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GEORGE H. BAILEY  
VICE CHAIRMAN  
  
JASON L. WARD  
COUNTY ADMINISTRATOR  
  
SALLY K. HEBERT  
CLERK TO COUNCIL



JAY BYARS  
  
WILLIE R. DAVIS  
  
CARROLL S. DUNCAN  
  
LARRY S. HARGETT  
  
WILLIAM R. HEARN, JR.

## COUNTY COUNCIL OF DORCHESTER COUNTY

500 N. MAIN STREET, SUITE 2  
SUMMERVILLE, SOUTH CAROLINA 29483  
(843) 832-0196 or (843) 563-0196

**MINUTES  
DORCHESTER COUNTY COUNCIL  
DORCHESTER COUNTY HUMAN SERVICES BUILDING  
COUNCIL CHAMBERS, SUMMERVILLE  
SEPTEMBER 6, 2016  
7:00 P.M.**

Pursuant to the Freedom of Information Act, a notice was posted on the bulletin board 24 hours before the meeting, and the following media outlets were notified: The Eagle-Record, The Summerville Journal Scene, The Post and Courier, WCBD Channel 2, WCIV Channel 4 and WCSC Channel 5.

PRESENT: Mr. C. David Chinnis, Chairman  
Mr. George H. Bailey, Vice Chairman  
Mr. Jay Byars  
Mrs. Carroll S. Duncan  
Mr. Willie R. Davis  
Mr. Larry S. Hargett  
Mr. William R. Hearn, Jr.  
Mr. Jason L. Ward, County Administrator  
Mr. Charlie Potts, Deputy Administrator/Community Services  
Mr. Daniel Prentice, Deputy Administrator/CFO  
Mr. John Frampton, County Attorney  
Ms. Sally K. Hebert, Clerk to Council

Chairman Chinnis called to order the meeting of Dorchester County Council. He invited all to stand for the invocation, given by Councilman Bailey, and followed by the Pledge of Allegiance.

### **CHAIRMAN'S TIME**

#### **REQUESTS TO ADDRESS COUNCIL:**

- Ms. Janet Frisco, 203 Cardinal Drive, Summerville, said she has been a homeowner in Dorchester County since 1997. She requested Council assistance in getting Public Works and the South Carolina Department of Transportation to clean out and grade the ditches on Cardinal Drive to restore adequate drainage.

- Ms. Margaret and Mr. Thomas Merrow, 4030 Plantation House Road in Legend Oaks, Summerville, stated concerns about bordering property being rezoned from Single Family Residential District to Multi-Family Residential District. The property is between the 1<sup>st</sup> and 18<sup>th</sup> golf course holes.
- Mr. John Lynch, 1027 Legacy Lane in The Preserve at Legend Oaks, Summerville, said he is a Home Owners Association 2 board member. He stated concerns about the potential sale of the Legend Oaks golf course with some or all of the property repurposed for residential lots and other non-golf uses. He asked Council to clarify restrictions on the development of golf course land.
- Mr. Steven Wright, 102 Hammerbeck Road, Summerville, stated objections to a proposed hospitality tax and a parks and libraries referendum. He requested an indefinite end to aerial spraying for mosquito control.
- Ms. Peggy Bangle, 114 Ravenwood Court, Summerville, called on citizens to write personal letters to state legislators demanding full funding of the Local Government Fund. She said she opposes a proposed hospitality tax.

