

**AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
JULY 6, 2010
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. JAMIE FELTNER

- Requests to Address Council
- Adoption of Minutes from the June 21, 2010, County Council Meeting
- County Employee Recognition Program
- Correspondence

3. GUESTS

- Mr. Mike Montei, Plan for Bacons Bridge Property
- Mr. Mark Pilgrim, Dorchester County Sales Tax Transportation Authority – Financial Report

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

- 1st Reading for Rezoning Request #637 for C S Carter, TMS# 130-09-00-006

5. APPOINTMENTS TO BOARDS AND COMMISSIONS

6. COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

- Executive Session
- Confidential Economic Development Projects
- Legal Advice
 - Personnel Matter
 - Voluntary Work Program

7. ADJOURN

JAMIE FELTNER
CHAIRMAN

WILLIE DAVIS
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



LARRY S. HARGETT

WILLIAM (BILL) HEARN, JR.

CHRISTOPHER J. MURPHY

RICHARD ROSEBROCK

KENNETH WAGGONER

COUNTY COUNCIL OF DORCHESTER COUNTY

201 JOHNSTON STREET

ST. GEORGE, SOUTH CAROLINA 29477

(843) 563-0196 FAX (843) 563-0137

SUMMERVILLE (843) 832-0043 FAX (843) 875-8509

MINUTES

DORCHESTER COUNTY COUNCIL

DORCHESTER COUNTY HUMAN SERVICES BUILDING

COUNCIL CHAMBERS, SUMMERVILLE

JULY 6, 2010

7:00 P.M.

Pursuant to the Freedom of Information Act, the Dorchester Eagle Record, the Summerville Journal Scene, and the Post & Courier, were notified and a notice was posted on the bulletin board 24 hours prior to the meeting.

PRESENT: Mr. Jamie Feltner, Chairman
Mr. Willie Davis, Vice Chairman
Mr. William "Bill" Hearn
Mr. Richard Rosebrock
Mr. Chris Murphy
Mr. Kenneth Waggoner
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

ABSENT: Mr. Larry Hargett

Chairman Feltner called the meeting to order and Councilman Rosebrock gave the Invocation.

REQUEST TO ADDRESS COUNCIL

- Ms. Debbie Ainscough of McMakin Drive addressed Council on concerns about two older vacant mobile homes in poor condition in her area, and questioned what the County could do about these homes. The Chairman passed this information, along with Ms. Ainscough's information to the County Administrator for the proper Department to look into this situation.

ADOPTION OF MINUTES FROM - JUNE 21, 2010, COUNTY COUNCIL MEETING

1. On the motion of Mr. Rosebrock, seconded by Mr. Murphy, Council voted five in favor, and two absent, to adopt the Minutes from the June 21, 2010, County Council Meeting.

Council Members Hargett and Davis were absent.

DORCHESTER COUNTY EMPLOYEE RECOGNITION PROGRAM

Dorchester County Council recognized county employees for their years of dedicated service to the County.

Councilman Davis arrived at this time, which was 7:08 p.m.

CORRESPONDENCE

There was no correspondence reported.

GUESTS

MR. MIKE MONTEI, PLAN FOR BACONS BRIDGE PROPERTY

Mr. Mike Montei was not in attendance.

MR. MARK PILGRIM, DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY – FINANCIAL REPORT

Mr. Mark Pilgrim was not in attendance.

COUNTY ADMINISTRATOR'S TIME, MR. JASON WARD

**1ST READING FOR REZONING REQUEST #637 FOR C S CARTER,
TMS# 130-09-00-006**

2. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor, and one absent, to give first Reading for Rezoning Request #637 for C S Carter, TMS #130-09-00-006, and to place this request in Council's Planning, Development, and Building Committee for further consideration. This is a request to rezone 1.53 acres located at 1010 W. 5th North St, Summerville, South Carolina, from R-4 (Multi-Family Residential District) to CLI (Commercial Light Industrial District).

Councilman Hargett was absent.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

**COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
REQUEST FOR EXECUTIVE SESSION**

The County Attorney requested Council's consideration to enter into Executive Session to receive an update on several confidential economic development projects, and to give legal advice regarding a personnel matter and a voluntary work program for inmates at the County Detention Center.

EXECUTIVE SESSION 7:11 P.M.

3. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted six in favor, and one absent, to go into Executive Session, as requested by the County Attorney.

Councilman Hargett was absent.

RECONVENE FROM EXECUTIVE SESSION

The County Attorney reported that Council discussed the previously three announced items prior to going into executive session, but no action was taken.

**DORCHESTER COUNTY SHERIFF'S DEPARTMENT VOLUNTARY WORK
PROGRAM**

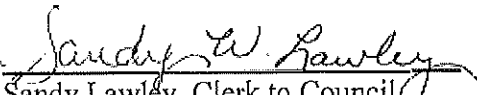
4. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted six in favor, and one absent, that County Council authorize the Dorchester County Sheriff to offer a voluntary program under which any person committed to the Dorchester County Jail may perform labor on the public works or ways as defined, in Section 24-13-235 of the South Carolina Code.

Councilman Hargett was absent.

ADJOURNMENT

5. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor, and one absent, to adjourn. Time of adjournment was 7:41 p.m.

Councilman Hargett was absent.


Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERSVILLE
JULY 19, 2010
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. JAMIE FELTNER

- Requests to Address Council
- Adoption of Minutes from the July 6, 2010, County Council Meeting
- Public Hearing and 2nd Reading for “An Ordinance of Dorchester County to Establish Procedures to Consider and Enter into Development Agreements”
- Recommendation from the Dorchester County Planning Commission for the Comprehensive Transportation Master Plan & Capital Improvement Plan
- 1st Reading for the “Dorchester County Transportation Impact Fee Ordinance”
- Correspondence

3. GUESTS

- Ms. Melissa T. Williams, Director of Tourism, Greater Summersville/Dorchester County Chamber of Commerce - Update on Tourism in Dorchester County
- Mr. Mike Montei, Plan for Bacons Bridge Park Trail Proposal
- Mr. Wes Covington, Staff Attorney South Carolina Association of Counties- Update on Services and Publications
- Mayor Charles Ackerman- Request for Recreation Funding for Town of Harleyville

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

- SC Hwy 165 from SC Hwy 61 to Ashley Ridge High School
- Adoption of Resolution #10-11, “A Resolution Designating All of the Incorporated and Unincorporated Areas of Dorchester County as a Recovery Zone for the Purpose of the Issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds and Other Matters Related Thereto”

5. COMMITTEE REPORT

Chairman Jamie Feltner, Water and Sewer Committee Report

- Request for New Water Service to TMS# 107-00-00-181 for Alex Kemmerlin

6. APPOINTMENTS TO BOARDS AND COMMISSIONS

7. COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

- Confidential Economic Development Project
 - Contractual Matters
 - 134 Club Road
 - Emergency Management Building
 - Development Agreement with MeadWestvaco

8. ADJOURN

JAMIE FELTNER
CHAIRMAN

WILLIE DAVIS
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



LARRY S. HARGETT

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MINUTES

DORCHESTER COUNTY COUNCIL

DORCHESTER COUNTY HUMAN SERVICES BUILDING COUNCIL CHAMBERS, SUMMERVILLE

JULY 19, 2010

7:00 P.M.

Pursuant to the Freedom of Information Act, the Dorchester Eagle Record, the Summerville Journal Scene, and the Post & Courier, were notified and a notice was posted on the bulletin board 24 hours prior to the meeting.

PRESENT: Mr. Jamie Feltner, Chairman
Mr. Willie Davis, Vice Chairman
Mr. William "Bill" Hearn
Mr. Chris Murphy
Mr. Larry Hargett
Mr. Kenneth Waggoner
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Gina R. Sams, Administrative Assistant to Council

Chairman Feltner called the meeting to order and the Invocation was given.

