**

A report was provided by the Finance Committee under date of July 7, 2022, that it considered the information furnished by County Administrator Bill Tuten and Building Inspections Director Hakim Bayyoud regarding the request to adopt a resolution regarding the Repetitive Loss Area Analysis. It was stated that as a Category C Repetitive Loss Community, FEMA requires Charleston County to produce a Repetitive Loss Area Analysis (RLAA) worth 140 points towards the County’s CRS rating. Per “Activity 512.b” of the CRS Coordinator’s Handbook, this RLAA must be submitted to the local governing body for adoption.

The Charleston County RLAA summarizes a five-step analysis process that Building Inspection Services followed when assessing repetitive loss properties and developing mitigation options. These five steps are a mandatory component of “Activity 512.b” in the CRS Coordinator’s Handbook:

1. Advise all the properties in the repetitive loss areas that the analysis will be conducted and request their input on the hazard and recommended actions.
2. Contact agencies or organizations that may have plans or studies that could affect the cause or impacts of the flooding.
3. Visit each building in the repetitive loss area and collect basic data.
4. Review alternative approaches and determine whether any property protection measures, or drainage improvements are feasible.
5. Document the findings. A separate analysis must be conducted for each area.

Committee recommended that Council adopt a resolution approving the 2022 Charleston County RLAA and resolving Charleston County’s participation in the Community Rating System (CRS).

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

The resolution is as follows:

**A RESOLUTION
FOR THE ADOPTION OF THE 2022 REPETITIVE LOSS AREA ANALYSIS
REPORT BY CHARLESTON COUNTY COUNCIL**

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

WHEREAS the Charleston County Building Inspection Services Department has prepared a recommended *Repetitive Loss Area Analysis Report* in conjunction with the Community Rating System and Five-Year Floodplain Management Plan; and

WHEREAS the recommended *Repetitive Loss Area Analysis Report* has been widely circulated for review by residents / business organizations / professional organizations of the unincorporated and incorporated areas of Charleston County, state, federal, regional, and local government agencies and has been supported by those reviewers; and

WHEREAS the County of Charleston is required to adopt the report and all amended versions of this report on an annual basis if changes occur for the County to remain eligible for certain Federal programs in which Charleston County participates, and

NOW THEREFORE be it resolved that

1. The 2022 *Repetitive Loss Area Analysis Report* is hereby adopted as an official document of the County of Charleston, and
2. The Charleston County Building Inspection Services Department is recognized as a continuing entity charged with reviewing, maintaining in accordance with Community Rating System and National Flood Insurance Program requirements, and periodically reporting on the progress towards and revisions to the plan to the Charleston County Council.

Effective this 12th Day of July

The Chairman announced the next item on the agenda was the Sustainability Initiatives.

**Sustainability
Initiatives
-Presentation
- Request to
Approve
- Ordinance 1st
Reading**

A report was provided by the Special Finance Committee under date of July 12, 2022, that it considered the information presented by the Finance Committee.

Committee recommended that Council approve and give first reading to an ordinance establishing a Climate Control Committee.

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

The ordinance was given first reading by title only.

**AN ORDINANCE
ESTABLISHING THE CHARLESTON COUNTY CLIMATE ACTION COMMITTEE
AND OTHER MATTERS RELATING THERETO**

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

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

**Council
Comments**

Mr. Middleton thanked Council for their input and discussion on the many items tonight and added that he hoped nothing he said offended anyone.

Ms. Johnson thanked staff and Mr. Tunick for the broadband presentation.

Mr. Sass stated that the Town of Mount Pleasant made an amendment to their annexation for sewer service ordinance to allow any lot or parcel of land located outside the corporate limit of the Town and within the Town's official planning area that contains an existing residential structure serviced by a septic system as of June 14, 2022, may obtain sanitary service from Mount Pleasant Water Works without annexing into the Town. He stated that this was something that Council had been asking for for a long time and this was great progress. Chairman Pryor thanked Mr. Sass for his work, and stated that this would give more opportunity to help the people.

Mr. Schweers asked Mrs. Ham if Council needed to repeal its ordinance prohibiting annexation as a requirement for sewer service. Mrs. Ham stated that she would look into it.

Chairman Pryor stated that Council needed more information from staff regarding the ZLDR items before they come back to Council.

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

Kristen L. Salisbury
Clerk of Council