*At this time, Chairman Chinnis asked Mr. Ward to read a statement regarding the Dorchester County mosquito control program. (See attached.) Before Mr. Ward read the statement, Chairman Chinnis announced he was naming an Ad Hoc Committee of Councilwoman Duncan, Councilman Hearn and Councilman Byars to review the policy and interact with constituents, making sure the policy meets the needs of the county and constituents. He asked for a report at the October 3 council meeting.*

- Ms. Kristina Litzenberger, West Meadow Drive in Ridgeville, said she is a founder of Save Humanity, Save the Bees. She said she and more than 7,600 other people have signed a petition requesting a halt to aerial spraying of all chemicals. She gave information about the healing properties of bee venom.
- Ms. Debra Lighthart, 1785 First Bend Road, Harleyville, gave information about the impact of aerial spraying on organic gardens.
- Daniel M. Wiberg, no address provided, gave information about the business of bee trucking.
- Heather A. Tamayo, 672 Hodge Road, Summerville, said she was speaking on behalf of beekeepers and requested more time on the agenda at a meeting next month. She requested a ban on aerial spraying. She requested the formation of an advisory board to advise when and how to spray appropriately.

### **MINUTES**

1. On the motion of Councilman Hargett, seconded by Councilman Hearn, Council voted six in favor, with one abstention, to adopt the minutes from the August 8, 2016, County Council Meeting. Councilwoman Duncan abstained because she was absent from the August 8 meeting.

### **PROCLAMATION #16-03**

2. On the motion of Councilman Davis, seconded by Councilwoman Duncan, Council voted unanimously to adopt Proclamation #16-03, proclaiming September 2016 as Childhood Cancer Awareness Month.

### **RECOGNITION OF DORCHESTER ALCOHOL AND DRUG COMMISSION**

Dorchester Alcohol and Drug Commission (DADC) recently went through an intensive evaluation by the Commission on Accreditation of Rehabilitation Facilities (CARF), an international accreditation agency. The DADC received a three-year accreditation and no recommendations, a feat achieved by only three percent of organizations surveyed by CARF. Chairman Chinnis recognized Mr. Sammy Miller, DADC Director, and congratulated him and his staff on the achievement. The Chairman led a round of applause.

**CORRESPONDENCE:** Staff forwarded items of correspondence as received.

### **GUEST: MR. TRACEY TODD, CHAIRMAN, ACCOMMODATIONS TAX ADVISORY COMMITTEE**

Mr. Todd presented the Committee's recommendations for allocation of \$38,655.37 in accommodations tax monies collected in Dorchester County. The recommendation was as follows: \$2,400 to Audubon Center at Francis Beidler Forest for Charleston Visitors Bureau Brochure Mailing Service; \$8,000 to Dorchester County Archive and History Center for Smithsonian Traveling Exhibit; \$2,500 to Dorchester County Parks & Recreation Department for Edisto

River Canoe and Kayak Trail Branding, Website and Map; \$2,755.37 to The Flowertown Players for Front Lines to the Home Front – Projector and Marketing; \$2,500 to Fort Dorchester High School Beta Club for FDHS Beta Butts and Wings BBQ Festival; \$10,000 to Middleton Place Foundation for a Special Exhibit: Alice Ravenel Huger Smith – Sharing Her Legacy; \$1,000 to South Carolina Humanities for The Way We Worked Smithsonian Traveling Exhibit; \$1,500 to Summerville Community Orchestra for Marketing the 2016-2017 Concert Season; \$1,000 to the Summerville Dorchester Museum for the Interior and Display Remodeling Project; \$2,000 to the Timrod Literary and Library for the Annual Southern Author Lecture Series in February; \$4,000 to the Town of St. George for the Rosenwald School Restoration; \$1,000 to the Upper Dorchester County Historical Society for the Koger House Operating Expenses.

Mr. Todd said the goal of the Committee is to increase tourism, put heads in beds, scatter the money geographically and support projects that may or may not have other accommodations tax funding. He answered questions from Council members.

3. On the motion of Councilman Bailey, seconded by Councilman Hargett, Council voted unanimously to approve the recommendations by the Dorchester County Accommodations Tax Advisory Committee as presented, regarding the allocation of \$38,655.37 for tourism related expenditures.

After the vote, Mr. Todd invited members of the newly formed Ad Hoc Committee on Mosquito Control to visit Middleton Plantation for a tour of the only commercially certified organic farm in Dorchester County and to learn about the riggers and realities of organic farming. He thanked county officials for efforts to protect citizens from the Zika virus.