REQUEST TO ADDRESS COUNCIL

Chairman Feltner reported there were 20 plus comment cards to address Council and the majority of the comments were to speak on the matter of the *Transportation Impact Fee Study (referenced in the County's the Transportation Master Plan)*. Chairman Feltner requested a show of hands for those in favor and those opposed to this subject. He requested for those wishing to speak on the matter of impact fees to please yield to the next person if someone had already expressed the same comments. The following citizens addressed Council:

- Mr. Ed Carter, Vice Chairman of Public Policy for the Greater Summerville, Dorchester Chamber of Commerce, and a Tri-County Chamber of Commerce Board Member, came before Council and reported that both agencies' Boards of Directors had voted unanimously to oppose the *Transportation Impact Fee Ordinance*. He expressed concerns of the impact the Ordinance would have on the local economy and schools, and provided reasons for being in opposition to the Ordinance.
- Mr. Dick Kopfmuehler, resident of Dorchester County, came before Council and spoke in favor of the adoption of the Transportation Comprehensive Plan, and requested Council to start on its implementation.
- Ms. Jacklyn Delre, resident of Dorchester County, came before Council and provided a petition requesting the paving of Cooper Drive.
- Mr. Mike Windham, with Dorchester School District II, came before Council and read aloud a statement opposing the *Transportation Impact Fee Ordinance*, and expressed concerns that the impact fees would have on the new construction of schools in Dorchester School District Two. He requested a line item be added to the County's Budget to assist the District to pay for a School Resource Officers, and requested Council's help with making up the difference if the impact fee were passed.
- Mr. Robert Long, President of Long Construction Company, located in Summerville, came before Council to address concerns of imposing impact fees.
- Mr. Tim Patrick's name was called, but was not present to speak.
- Mr. Robert Pratt yielded his time for the following speaker.
- Mr. Alex Quattlebaum, President of Quattlebaum Development Company, came before Council and spoke in opposition of the *Transportation Impact Fee Ordinance*. He stated there was a need for being competitive, and referenced the negative effect(s) the proposed Ordinance would have on the existing companies wanting to expand in Dorchester County. He provided an example of a current situation of a local business looking at expanding, by way of new construction, where the fee's implementation would cost this business approximately \$445,000 if the business were to expand, creating an additional 45% to the expansion project that could affect having an economic impact of \$13 million over the course of 20 years.
- Mr. Skip Elliott, resident of Dorchester County, came before Council to address his concerns regarding the implementation of a *Transportation Impact Fee*. He requested for Council to not adopt the fee.

REQUEST TO ADDRESS COUNCIL-CONTINUED

- Ms. Sue Wehman, resident of Dorchester County, came before Council and requested Council to vote in favor of the implementation of a *Transportation Impact Fee*. Ms. Wehman reported on information she had researched on the subject of Impact Fees vs. Taxes, Tax Increment Financing (TIFS) as well as small property tax increases, and provided comments related to the South Carolina Tax Laws (Title 31, Chapter 7).
- Mr. Carwyn Melette spoke on behalf of the Charleston Trident Association of Realtors and for lower to moderate income home buyers. He spoke in opposition of the *Transportation Impact Fee*, and requested for Council to provide an alternative option and urged Council to not implement the fee.
- Mr. Brian Gwin, with Norfolk Southern, came before Council and provided insight on an issue where the City of North Charleston and CSX Transportation announced a *Memorandum of Understanding (MOU)*, outlining how rail service would be achieved at the new Port located on the old Navy Base. Mr. Gwin reported that as drafted, the document (*MOU*) eliminates access from Norfolk Southern to the Base from the north, and the elimination of northern access would be detrimental to the economic development activity of Dorchester County as well as to the rest of the State of South Carolina. He stated the Port of Charleston is the economic generator in the State, and access by 2 railroads was needed in order to have a competitive option to ship freight. Mr. Gwin further stated that Dorchester County had made humongous efforts in the last few years to develop industrial parks in St. George, Ridgeville and other locations in the County, along Norfolk Southern railways. If projects were to locate into the County they would not have access to the Port of Charleston to ship by rail, and as a result, making it harder to attract projects to the County. Mr. Gwin requested Council to consider drafting a letter opposing the *MOU* and advocating dual equal railway access to the new Port in Charleston.

APPROVAL OF COUNCIL LETTER FOR EQUAL ACCESS FOR RAILWAY INTO THE PORT OF CHARLESTON

Chairman Feltner stated he could request for a motion for Council to send a letter for equal railway access to the Port of Charleston; the following action was taken:

1. On the motion of Councilman Murphy, seconded by Councilman Rosebrock, Council voted unanimously, to send a letter advocating equal railway access into the Port of Charleston.

Chairman Feltner requested the Administrator to draft a letter on behalf of Council regarding the above action taken by Council.

The Request to Address Council segment of the meeting was continued; the following comments were received:

- Mr. Jonathan Eastuold came before Council to address his being in favor of the *Transportation Impact Fee* and read aloud 2 findings from a 2003 study that was performed on the subject.

REQUEST TO ADDRESS COUNCIL-COUNTINUED

- Mr. Harshad Vyas came before Council and spoke in favor of the passage of a *Transportation Impact Fee Ordinance*.
- Mr. Tim Patrick came before Council and provided Council with a copy of the Brockington Report, which detailed the positive aspects that impact fees have on communities. He urged Council to consider reimbursing or crediting small business owners, schools, and hospitals.
- Mr. Ben Coker came before Council and addressed the subject of Berkeley County's passage of an Impact Fee Ordinance in 2006 that was prepared by same company, Kimley Horne. He stated Berkeley County had originally intended to have exemptions as part of their impact fee implementation, but later found out through State attorneys that there could not be any exemptions from the impact fees. This left Berkeley County having to adjust their regulation to conform. Mr. Coker stated that at the present time, Berkeley County was looking at doing away with their impact fees. He further stated that the implementation of the *Dorchester County Transportation Impact Fee* would not just affect businesses in the County, but also those citizens looking to divide their land for family member(s), etc.
- Mr. Edward Tupper came before Council and stated he agreed with Mr. Coker, and stated impact fees affect everyone, not just developers and businesses, but also families.
- Mr. Haine stated he was present when Kimley Horne came and presented their plan to the Dorchester County Planning Commission. He stated at the time he thought it was reasonable and was in favor of the proposed *Transportation Impact Fee*.
- Mr. Charles Stoudemier, Dorchester School District II Board Member, came before Council and spoke in favor of exempting the schools or crediting the School District for constructing schools, should the *Transportation Impact Fee Ordinance* be adopted.
- Mr. Tom Roe came before Council and spoke on behalf of the South Carolina Landowners Association. He stated they are in general opposition of implementing impact fees due to them being detrimental to economic growth, job creation, and due to the negative effects on land values. Mr. Roe spoke on the issue of job loss in Dorchester County. He suggested for Council to consider not implementing an impact fee, and stated the timing was not good for such a measure.
- Ms. Holly Gamblin came before Council and spoke in opposition to the County implementing a *Transportation Impact Fee*.
- Mr. Mike Murphree, resident of Dorchester County, came before Council to speak on the matter of a *Transportation Impact Fee Ordinance*. He questioned the impact(s) of changing Dorchester County's economic dynamics from a residential base, to a commercial industrial base, and creating regulatory and income barriers on affordable housing and job creation, affecting the younger lower income and minorities the most. He further stated more jobs and opportunities were needed and there was enough current taxation.
- Mr. Steve Morey came before Council and stated that impact fees do not typically affect the developers as much as some may wish, and that usually, impact fees are passed on to consumers and not developers.

ADOPTION OF MINUTES FROM THE JULY 6, 2010, COUNTY COUNCIL MEETING

2. On the motion of Councilman Murphy, seconded by Councilman Rosebrock, Council voted unanimously, to adopt the Minutes from the July 6, 2010, County Council Meeting.

PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE OF DORCHESTER COUNTY TO ESTABLISH PROCEDURES TO CONSIDER AND ENTER INTO DEVELOPMENT AGREEMENTS”

Chairman Feltner opened the Public Hearing to receive comments on the above referenced title; hearing no comments the Public Hearing was closed and the following actions were taken.

AMENDMENT TO PROPOSED ORDINANCE OF DORCHESTER COUNTY TO ESTABLISH PROCEDURES TO CONSIDER AND ENTER INTO DEVELOPMENT AGREEMENTS

3. Councilman Hargett made a motion to approve the above referenced subject, and upon discussions, he corrected his original motion by motioning to amend the proposed Ordinance for Dorchester County to Establish Procedures to Consider and Enter into Development Agreements; thereby, adding a new *subsection 6 (f)* and renumbering *subsection 6 (f)* to *subsection 6 (g)*, Vice Chairman Davis seconded, and Council voted unanimously in favor on the motion of amendment.

The above amendment creates a new *subsection 6 (f)*, and reads as follows:

(f) Any Developer shall provide a review of planned mitigation actions that address impacts of Development. The County and Developer in any development agreement, except those areas designated as business parks subject to economic agreement on mitigation requirements, including payments or consideration paid for facilities or services that would provide an unfair advantage over or as compared to any other Developer in any other development agreement executed subsequent to the approval of this Ordinance.

4. On the motion of Councilman Hargett, seconded by Councilman Rosebrock, Council voted unanimously, to approve 2nd Reading to the proposed Ordinance for Dorchester County to Establish Procedures to Consider and Enter into Development Agreements, as amended (reference motion 3).

RECOMMENDATION FROM THE DORCHESTER COUNTY PLANNING COMMISSION FOR THE COMPREHENSIVE TRANSPORTATION MASTER PLAN & CAPITAL IMPROVEMENT PLAN

Councilman Rosebrock motioned to have 1st Reading of the Dorchester County Impact Fee Ordinance; upon discussions, the following action was taken on the above referenced matter:

5. On the motion of Councilman Hargett, seconded by Vice Chairman Davis, Council vote five in favor, and two opposed, to approve the recommendation from the Dorchester County Planning Commission for the Comprehensive Transportation Master Plan & Capital Improvement Plan.

Councilmen Hearn and Murphy opposed.

1ST READING FOR THE "DORCHESTER COUNTY TRANSPORTATION IMPACT FEE ORDINANCE"

6. On the motion of Councilman Rosebrock, seconded by Councilman Hargett, and upon various discussions by Council members, Council voted five in favor, and two opposed, to approve 1st Reading for the proposed Dorchester County Transportation Impact Fee Ordinance.

Councilmen Hearn and Murphy opposed.

RECESS

A brief recess was taken by Council.

CORRESPONDENCE

There was no correspondence reported.

GUEST(S)

The following guests were recognized and spoke before Council:

MS. MELISSA T. WILLIAMS, DIRECTOR OF TOURISM, GREATER SUMMERVILLE/DORCHESTER COUNTY CHAMBER OF COMMERCE-UPDATE ON TOURISM IN DORCHESTER COUNTY

Ms. Williams came before Council to provide a update on tourism statistics and reported on the Chamber of Commerce's activities. She stated if Council ever had questions on the issue of tourism, the Summerville/Dorchester County Chamber of Commerce would be pleased to offer their assistance.

MR. MIKE MONTEI, PLAN FOR BACONS BRIDGE PARK TRAIL PROPOSAL

Mr. Montei presented a plan to provide a parking and walking trail on a tract of land consisting of 8 acres, located on Bacons Bridge Road, which the County leases from Charleston CPW. Mr. Montei stated that the project would not start until cooler weather, and he believed it could be completed in 90 days.

Upon discussions by Council on the above referenced subject, the following action was taken:

7. On the motion of Councilman Rosebrock, seconded by Councilman Hargett, Council voted unanimously, to approve the proposed plan for the Bacons Bridge Park Trail.

The Bacons Bridge Park Trail will be coordinated with Dorchester County's Department of Public Works, along with the County's Department of Planning and Zoning, to assure compliance with State Regulations and County Ordinances.

GUEST(S)-CONTINUED

MR. WES COVINGTON, STAFF ATTORNEY SOUTH CAROLINA ASSOCIATION OF COUNTIES-UPDATE ON SERVICES AND PUBLICATIONS

Mr. Wes Covington with the South Carolina Association of Counties (SCAC) provided a brief update on the various services and publications provided by the SCAC; Councilman Hargett requested the SCAC to consider changing venue for the Annual SCAC Meetings, no action was taken by Council.

MAYOR CHARLES ACKERMAN-REQUEST FOR RECREATION FUNDING FOR TOWN OF HARLEYVILLE

Mayor Ackerman of the Town of Harleyville came before Council and thanked the County for their past financial assistance and gave an overview of the Town's needs, which included: The Town's Community Center, Restrooms, Ball Field Lighting Repairs, Community Park Projects, and Jenkins Hill Fields. The recreational funding request's estimated cost totaled \$20,137.

Councilman Waggoner requested this matter be placed in Council's Public Safety, Health and Human Services Committee for further consideration. Chairman Feltner agreed to the request to place the Town of Harleyville's Recreational Funding Request into said Committee.

Vice Chairman Davis provided comments on the subject and stated he supported the Town of Harleyville and understood the Town's recreational needs.

Councilman Murphy provided comments on the subject and reported Council's instructions to past recipients of the County Recreation Grants were that the program would not be funded this year. Councilman Murphy stated if the matter of Recreation Funding were opened for the Town of Harleyville, then funding would need to be opened to everyone.

This item was placed into Dorchester County's Public Safety, Health, and Human Services Committee for further consideration, and no actions were taken.

COUNTY ADMINISTRATOR'S TIME, MR. JASON WARD

SC HWY 165 FROM SC HWY 61 TO ASHLEY RIDGE HIGH SCHOOL

Mr. Ward, Administrator of Dorchester County, addressed Council on the above titled subject, and stated there were width issues with the road, and reported there was a follow up with the State of South Carolina's Transportation Infrastructure Bank (SCTIB), as there was a recent announcement of the Town of Mt. Pleasant receiving a loan for their Hwy 17 project.

Mr. Ward provided insight as to the requirement of obtaining a loan from the SCTIB, which would consist of sending a letter with the information of the loan amount, type of revenue source that will service the debt, debt repayment schedule and the purpose of the loan. In addition, Mr. Ward reported on other potential financing options.

COUNTY ADMINISTRATOR'S TIME, MR. JASON WARD-CONTINUED

SC HWY 165 FROM SC HWY 61 TO ASHLEY RIDGE HIGH SCHOOL-CONTINUED

Discussions were held by Council on having this project shovel ready to receive additional federal stimulus monies and to have the Administrator's staff, Mr. Richard Byrd with the Department of Public Works, to discuss this matter with Dorchester County Transportation Committee (CTC), as the project would not fall under the purview of the Dorchester County Sales Tax Transportation Authority (DCTA); no actions were taken on this subject matter.

ADOPTION OF RESOLUTION 10-11, "A RESOLUTION DESIGNATING ALL OF THE INCORPORATED AND UNINCORPORATED AREAS OF DORCHESTER COUNTY AS A RECOVERY ZONE FOR THE PURPOSE OF THE ISSUANCE OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS AND OTHER MATTERS RELATED THERETO"

Mr. Ward clarified the purpose of Resolution #10-11, and stated this would designate the entire County as a district and would authorize the County Administrator to take action, by way of letter, stating the County wishes to reserve the capacity and not have it reallocated to another municipality or county for the purpose of Council to allocate Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds (*collectively, the "Recovery Zone Bonds"*) for economic or community development projects, including capital improvements, public infrastructure, job training and educational programs, through December 31, 2010.

8. On the motion of Councilman. Murphy, seconded by Councilman. Davis, Council voted unanimously, to adopt Resolution 10-11, "A Resolution Designating All of the Incorporated and Unincorporated Areas of Dorchester County as a Recovery Zone for the Purpose of the Issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds and Other Matters Related Thereto".

COMMITTEE REPORT(S)

Chairman Feltner passed the gavel to Vice Chairman Davis for the purpose of providing the following Committee Report:

WATER AND SEWER COMMITTEE REPORT, CHAIRMAN JAMIE FELTNER

REQUEST FOR NEW WATER SERVICE TO TMS #107-00-00-181 FOR ALEX KEMMERLIN

9. Chairman Feltner reported Council's Water and Sewer Committee had met earlier in the evening, and the recommendation coming out of Committee was for to Council to approve the request of new water service for Alex Kemmerlin, parcel identified by TMS #107-00-00-181. Council voted six in favor, and one absent, on the recommendation.

Vice Chairman Davis passed the gavel back to Chairman Feltner.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There was no action taken on the above referenced subject.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

REQUEST FOR EXECUTIVE SESSION

County Attorney, Mr. Frampton, requested Council's consideration to enter into Executive Session to discuss a Confidential Economic Development Project, and 3 contractual matters concerning a pending contract for the sale of 134 Club Road, the progress of the Emergency Management Building, and a proposed Development Agreement with MeadWestvaco.

EXECUTIVE SESSION 9:10 P.M.

10. On the motion of Vice Chairman Davis, seconded by Councilman Hargett, Council voted unanimously to go into Executive Session, as requested by the County Attorney.

RECONVENE FROM EXECUTIVE SESSION 10:10 P.M.


The County Attorney reported that Council discussed the items previously reported, prior to going into Executive Session, and no actions were taken.

**ADOPTION OF RESOLUTION (#10-10), APPROVING & AUTHORIZING THE
INDUCEMENT AGREEMENT FOR PROJECT GLASS**

11. Councilman Hargett motioned for Dorchester County Council to adopt a Resolution approving and authorizing the Inducement Agreement for "Project Glass", Councilman Rosebrock seconded, and Council voted unanimously in favor on the motion.

ADJOURNMENT 10:11 P.M.