**GUEST: MR. DANIEL PRENTICE, DORCHESTER COUNTY DEPUTY ADMINISTRATOR/CFO**

Mr. Prentice gave a summary of revenues and expenditures for the county's major funds through July 31. He also included a summary of cash on hand in the major funds and status updates on major Water/Sewer and Stormwater projects.

**COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD**

**FISCAL YEAR 2018 BUDGET CALENDAR**

4. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted unanimously to adopt the Fiscal Year 2018 Budget Calendar as presented.

**CARRYOVER BUDGET**

5. On the motion of Councilman Hargett, seconded by Councilman Hearn, Council voted unanimously to approve the carryover budget as presented.

**REZONING REQUEST #731**

6. On the motion of Councilman Davis, seconded by Councilwoman Duncan, Council voted unanimously to approve 1<sup>st</sup> Reading and referral to the Planning, Development and Building Committee for a public hearing and recommendation to County Council for Rezoning Request #731 by Caroline Elizabeth Moore to rezone 1.5 acres on Clark Lane in Summerville from Multi-Family Residential District (R-4) to Transitional Residential District (TRM), TMS #143-00-00-119.

**ROAD MAINTENANCE AGREEMENT: DRAKESBOROUGH SUBDIVISION, PHASE 2**

7. On the motion of Councilman Hearn, seconded by Councilwoman Duncan, Council voted unanimously to waive the one-year maintenance liability period for the Drakesborough Subdivision Phase 2 and approve the acceptance of the roads into the Dorchester County maintenance system, as recommended by the Public Works Director.

**ROAD MAINTENANCE AGREEMENT: DRAKESBOROUGH SUBDIVISION, PHASE 3, 4 & 5**

8. On the motion of Councilman Davis, seconded by Councilwoman Duncan, Council voted unanimously to approve the start of the one-year road maintenance liability period for the roads in the Drakesborough Subdivision Phase 3, 4 and 5, as recommended by the Public Works Director.

**FUNDING FOR SC HIGHWAY 165 PROJECT**

9. On the motion of Councilman Byars, seconded by Councilman Bailey, Council voted unanimously to approve the use of up to \$1,505,000 in Capital Fund Balance for the completion of Phase II of SC Highway 165 Widening Project.

**TEMPORARY PART-TIME POSITION IN THE EMS BILLING OFFICE**

10. On the motion of Councilman Davis, seconded by Councilman Bailey, Council voted unanimously to authorize a temporary part-time position in the EMS Billing Office.

**CONVENIENCE SITES**

11. On the motion of Councilman Hearn, seconded by Councilwoman Duncan, Council voted unanimously to give 1<sup>st</sup> Reading and referral to the Public Works, Property and Utilities Committee for a public hearing and recommendation to County Council regarding an Ordinance Amending and Supplementing the Code of Ordinances, Dorchester County, South Carolina, by Adding a New Article V, Convenience Sites, Section 34-130, 34-131, 34-132, 34-133 and 34-134 to Chapter 34, Solid Waste.

**COMMITTEE REPORTS**

**CHAIRWOMAN DUNCAN – PLANNING, DEVELOPMENT AND BUILDING COMMITTEE**

Chairwoman Duncan reported that the Committee met at 6 p.m. to hold five public hearings and consider recommendations for 2<sup>nd</sup> Reading.

12. On the recommendation of the Committee, Council voted unanimously to approve 2<sup>nd</sup> Reading of Rezoning Request #727 for John Wilder to rezone 3.59 acres at 1505 W. 5<sup>th</sup> North Street, Summerville, from Multi-Family Residential District (R-4) to Commercial Light Industrial Two District (CLI-2), TMS #129-12-04-015.

Regarding Rezoning Request #730, Chairwoman Duncan reported that the Committee held a public hearing and then voted unanimously to postpone making a recommendation to Council until posting rezoning request signage on the property and holding a second public hearing on October 3. No action by Council is required at this time.