12. On the motion of Councilman Hargett, seconded by Councilman Rosebrock, Council voted unanimously to adjourn.


Gina R. Sams, Admin. Asst. to Council

AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
AUGUST 16, 2010
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. JAMIE FELTNER

- Requests to Address Council
- Adoption of Minutes from the July 19, 2010, County Council Meeting
- Adoption of Resolution #10-12, "A Resolution Supporting the Application for 50/50 Matching Funds from the South Carolina Department of Transportation \$50 Million Federal Match Program for 2011 for Construction of Dorchester Road Phase 2"
- 1st Reading for "An Ordinance Accepting the Transfer of the Authority to Conduct Municipal Elections in the Town of Ridgeville from the Ridgeville Municipal Elections Commission to the Dorchester County Board of Elections and Registration and to Prescribe the Terms of Such Transfer"
- 1st Reading for "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Previously Amended, with Respect to Article VII, Section 7.2.2 To Allow Not More than a Total of Ten Hen (Female) Chickens and/or Rabbits on Individual Lots Zoned R-1 (M) Which Are At Least Two Acres or More"
- 1st Reading for "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Previously Amended, with Respect to Article X, Section-10.6(a) So As To Delete the Requirements of a Complaint from a Civic or Homeowner's Association or Complaint By At Least Three Residents"
- 1st Reading to An Ordinance Approving the Adoption of a Capital Improvements Plan for Public Facilities, Such Public Facilities Being Limited to Roads, Streets, and Bridges, Including, But Not Limited to, Rights-of-Way and Traffic Signals as the Term Public Facilities Is More Specifically Defined in Section 6-1-920(18)(d), Code of Laws of South Carolina
- 1st Reading to Adopt "A Transportation Impact Fee Ordinance for Unincorporated Dorchester County"
- 3rd Reading for Ordinance #10-13, "An Ordinance of Dorchester County to Establish Procedures to Consider and Enter into Development Agreements"
- Public Hearing and 2nd Reading for "An Ordinance to Amend Article XXVI, Legal Status Provisions of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, Regarding the Effect of Development Agreements"
- Public Hearing and 2nd Reading for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Regulate the Application and Enforcement of the Ashley River Historic District Overlay Zone Regulations within Master-Planned Overlay Areas Form Districts
- Public Hearing and 2nd Reading for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Authorize the Establishment and Regulation of Consolidated Review Committees in Regulations for Master-Planned Overlay Areas Form Districts, and to Vest Each Specific Consolidated Review Committee with Authority and Jurisdiction Regarding Development Permitting within the Specific Master-Planned Overlay Areas Form District"
- Correspondence

3. COUNCIL MEMBER'S TIME, MR. RICHARD ROSEBROCK

- Request from Arts, Business, Civic Coalition of Summerville/Dorchester County, Inc. Concerning Development of a Civic and Performing Arts Center
- Renaming the Dorchester County Human Services Building After Mr. Heyward G. Hutson

COUNCIL MEMBER'S TIME –CONTINUED

COUNCIL MEMBER'S TIME, MR. LARRY HARGETT

-Magistrate Court's Utilizing Sheriff's Deputies for Serving Papers

4. GUEST

-Mr. Lee Moulder, Budget and Finance Director – June Financial Report and Travel Policy

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

-Notification to Council of a Project & Grant Application for Hazardous Materials and Hazard Analysis Vulnerability Assessment for our Region

-Approval for a Memorandum of Agreement with Department of Juvenile Justice and Dorchester County for Detention of Dorchester County Juveniles

-Approval of the FY2011 Carryover Budget

-Approval to Payoff Senior Center General Obligation Bonds

6. COMMITTEE REPORTS

Chairman Richard Rosebrock, Public Works, Property and Utilities Committee Report

-Ancrum Lane

-Church Parking

-Sidewalk on Woodward Boulevard

Chairman Willie Davis, Planning, Development and Building Committee Report

-Public Hearing and Recommendation for 2nd Reading for "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Previously Amended, With Respect to Article IX, Section 9.1.3 To Specify the Permitted use Groups and Special Exception Uses within Zoning Category AC (Absence of Controls District)

-Recommendation for 2nd Reading for "An Ordinance to Amend the County's Zoning Ordinance To rezone all those Parcels Designated and Zoned AC (Absence of Controls) to the Zoning Category TRM (Transitional Residential District)"

Chairman Jamie Feltner, Water and Sewer Committee Report

-Request from SCE&G for an Easement across TMS #163-00-00-013 DC Pump Station #49

-Request for New Sewer Service to TMS #181-00-00-071 Indigo Makers Tract

-Request for New Sewer Service to TMS #159-00-00-007, 159-00-00-017, 159-00-00-018, and 159-00-00-019, Beech Hill Road Subdivision

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

8. COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

-Executive Session -Confidential Economic Development Project

-Legal Advice

-The Dorchester County One-Cent Transportation Sales Tax

-Recusal Process under the Ethics Act

-Contractual Matters

-Agreement between the County of Dorchester and
Town of St. George for Fire Service

-Waste Management

-Airport Property Purchase

-Personnel Matter

9. ADJOURN

JAMIE FELTNER
CHAIRMAN

WILLIE DAVIS
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



LARRY S. HARGETT

WILLIAM (BILL) HEARN, JR.

CHRISTOPHER J. MURPHY

RICHARD ROSEBROCK

KENNETH WAGGONER

COUNTY COUNCIL OF DORCHESTER COUNTY

201 JOHNSTON STREET

ST. GEORGE, SOUTH CAROLINA 29477

(843) 563-0196 FAX (843) 563-0137

SUMMERVILLE (843) 832-0043 FAX (843) 875-8509

MINUTES

DORCHESTER COUNTY COUNCIL

KENNETH F. WAGGONER SERVICES CENTER

COUNCIL CHAMBERS, ST. GEORGE

AUGUST 16, 2010

7:00 P.M.

Pursuant to the Freedom of Information Act, the Dorchester Eagle Record, the Summerville Journal Scene, and the Post & Courier, were notified and a notice was posted on the bulletin boards 24 hours prior to the meeting.

PRESENT: Mr. Jamie Feltner, Chairman
Mr. Willie Davis, Vice Chairman
Mr. William "Bill" Hearn
Mr. Chris Murphy
Mr. Larry Hargett
Mr. Richard Rosebrock
Mr. Kenneth Waggoner
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

Chairman Feltner called the meeting to order and Councilman Hargett gave the Invocation.

Chairman Feltner stated that there were no requests to address Council.

ADOPTION OF MINUTES FROM THE JULY 19, 2010, COUNTY COUNCIL MEETING

1. On the motion of Mr. Murphy, seconded by Mr. Rosebrock, Council voted unanimously to adopt the Minutes from the July 19, 2010, County Council Meeting.

ADOPTION OF RESOLUTION #10-12, "A RESOLUTION SUPPORTING THE APPLICATION FOR 50/50 MATCHING FUNDS FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION \$50 MILLION FEDERAL MATCH PROGRAM FOR 2011 FOR CONSTRUCTION OF DORCHESTER ROAD PHASE 2"

2. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to adopt Resolution #10-12, "A Resolution Supporting the Application for 50/50 Matching Funds from the South Carolina Department of Transportation \$50 Million Federal Match Program for 2011 for Construction of Dorchester Road Phase 2".

1ST READING FOR "AN ORDINANCE ACCEPTING THE TRANSFER OF THE AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS IN THE TOWN OF RIDGEVILLE FROM THE RIDGEVILLE MUNICIPAL ELECTIONS COMMISSION TO THE DORCHESTER COUNTY BOARD OF ELECTIONS AND REGISTRATION AND TO PRESCRIBE THE TERMS OF SUCH TRANSFER"

3. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 1st Reading for "An Ordinance Accepting the Transfer of the Authority to Conduct Municipal Elections in the Town of Ridgeville from the Ridgeville Municipal Elections Commission to the Dorchester County Board of Elections and Registration and to Prescribe the Terms of Such Transfer". This will allow the towns elections to be held in the odd years in November, which makes it easier for Elections and Registration.

1ST READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE VII, SECTION 7.2.2 TO ALLOW NOT MORE THAN A TOTAL OF TEN HEN (FEMALE) CHICKENS AND/OR RABBITS ON INDIVIDUAL LOTS ZONED R-1 (M) WHICH ARE AT LEAST TWO ACRES OR MORE"

4. On the motion of Mr. Hargett, seconded by Mr. Rosebrock, Council voted unanimously to give 1st Reading for "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Previously Amended, with Respect to Article VII, Section 7.2.2 To Allow Not More than a Total of Ten Hen (Female) Chickens and/or Rabbits on Individual Lots Zoned R-1 (M) Which Are At Least Two Acres or More", and referral of this item to the Planning Commission, and Council's Planning, Development, and Building Committee for recommendation.

1ST READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE X, SECTION-10.6(A) SO AS TO DELETE THE REQUIREMENTS OF A COMPLAINT FROM A CIVIC OR HOMEOWNER'S ASSOCIATION OR COMPLAINT BY AT LEAST THREE RESIDENTS

5. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to give 1st Reading for "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Previously Amended, with Respect to Article X, Section-10.6(a) So As To Delete the Requirements of a Complaint from a Civic or Homeowner's Association or Complaint By At Least Three Residents", and referral of this item to the Planning Commission and Council's Planning, Development, and Building Committee for recommendation.