13. On the recommendation of the Committee, Council voted unanimously to approve 2<sup>nd</sup> Reading of an Ordinance to amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as previously amended, with respect to Article IX, Section 9.1.4: "Single Family Detached Residential and Single Family Residential Manufactured Housing Use," to allow two primary residences per parcel by right, to allow three or more primary residence per parcel where road access meets county standards, and to enumerate the section.

The purpose of this amendment is to allow families and heirs greater flexibility for residential use of land in rural areas.

14. On the recommendation of the Committee, Council voted unanimously to approve 2<sup>nd</sup> Reading of an Ordinance to amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as previously amended, with respect to Article VII, Zoning and Development-Suburban District Regulations, Section 7.6: "Office and Institutional District," Section 7.6.3: "Permitted Use Groups," Section 7.6.5: "Residential Density Regulations," Section 7.6.6: "Lot and Building Requirements," and Section 7.6.8: "Use Performance Standards."

The purpose of this amendment is to improve Dorchester County's land use policies by allowing houses and childcare centers while disallowing apartments in this zoning category.

15. On the recommendation of the Committee, Council voted unanimously approve 2<sup>nd</sup> Reading of an Ordinance to amend Ordinance #12-19 to revise various regulations with the East Edisto Form District Master Plan and to add an administrative relief valve from conflicting standards.

#### **CHAIRMAN CHINNIS – WATER AND SEWER COMMITTEE**

Chairman Chinnis passed the gavel to Vice Chairman Bailey before giving his Committee report. He said the Committee met this evening to consider one request, which the Committee recommends for Council approval.

16. On the recommendation of the Committee, Council voted unanimously to approve a request for new water and sewer service by EYC Companies for an apartment complex off of Wescott Boulevard in the City of North Charleston, TMS #162-00-00-037.

Vice Chairman Bailey returned the gavel to Chairman Chinnis.

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

17. On the motion of Councilwoman Duncan, seconded by Councilman Davis, Council voted unanimously to appoint Mr. Glen Zingarino to the Construction Board of Appeals.

#### **COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON**

##### **RESOLUTION #16-08**

18. On the motion of Councilman Bailey, seconded by Councilman Davis, Council voted unanimously to approve Resolution #16-08, a Resolution Authorizing the Execution by Dorchester County of a Pledge Agreement with the South Carolina Public Service Authority Pledging \$100,000 from the Dorchester County Economic Development Fund to Collateralize a Loan from the South Carolina Public Service Authority to the Dorchester County Development Corporation.

##### **FILOT: STRAND-TECH MARTIN, INC.**

19. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted unanimously to approve 1<sup>st</sup> Reading of an Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Ad Valorem Taxation Agreement Effecting a Conversion of That Certain Lease Purchase Agreement Date as of December 31, 1999, Amended as of December 8, 2003, between Strand-Tech Martin, Inc. (the "Sponsor"), and Dorchester County, South Carolina (the "County"), and also Evidencing the Consent of the County of the Transfer of the Control of the Sponsor and a Financing Arrangement of the Sponsor.

##### **EXECUTIVE SESSION**

The County Attorney requested Council's consideration to enter into Executive Session to discuss the following:

- Contractual Matters
  - Amended Wholesale Water Supply Agreement with Charleston Water System
  - Glass Recycling
- Legal Advice
  - Assignment of FILOT by CV Oakmont, LLC
  - Status of Lot 2A, Old Fort Estates

20. On the motion of Councilman Bailey, seconded by Councilman Hearn, Council voted unanimously to enter into Executive Session at approximately 8:18 p.m. to discuss the previously stated matters.

**RECONVENE FROM EXECUTIVE SESSION**

At approximately 8:57 p.m., Mr. Frampton reported that Council discussed the previously announced items, but no action was taken.