1ST READING TO AN ORDINANCE APPROVING THE ADOPTION OF A CAPITAL IMPROVEMENTS PLAN FOR PUBLIC FACILITIES, SUCH PUBLIC FACILITIES BEING LIMITED TO ROADS, STREETS, AND BRIDGES, INCLUDING, BUT NOT LIMITED TO, RIGHTS-OF-WAY AND TRAFFIC SIGNALS AS THE TERM PUBLIC FACILITIES IS MORE SPECIFICALLY DEFINED IN SECTION 6-1-920(18)(D), CODE OF LAWS OF SOUTH CAROLINA

6. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted six in favor, and one opposed, to give 1st Reading to "An Ordinance Approving the Adoption of a Capital Improvements Plan for Public Facilities, Such Public Facilities Being Limited to Roads, Streets, and Bridges, Including, But Not Limited to, Rights-of-Way and Traffic Signals as the Term Public Facilities Is More Specifically Defined in Section 6-1-920(18)(d), Code of Laws of South Carolina".

Councilman Murphy opposed.

1ST READING TO AN ORDINANCE ADOPTING "A TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED DORCHESTER COUNTY"

7. On the motion of Mr. Hargett, seconded by Mr. Davis, Council voted five in favor, and two opposed, to give 1st Reading to an Ordinance Adopting "A Transportation Impact Fee Ordinance for Unincorporated Dorchester County", with the Discount Rate set at Eighty (80) percent of the Maximum Allowable Fee, as recommended by the Planning Commission in Resolution #10-10 on August 12, 2010. It was noted that the Public Hearing would be on September 20, 2010.

Councilmembers Hearn and Murphy opposed.

3RD READING FOR ORDINANCE #10-13, "AN ORDINANCE OF DORCHESTER COUNTY TO ESTABLISH PROCEDURES TO CONSIDER AND ENTER INTO DEVELOPMENT AGREEMENTS"

8. Mr. Hargett motioned to amend prior to giving 3rd and final Reading to the proposed "Ordinance of Dorchester County to Establish Procedures to Consider and Enter into Development Agreements", to add the following sentence at the end of Section 4 (a), "The day, time, and place at which the second public hearing will be held must also be announced at the first public hearing.", seconded by Mr. Rosebrock, and Council voted unanimously to approve this amendment.
9. Mr. Hargett motioned, seconded by Mr. Rosebrock, and Council voted unanimously to give 3rd Reading to Ordinance #10-13, "An Ordinance of Dorchester County to Establish Procedures to Consider and Enter into Development Agreements", as amended.

PUBLIC HEARING AND 2ND READING FOR "AN ORDINANCE TO AMEND ARTICLE XXVI, LEGAL STATUS PROVISIONS OF DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS AMENDED, REGARDING THE EFFECT OF DEVELOPMENT AGREEMENTS"

Chairman Feltner opened the Public Hearing for "An Ordinance to Amend Article XXVI, Legal Status Provisions of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, Regarding the Effect of Development Agreements", to receive public comment. The Chairman stated that if this Ordinance was adopted it would amend Ordinance #04-13 concerning section 26.1 and 26.2.

Hearing no comment from the public, the Chairman closed the Public Hearing.

10. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to give 2nd Reading for "An Ordinance to Amend Article XXVI, Legal Status Provisions of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, Regarding the Effect of Development Agreements".

PUBLIC HEARING AND 2ND READING FOR "AN ORDINANCE TO AMEND ARTICLE XI, SPECIAL AREAS OF DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS AMENDED, TO REGULATE THE APPLICATION AND ENFORCEMENT OF THE ASHLEY RIVER HISTORIC DISTRICT OVERLAY ZONE REGULATIONS WITHIN MASTER-PLANNED OVERLAY AREAS FORM DISTRICTS"

Chairman Feltner opened the Public Hearing for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Regulate the Application and Enforcement of the Ashley River Historic District Overlay Zone Regulations within Master-Planned Overlay Areas Form Districts", to receive public comment. The Chairman stated that this amendment to Ordinance #04-13, if adopted would allow clustering in the Ashley River Historic District Overlay Zone, but overall density would not be increased. Additionally, the allowance of clustering will only occur if a development qualifies as a master planned overlay area form district (10,000 acres or more) as provided for in the recent amendment creating section 11.6.

**PUBLIC HEARING AND 2ND READING FOR "AN ORDINANCE TO AMEND
ARTICLE XI, SPECIAL AREAS OF DORCHESTER ETC... CONTINUED**

Hearing no comment from the public, the Public Hearing was closed.

11. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 2nd Reading for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Regulate the Application and Enforcement of the Ashley River Historic District Overlay Zone Regulations within Master-Planned Overlay Areas Form Districts".

**PUBLIC HEARING AND 2ND READING FOR "AN ORDINANCE TO AMEND
ARTICLE XI, SPECIAL AREAS OF DORCHESTER COUNTY ZONING AND LAND
DEVELOPMENT STANDARDS ORDINANCE #04-13, AS AMENDED, TO
AUTHORIZE THE ESTABLISHMENT AND REGULATION OF CONSOLIDATED
REVIEW COMMITTEES IN REGULATIONS FOR MASTER-PLANNED OVERLAY
AREAS FORM DISTRICTS, AND TO VEST EACH SPECIFIC CONSOLIDATED
REVIEW COMMITTEE WITH AUTHORITY AND JURISDICTION REGARDING
DEVELOPMENT PERMITTING WITHIN THE SPECIFIC MASTER-PLANNED
OVERLAY AREAS FORM DISTRICT"**

Chairman Feltner opened the Public Hearing to receive public comment for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Authorize the Establishment and Regulation of Consolidated Review Committees in Regulations for Master-Planned Overlay Areas Form Districts, and to Vest Each Specific Consolidated Review Committee with Authority and Jurisdiction Regarding Development Permitting within the Specific Master-Planned Overlay Areas Form District".

Hearing no comment from the public, the Public Hearing was closed.

12. On the motion of Mr. Hargett, seconded by Mr. Rosebrock, Council voted unanimously to give 2nd Reading for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Authorize the Establishment and Regulation of Consolidated Review Committees in Regulations for Master-Planned Overlay Areas Form Districts, and to Vest Each Specific Consolidated Review Committee with Authority and Jurisdiction Regarding Development Permitting within the Specific Master-Planned Overlay Areas Form District", and to place it in the Planning Development and Building Committee for further discussion.

COUNCIL MEMBER'S TIME, MR. RICHARD ROSEBROCK

**REQUEST FROM THE ARTS, BUSINESS, CIVIC COALITION OF
SUMMERVILLE/DORCHESTER COUNTY, INC.**

Councilman Rosebrock stated that the Director of the Arts, Business, Civic Coalition of Summerville could not attend this meeting and requested the subject be addressed at the September 7, 2010, County Council meeting, in Summerville.

COUNCIL MEMBER'S TIME, MR. RICHARD ROSEBROCK –CONTINUED
RENAMING THE DORCHESTER COUNTY HUMAN SERVICES BUILDING AFTER
MR. HEYWARD G. HUTSON

Councilman Rosebrock stated that he had received a request for consideration by County Council to name the Dorchester County Human Services Building, located at 500 North Main Street in Summerville, after former County Councilman Heyward G. Hutson, and he requested that this item be placed in Committee for further discussion.

13. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously place the item of consideration of renaming the Dorchester County Human Services Building in Summerville after Mr. Heyward G. Hutson in the Administrative, and Intergovernmental Affairs Committee.

COUNCIL MEMBER'S TIME, MR. LARRY HARGETT
MAGISTRATE'S COURT UTILIZING SHERIFF'S DEPUTIES FOR
SERVING PAPERS

Councilman Hargett stated that he wanted to bring an item to the attention of Council for information only, regarding the County Magistrate's Court, and stated he would summarize the remarks he had prepared to save time and give each Council Member a copy of his statement. Councilman Hargett thanked Council for the time to discuss a subject of importance affecting the County's Budget. He reported during the past two months, several Dorchester County Magistrates and citizens had expressed concerns about an agreement between the Chief Magistrate and the Sheriff regarding uniformed armed County Deputy Sheriffs serving papers for the County Magistrate's Court. He stated he raised this issue with Mr. Ward in a letter dated July 19, 2010, requesting Mr. Ward to provide County Council with information related to the issue, which was included in the Council packets. He further explained that the summary document included a copy of an executed Budget Transfer Request Form dated June 8, 2010, for \$7,500 for over time charges transferred from the Magistrate's Court funding to the Sheriff's Office, a letter from the Chief Magistrate dated August 9, 2010, and a letter from the Sheriff dated August 4, 2010. Councilman Hargett made it clear that neither he nor anyone he had spoken with was questioning whether the Deputies had the legal authority to serve civil filings for the Magistrate's Court, as a replacement for Constables. Councilman Hargett stated his main concerns were the cost-effective questions regarding the situation, such as the salary of a Constable versus the salary of a uniformed armed Deputy Sheriff. In addition, he questioned as to why this recently consummated agreement between the Chief Magistrate and the Sheriff was not made known to Council or county staff. Councilman Hargett noted that the Sheriff Deputies were used to serve civil filings for the Magistrate's Court, due to three fulltime Constable Positions being vacant, and voiced concerns over what may have occurred that created this current shortage of Constables. He stated County Council has no statutory management authority over the day-to-day operations of the judicial authority in Dorchester County, but does have complete budgetary and fiscal reporting responsibility for the County's money collected from taxes, court cost, and levied fines. Therefore, Councilman Hargett suggested that Council and staff needed to focus on current and future budgeting and financial management of the Magistrate's Court operation during the fiscal year 2011.