21. On the motion of Councilman Hearn, seconded by Councilman Hargett, Council voted unanimously to authorize the County Administrator to enter into an agreement with Fischer Recycling at a cost of \$37.50 per ton to continue the County's glass recycling program. Should an agreement not be reached, glass recycling would be discontinued.
22. On the motion of Councilman Hargett, seconded by Councilman Davis, Council voted unanimously to authorize the County Administrator to execute the Wholesale Water Supply contract between the Commissioners of Public Works of the City of Charleston, South Carolina (Charleston Water System), and Dorchester County.
23. On the motion of Councilman Byars, seconded by Councilman Hearn, Council voted unanimously to consent to the assignment and assumption of the FILOT agreement as requested by CV Oakmont, LLC, and to authorize the Chairman to execute the assignment.

**ADJOURNMENT**

24. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted unanimously to adjourn at approximately 8:58 p.m.

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Sally K. Hebert, Clerk to Council

## **Dorchester County Mosquito Control Program**

Dorchester County operates a Mosquito Control Program to protect its citizens from the spread of mosquito borne diseases by spraying pesticides (insecticides), applying larvicide to low-lying areas, and educating citizens on reducing the conditions that foster increases in the mosquito population.

### **Mosquito Control through Ground Spraying and Larvicide Briquettes**

Dorchester County has two trucks for ground spraying, and our personnel spray 6 zones per night, Monday-Friday from 9:00pm to 5:00am.

The two chemicals used for ground spraying are Permanone Ready-to-Use, and if that's not available, we use a chemical called Pursuit/4-4 ULV. They are both similar types of chemicals and have a quick knock down rate. These two chemicals are for adult mosquitoes, as opposed to larvae.

Dorchester County responds to mosquito complaints in low lying areas, with treatment during the day, using a larvicide chemical to help prevent hatching. The particular chemical we use is Altosid XR Extended Residual Briquettes. These are placed in areas that have collected water where there is no run off. Again, the goal of this treatment is to interrupt the stages of the larvae so they will not develop into adult mosquitoes.

Dorchester County has a list of registered beekeepers and we call the beekeepers before spraying the zone where the beekeepers are located.

The county contacted the Lowcountry Beekeepers Association and the association provided the names and locations for all their members in Dorchester County. We are adding these locations to the list of registered beekeepers.

County officials have spoken to the owners of Flowertown Beekeepers and Supply about the damages to their hives and expressed a willingness to provide restitution.

No additional aerial spraying for mosquitoes is planned at this time. The county will provide three days notice before doing any more aerial spraying for mosquitoes.

Aerial spraying is targeted spraying. Only 14.68 square miles of the 575 square miles in the county were sprayed recently.

The County has received requests from citizens and a school to spray for mosquitoes in the Summerville area.

Dorchester County sent out a press release on Friday, August 26, 2016 at 9:15AM to notify its citizens that it planned on performing aerial spraying in the Summerville area on Sunday, August 28, 2016, between 6:30 AM and 8:30 AM.

Aerial spraying was performed almost two days later **(45 hours and 30 minutes after notice)** in the Summerville area on Sunday, August 28, 2016, between 6:45 AM and 8:45 AM.

**State law requires 24 hours notice before the application of pesticide.**

Dorchester County typically goes a step further and calls the beekeepers that are on the county's list of registered beekeepers that are in the zone to be sprayed.

Before Dorchester County sprays a particular zone using the spray trucks, the county notifies the registered beekeepers in the zone so that they can take the necessary precautions that they believe are warranted.

**BACKGROUND: Motivation behind the aerial spraying**

Below is a little background that further outlines the public meetings where the issue of aerial spraying was discussed. Also, both of our neighboring counties in the tri-county area, Berkeley and Charleston, also use aerial spraying to control the mosquito population.

Last year the tri-county area experienced historic rainfall.

<http://www.postandcourier.com/article/20151109/PC16/151109277/>

Since the flood in October 2015, we have many new places where there is standing water. These areas are breeding grounds for mosquitoes and we have increased spraying since that time.