COUNCIL MEMBER'S TIME, MR. LARRY HARGETT
MAGISTRATE COURT'S UTILIZING SHERIFF'S DEPUTIES FOR
SERVING PAPERS

Councilman Murphy spoke about who could most cost effectively serve papers with the greatest safety of the individuals who serve the papers. He asked that the Chairman place this issue in a Committee. Chairman Feltner stated that he would place this item in Council's Budget, Finance, and Purchasing Committee.

GUEST
MR. LEE MOULDER, BUDGET AND FINANCE DIRECTOR –
JUNE 2010 BUDGET REPORT

Mr. Lee Moulder, Director of Budget and Finance, presented Council with the July 2010 Budget Report. He stated that he was using a new format that was easier and gave more information. Mr. Moulder stated that the general fund revenues had materialized mostly as expected for the year and the tax revenues of the capital improvement fund mirror those of the general fund. After Mr. Moulder gave the Budget Report, he addressed concerns and answered questions from Council. Council thanked Mr. Moulder for his report, which was received for information only.

TRAVEL POLICY

Mr. Moulder stated that the Travel Policy that was sent to Council was also sent to the Department Heads, and Elected and Appointed Officials, in order for input to be provided on the policy prior to adoption by County Council.

14. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to place the Travel Policy in to Council's Budget, Finance, and Purchasing Committee for further study.

Councilman Murphy asked the Chairman if he could go back to a previous discussed issue, and the Chairman agreed.

MAGISTRATE'S COURT UTILIZING SHERIFF'S DEPUTIES FOR
SERVING PAPERS

Councilman Murphy asked the Sheriff if he would address Council regarding this issue, but explained that in the information provided by the Administrator the Magistrate's Department had \$242,275 available for Constables positions, and in the Sheriff Department's request, it stated that \$280,248 would be necessary to cover the transfer of the responsibilities from the Magistrate's Court, which would include a shortfall. Councilman Murphy asked Sheriff Knight if there was any way he would be willing to take over the Constables for the amount of \$242,275 where it would be a revenue neutral decision. Sheriff Knight stated that he could take on the Constables, but his problem would be bringing in the estimated 700 pieces of papers that would come with the Constables. He further explained that he could not do that without an administrative person to process the paperwork.

MAGISTRATE COURT'S UTILIZING SHERIFF'S DEPUTIES FOR SERVING PAPERS- CONTINUED

Sheriff Knight further stated the additional benefit to the County would include when emergencies arise the County would have three additional Deputies to assist the County. In addition, his office calculated the number of times that a Deputy was called upon for backup to a Constable when serving papers. He stated in 2009, his office sent 45 Deputies on calls as backup, and in 2010, his office has been called 17 times to date. After discussion by Council and the Sheriff, it was decided that this item needed to be discussed further in Committee to see exactly how much money would be necessary for this change to take place, and what personnel would be necessary. Chairman Feltner asked Chief Magistrate Murphy how much time the County had to get this situation worked out. Chief Magistrate Murphy responded by stating they would calculate the numbers with the Sheriff, and be ready to discuss this at the next Budget, Finance, and Purchasing Committee meeting.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

NOTIFICATION TO COUNCIL OF A PROJECT & GRANT APPLICATION FOR HAZARDOUS MATERIALS AND HAZARD ANALYSIS VULNERABILITY ASSESSMENT FOR OUR REGION

Mr. Ward informed Council that this item was for notification only and that the County was applying for the Hazardous Materials Emergency Preparedness Grant on behalf of Berkeley, Charleston, and Dorchester Counties. If received, the grant will be used to conduct an analysis and vulnerability assessment for the region.

APPROVAL FOR A MEMORANDUM OF AGREEMENT WITH DEPARTMENT OF JUVENILE JUSTICE AND DORCHESTER COUNTY FOR DETENTION OF DORCHESTER COUNTY JUVENILES

15. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to authorize the Administrator to execute and approve a Memorandum of Agreement with the Department of Juvenile Justice and Dorchester County for Detention of Dorchester County Juveniles at a cost of \$50 a day.

APPROVAL OF THE FY 2011 CARRYOVER BUDGET

16. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to authorize the FY 2011 Carryover Budget for the purposes and in the amounts described in the recommendation provided by the County Administrator.

APPROVAL TO PAYOFF SENIOR CENTER GENERAL OBLIGATION BONDS

17. On the motion of Mr. Hargett, seconded by Mr. Hearn, Council voted unanimously to approve the payoff of the Senior Center General Obligation Bonds from the Senior Center Fund Balance.

COMMITTEE REPORTS

**PUBLIC WORKS, PROPERTY AND UTILITIES COMMITTEE REPORT-
CHAIRMAN RICHARD ROSEBROCK
ANCRUM LANE**

18. Committee Chairman Rosebrock stated that the Committee received an update from Mr. Byrd on acquiring the final right-of-way required to pave Ancrum Lane, and the Committee voted unanimously to recommend for County Council to authorize the County Attorney to proceed with condemnation, if the resident, Ms. Rosalee Myers, does not reply by August 26, 2010, from receiving the county's offer to install a privacy fence. Council voted unanimously in favor of the recommendation

CHURCH PARKING

19. Committee Chairman Rosebrock stated the Committee discussed the request received from the Knightsville Family Worship Center regarding church parking. He explained that the Public Works Director, Mr. Byrd, had recommended denying the request for head-in or angle parking on Droze Road due to the width of the road, and slope of the road towards the church, because it was dangerous. The Committee's recommendation to Council was to deny the request. Council voted unanimously in favor of the recommendation to deny the request.

SIDEWALK ON WOODWARD BOULEVARD

Committee Chairman Rosebrock stated that the Committee discussed the sidewalk on Woodward Boulevard and that some residents along Woodward Boulevard have signed a petition against the project. He stated that the Public Works Director, Mr. Byrd, informed the Committee that the Town of Summerville passed a resolution in support of SCDOT installing the sidewalk with enhancement funds and that the County has nothing to do with this project. No action was necessary on this item.

**PLANNING, DEVELOPMENT AND BUILDING COMMITTEE REPORT, CHAIRMAN
WILLIE DAVIS**

**PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING FOR "AN
ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND
DEVELOPMENT STANDARDS ORDINANCE #04-13, AS PREVIOUSLY AMENDED,
WITH RESPECT TO ARTICLE IX, SECTION 9.1.3 TO SPECIFY THE PERMITTED
USE GROUPS AND SPECIAL EXCEPTION USES WITHIN ZONING CATEGORY AC
(ABSENCE OF CONTROLS DISTRICT)**

20. Committee Chairman Davis stated that a Public Hearing was held for "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Previously Amended, With Respect to Article IX, Section 9.1.3 To Specify the Permitted use Groups and Special Exception Uses within Zoning Category AC (Absence of Controls District)", was held and the Committee voted in favor of recommending for Council to give 2nd Reading to this request. Council voted unanimously in favor of the Committee's recommendation.

COMMITTEE REPORTS

PLANNING, DEVELOPMENT AND BUILDING COMMITTEE REPORT-CONTINUED

RECOMMENDATION FOR 2ND READING FOR "AN ORDINANCE TO AMEND THE COUNTY'S ZONING ORDINANCE TO ALL THOSE PARCELS DESIGNATED AND ZONED AC (ABSENCE OF CONTROLS) TO THE ZONING CATEGORY TRM (TRANSITIONAL RESIDENTIAL DISTRICT)"

21. Committee Chairman Davis stated that the Committee voted unanimously on a recommendation for Council to deny 2nd Reading of "An Ordinance to Amend the County's Zoning Ordinance To Zone all those Parcels Designated and Zoned AC (Absence of Controls) to the Zoning Category TRM (Transitional Residential District)". Council voted unanimously in favor of the recommendation to deny.

Chairman Feltner passed the gavel to Vice Chairman Davis in order to give the following Committee Report:

**WATER AND SEWER COMMITTEE REPORT, CHAIRMAN JAMIE FELTNER
REQUEST FROM SCE&G FOR AN EASEMENT ACROSS DORCHESTER COUNTY
PUMP STATION #49, (TMS #163-00-00-013)**

22. Chairman Feltner reported the Committee's recommendation to Council was to recommend approval of a non-exclusive easement for SCE&G across Dorchester County Pump Station #49 property, identified by TMS #163-00-00-013. Council voted unanimously in favor of the recommendation.

**REQUEST FOR NEW SEWER SERVICE TO TMS #181-00-00-071 INDIGO
MAKERS TRACT**

23. Chairman Feltner reported the Committee voted unanimously to recommend for Council to approve the request for new sewer service for five lots, identified by TMS #181-00-00-071, in North Charleston off Dorchester Road. Council voted unanimously in favor of the recommendation.

REQUEST FOR NEW SEWER SERVICE TO TMS #159-00-00-007, 159-00-00-017, 159-00-00-018, AND 159-00-00-019, BEECH HILL ROAD SUBDIVISION

Chairman Feltner reported there was a request for new sewer service to Beech Hill Road Subdivision in Summerville, identified by TMS#'s 159-00-00-007, 159-00-00-017, 159-00-00-018, and 159-00-00-019. The Committee voted to hold this item and place it into the Water and Sewer Committee of Council, until proper zoning was approved.

Vice Chairman Davis passed the gavel back to Chairman Feltner.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
REQUEST FOR EXECUTIVE SESSION

24. The County Attorney requested Council's consideration to enter into Executive Session to discuss a confidential economic development project, and to give legal advice concerning the "One-Cent Transportation Sales Tax Projects", and the Recusal Process under the State Ethics Act, and to discuss these contractual matters, an Agreement between the County of Dorchester and the Town of St. George for Fire Services, an amendment to the contract with Waste Management and a pending purchase of property at the airport in Summerville, and a personnel matter.

EXECUTIVE SESSION 8:02 P.M.

25. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted unanimously to go into Executive Session, as requested by the County Attorney.

RECONVENE FROM EXECUTIVE SESSION 9:58 P.M.

The County Attorney reported that Council discussed the items previously announced prior to going into Executive Session, and no action was taken.

OAKRIDGE LANDFILL

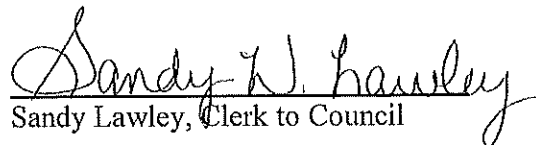
26. On the motion of Mr. Hearn, seconded by Mr. Davis, Council voted unanimously that the County Administrator be authorized to execute the third addendum to the agreement between Dorchester County and Oakridge Landfill, Inc.

AGREEMENT BETWEEN THE COUNTY OF DORCHESTER AND TOWN OF ST. GEORGE FOR FIRE SERVICE

27. On the motion of Mr. Davis, seconded by Mr. Waggoner, Council voted unanimously that the County Administrator in consultation with the County Attorney and the Fire Coordinator be authorized to execute the agreement between Dorchester County and the Town of St. George for Fire Services.

ADJOURNMENT

28. On the motion of Mr. Davis seconded by Mr. Murphy, Council voted unanimously to adjourn. Time of adjournment was 10:05 p.m.


Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
SEPTEMBER 7, 2010
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. JAMIE FELTNER

- Requests to Address Council
- Adoption of Minutes from the August 16, 2010, County Council Meeting
- Adoption of Proclamation #10-02, "In Honor of International Literacy Month, September 2010"
- Adoption of Proclamation #10-03, "In Honor of National Preparedness Month, September 2010"
- 2nd Reading for "An Ordinance Accepting the Transfer of the Authority to Conduct Municipal Elections in the Town of Ridgeville from the Ridgeville Municipal Elections Commission to the Dorchester County Board of Elections and Registration and to Prescribe the Terms of Such Transfer"
- 3rd Reading for Ordinance #10-14, "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Previously Amended, with Respect to Article IX, Section 9.1.3 To Specify the Permitted use Groups and Special Exception Uses within Zoning Category AC (Absence of Controls District)
- 3rd Reading for Ordinance #10- 15, "An Ordinance to Amend Article XXVI, Legal Status Provisions of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, Regarding the Effect of Development Agreements"
- 3rd Reading for Ordinance #10-16, "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Regulate the Application and Enforcement of the Ashley River Historic District Overlay Zone Regulations within Master-Planned Overlay Areas Form Districts
- Correspondence

3. COUNCIL MEMBER'S TIME, MR. RICHARD ROSEBROCK

- Request from Arts, Business, Civic Coalition of Summerville/Dorchester County, Inc. Concerning Development of a Civic and Performing Arts Center

4. GUEST

- Mr. Dan Edwards, Board of Directors, Palmetto House Homeless Shelter

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

- Capital Asset Policy
- Request for 1st Reading for Rezoning Request #639 for C. S. Carter, TMS# 160-00-00-049

6. COMMITTEE REPORTS

Chairman Jamie Feltner, Budget, Finance and Purchasing Committee Report

- Magistrate's Court Utilizing Sheriff's Deputies for Serving Papers
- Travel and Meals Policy
- Accounts Payable Recovery Audit Proposals

Chairman Willie Davis, Planning, Development, and Building Committee Report

- Recommendation for 3rd Reading for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Authorize the Establishment and Regulation of Consolidated Review Committees in Regulations for Master-Planned Overlay Areas Form Districts, and to Vest Each Specific Consolidated Review Committee with Authority and Jurisdiction Regarding Development Permitting within the Specific Master-Planned Overlay Areas Form District"
- Public Hearing and Recommendation for 2nd Reading for Rezoning Request #637 for Mr. C. S. Carter, identified by TMS #130-09-00-006

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

8. COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

- Executive Session
 - Legal Advice
 - The Dorchester County One-Cent Transportation Sales Tax
 - Contractual Matter
 - MeadWestvaco

9. ADJOURN

JAMIE FELTNER
CHAIRMAN

WILLIE DAVIS
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



LARRY S. HARGETT

WILLIAM (BILL) HEARN, JR.

CHRISTOPHER J. MURPHY

RICHARD ROSEBROCK

KENNETH WAGGONER

COUNTY COUNCIL OF DORCHESTER COUNTY

201 JOHNSTON STREET

ST. GEORGE, SOUTH CAROLINA 29477

(843) 563-0196 FAX (843) 563-0137

SUMMERVILLE (843) 832-0043 FAX (843) 875-8509

MINUTES

DORCHESTER COUNTY COUNCIL DORCHESTER COUNTY HUMAN SERVICES BUILDING COUNCIL CHAMBERS, SUMMERVILLE

SEPTEMBER 7, 2010

7:07 P.M.

Pursuant to the Freedom of Information Act, the Dorchester Eagle Record, the Summerville Journal Scene, and the Post & Courier, were notified and a notice was posted on the bulletin boards 24 hours prior to the meeting.

PRESENT: Mr. Jamie Feltner, Chairman
Mr. Willie Davis, Vice Chairman
Mr. William "Bill" Hearn
Mr. Chris Murphy
Mr. Larry Hargett
Mr. Richard Rosebrock
Mr. Kenneth Waggoner
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

Chairman Feltner called the meeting to order, and Councilman Rosebrock gave the Invocation.

Chairman Feltner stated there was one request to address Council.

- Mrs. Betty Johnson addressed Council about problems that she has experienced for over a year with the Dorchester County Assessor's Office regarding the appraisal of her property. She stated that now she wanted to request a meeting with full Council since she has been unable to reach a satisfactory conclusion with the Assessor or anyone in his office. Council requested Mrs. Johnson to first meet with Mr. Jason Ward, County Administrator, before trying to meet with full Council to try to solve her problem and she agreed.

ADOPTION OF MINUTES FROM THE AUGUST 16, 2010, COUNCIL MEETING

1. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to adopt the Minutes from the July 19, 2010, County Council Meeting.

ADOPTION OF PROCLAMATION #10-02, "IN HONOR OF INTERNATIONAL LITERACY MONTH, SEPTEMBER 2010"

2. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to adopt Proclamation #10-02, "In Honor of International Literacy Month", which is September 2010. Chairman Feltner read the Proclamation aloud and Mrs. Judianne Schmenk who represented the Trident Literacy Organization, thanked and addressed Council and accepted the Proclamation.

ADOPTION OF PROCLAMATION #10-03, "IN HONOR OF NATIONAL PREPAREDNESS MONTH, SEPTEMBER 2010"

3. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted unanimously to adopt Proclamation #10-03, "In Honor of National Preparedness Month, September 2010".