On August 26, 2016, DHEC reported four confirmed cases of the Zika Virus in the Summerville area of Dorchester County. In order to combat the spread of mosquito borne viruses, aerial spraying is being utilized to supplement our mosquito ground spray trucks and larvae control programs in targeted areas. We used aerial spraying in the Summerville area to reach locations that the trucks can't reach.

<http://www.scdhec.gov/Health/DiseasesandConditions/InfectiousDiseases/InsectAnimalBorne/ZikaVirus/>

We have not used aerial spraying on the whole county which is 575 square miles in area. Instead, we targeted the area of greatest concern. This area is approximately 14.68 square miles.

Council and staff received public concerns about mosquitoes. We discussed this issue in open session and additional funding was provided to spray for mosquitoes.

**May 2, 2016 Dorchester County Council Meeting**

**REQUESTS TO ADDRESS COUNCIL**

Mr. John Nicholas Hayes, 319 Dupont Way, Summerville, requested aerial spraying for mosquitoes and larvae where there is inaccessible standing water.

<https://www.dorchestercounty.net/Modules/ShowDocument.aspx?documentid=11449>

**May 16, 2016 Dorchester County Council Meeting**

**REQUESTS TO ADDRESS COUNCIL:**

Mr. John Nicholas Hayes, 319 Dupont Way, Summerville, thanked County Council for including \$90,000 in the proposed budget for the aerial spraying of mosquitoes and larvae. He stated precautions individuals can take to reduce the risk of being bitten by mosquitoes, such as wearing pants and long-sleeved shirts and eliminating standing water from yards.

<https://www.dorchestercounty.net/Modules/ShowDocument.aspx?documentid=11502>

### **June 6, 2016 Dorchester County Council Meeting**

Request for Approval to Use \$84,178 in Projected Personnel Savings to Make Needed Repairs to Existing HVAC Units and Purchase Additional Chemicals for the Mosquito Program and Provide Funding for Aerial Spraying

4. On the motion of Councilwoman Duncan, seconded by Councilman Hearn, Council voted unanimously to authorize the transfer of \$84,178 in Personnel savings to fund the repair of HVAC units and to purchase chemicals and provide funding for aerial spraying.

<https://www.dorchestercounty.net/Modules/ShowDocument.aspx?documentid=11557>

### **Adding additional locations to our registered beekeepers in Dorchester County**

Prior to August 26, Dorchester County had 13 registered beekeepers and 16 locations on our list.

Since August 26, Dorchester County has reached out to the Lowcountry Beekeepers Association to get names and contact information of its member in Dorchester County so its members can be added to the list of registered beekeepers.

Dorchester County set up a call center to receive information from other beekeepers and concerned partners.

Dorchester County will put an electronic registration form on the county's website so that beekeepers can register their locations with Dorchester County.

Dorchester County has provided additional information to citizens through press releases to the media, the county's website, the county's Facebook page, the Emergency Management Department's Facebook page, the Parks and Recreation Department's Facebook page, and through the Town of Summerville.

### **Additional aerial spraying**

Dorchester County has not used aerial spraying for mosquitoes in the past.

No additional aerial spraying flights for mosquitoes are scheduled at this time. Prior to any additional aerial spraying, notification will be sent out three days in advance. Additionally, the County will contact those beekeepers who are registered with the County directly by telephone or email. We are asking citizens to please register with the County if they want to be added to the notification list.

For information on the mosquito truck spraying schedule go to the county's website at [www.dorchestercounty/mosquitocontrol.net](http://www.dorchestercounty/mosquitocontrol.net).

### **Background stories from the SJS**

Dorchester County Sprays Countywide to Control Mosquito Populations (2012)

<http://www.journalscene.com/news/mosq>

Deadly equine disease hits in Dorchester, Berkeley (2016)

<http://www.journalscene.com/20160820/160829987/deadly-equine-disease-hits-in-dorchester-berkeley>