2ND READING FOR "AN ORDINANCE ACCEPTING THE TRANSFER OF THE AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS IN THE TOWN OF RIDGEVILLE FROM THE RIDGEVILLE MUNICIPAL ELECTIONS COMMISSION TO THE DORCHESTER COUNTY BOARD OF ELECTIONS AND REGISTRATION AND TO PRESCRIBE THE TERMS OF SUCH TRANSFER"

4. On the motion of Mr. Hearn, seconded by Mr. Rosebrock, Council voted unanimously to give 2nd Reading for "An Ordinance Accepting the Transfer of the Authority to Conduct Municipal Elections in the Town of Ridgeville from the Ridgeville Municipal Elections Commission to the Dorchester County Board of Elections and Registration and to Prescribe the Terms of Such Transfer". This will allow the towns elections to be held in the odd years in November, which makes it easier for Elections and Registration.

3RD READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE IX, SECTION 9.1.3 TO SPECIFY THE PERMITTED USE GROUPS AND SPECIAL EXCEPTION USES WITHIN ZONING CATEGORY AC (ABSENCE OF CONTROLS DISTRICT)"

5. On the motion of Mr. Rosebrock, seconded by Mr. Waggoner, Council voted unanimously to approve 3rd Reading for Ordinance #10-14, "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Previously Amended, with Respect to Article IX, Section 9.1.3 To Specify the Permitted use Groups and Special Exception Uses within Zoning Category AC (Absence of Controls District)". This Ordinance limits the use groups in the AC (Absence of Control) zoning category by specifying the "Use Groups Permitted," which are primarily residential.

3RD READING FOR ORDINANCE #10-15, "AN ORDINANCE TO AMEND ARTICLE XXVI, LEGAL STATUS PROVISIONS OF DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS AMENDED, REGARDING THE EFFECT OF DEVELOPMENT AGREEMENTS"

6. On the motion of Mr. Hargett, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Ordinance #10-15, "An Ordinance to Amend Article XXVI, Legal Status Provisions of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, Regarding the Effect of Development Agreements". If adopted this Ordinance would amend Ordinance #04-13 in regard to section 26.1 and 26.2. This is contrary to the purpose of a development agreement, which is to freeze existing zoning regulations during the term of the agreement.

3RD READING FOR ORDINANCE #10-16, "AN ORDINANCE TO AMEND ARTICLE XI, SPECIAL AREAS OF DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS AMENDED, TO REGULATE THE APPLICATION AND ENFORCEMENT OF THE ASHLEY RIVER HISTORIC DISTRICT OVERLAY ZONE REGULATIONS WITHIN MASTER-PLANNED OVERLAY AREAS FORM DISTRICTS"

7. On the motion of Mr. Rosebrock, seconded by Mr. Hargett, Council voted unanimously to give 3rd Reading for Ordinance #10-16, "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Regulate the Application and Enforcement of the Ashley River Historic District Overlay Zone Regulations within Master-Planned Overlay Areas Form Districts". If adopted, this Ordinance will amend Ordinance #04-13 concerning the Ashley River Historic District Overlay Zone to allow clustering. Overall density will not be increased.

CORRESPONDENCE

There was no correspondence to report.

**COUNCIL MEMBER'S TIME, MR. RICHARD ROSEBROCK
REQUEST FROM THE ARTS, BUSINESS, CIVIC COALITION OF
SUMMERSVILLE/DORCHESTER COUNTY, INC.**

Councilman Rosebrock stated that members of the Arts, Business, and Civic Coalition attended the meeting to address Council regarding their mission of trying to establish a Civic and Performing Arts Center in the County. He introduced the President of this non-profit corporation, Mrs. Betty Settle, and she explained that until a central location for the "Civic Center" can be located, the ABCC would like to provide a service to the community by maintaining an inventory of locations in and around Dorchester County for events to take place, and connect people to the space. She stated that in order to do this, the organization was planning to set up an office with a telephone, computer with internet services and a printer, and necessary office supplies in order to communicate with the public. Mrs. Settle stated that the ABCC was requesting \$2,000 from the County to set up its operations.

COUNCIL MEMBER'S TIME, CONTINUED
REQUEST FROM THE ARTS, BUSINESS, CIVIC COALITION OF
SUMMERVILLE/DORCHESTER COUNTY, INC.

Mrs. Settle stated that the Town of Summerville had already given the Arts, Business, and Civic Coalition \$3,500 as seed money to get the organization started. After the presentation, she answered questions from members of Council and they discussed the matter. Councilman Murphy stated that the Town of Summerville was looking at the old National Guard Armory in Summerville as a possible location, and Councilman Davis stated he hoped locations throughout the entire County would be considered for possible sites for the Civic Center and Performing Arts Center. Chairman Feltner asked the members of the Board who were present to introduce themselves, and then thanked Mrs. Settle and all the members for their work on behalf of Council.

8. On the motion of Mr. Waggoner, seconded by Mr. Davis, Council voted unanimously to place this item in to Council's Budget, Finance, and Purchasing Committee for further study.

GUEST
MR. DAN EDWARDS, PALMETTO HOUSE HOMELESS SHELTER

Mr. Dan Edwards, Chairman of the Board of Directors for the Palmetto House addressed Council on the activities of Palmetto House, gave a presentation and presented Council with a handout on the home. He thanked Council for its past help and asked Council not to forget about the Palmetto House in the future. The Palmetto House was established in 1989 by the Dorchester Interfaith Outreach Ministries and is a shelter and soup kitchen that works by changing lives one man, woman or child at a time. Mr. Edwards thanked Council for their time and stated that he hoped that the County would decide to support the Palmetto House. Council thanked Mr. Edwards for his presentation and time and for everything that the Palmetto House does for the people that need their services.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
CAPITAL ASSET POLICY

9. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to approve the Capital Asset Policy as presented. Mr. Ward stated that it does follow the policy as recommended by the County's Independent Auditors.

REQUEST FOR 1ST READING FOR REZONING REQUEST #639 FOR C. S. CARTER,
TMS# 160-00-00-049

10. On the motion of Mr. Davis, seconded by Mr. Waggoner, Council voted unanimously to approve 1st Reading for Rezoning Request #639 for C. S. Carter, TMS# 160-00-00-049, and to place this item into Council's Planning, Development, and Building Committee for further consideration. This is a request to rezone 5 acres located at 1360 Old Beech Hill Road near Summerville from R-4 (Multi-family Residential District) to CG (General Commercial District). The Planning Commission recommended this request, but Planning and Zoning staff recommended denying this rezoning because it is a spot zoning. The owner wants to return the property to an auto repair facility, which was a past use.

Chairman Feltner passed the gavel to Vice Chairman Davis for the purpose of providing the following Committee Report:

COMMITTEE REPORTS

**BUDGET, FINANCE, AND PURCHASING COMMITTEE REPORT, CHAIRMAN
JAMIE FELTNER**

**MAGISTRATE COURT'S UTILIZING SHERIFF'S DEPUTIES FOR
SERVING PAPERS**

Chairman Feltner reported that the Committee discussed the issue of the "Magistrate's Court Utilizing Sheriff's Deputies for Serving Papers", and this item would be held in Committee for two weeks.

TRAVEL AND MEAL POLICY

11. Chairman Feltner reported that the Committee's recommendation to Council was for adoption of the Travel and Meal Policy. Council voted six in favor, and one opposed to the recommendation.

Councilman Rosebrock opposed.

ACCOUNTS PAYABLE RECOVERY AUDIT PROPOSALS

12. Chairman Feltner reported that the Committee's recommendation to Council on the Accounts Payable Recovery Audit Proposals was to award the contract to Dixon Hughes contingent upon the firm agreeing to the percentage of 30 % of the funds that are collected up to \$75,000 and the start date would be determined by the exit date of the external Auditors, whereas not to interfere with the County Audit. The start date would probably be sometime in December, depending on the County Audit. Council voted unanimously in favor of the recommendation.

Vice Chairman Davis passed the gavel back to Chairman Feltner.

**PLANNING, DEVELOPMENT AND BUILDING COMMITTEE REPORT, CHAIRMAN
WILLIE DAVIS**

**PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING FOR REZONING
REQUEST #637 FOR MR. C. S. CARTER, IDENTIFIED BY TMS #130-09-00-006**

13. Committee Chairman Davis stated that the Committee held a Public Hearing and recommended for Council to give 2nd Reading for Rezoning Request #637, for Mr. C. S. Carter, identified by TMS #130-09-00-006. This is a request to rezone 1.53 acres located at 1010 W. 5th North St, Summerville, South Carolina, from R-4 (Multi-Family Residential District) to CLI (Commercial Light Industrial District). Mr. Carter spoke and stated that he was not changing the operation of his business, but wanted to have his property rezoned for any future plans that may arise. Council voted unanimously in favor of the recommendation.

PLANNING, DEVELOPMENT AND BUILDING COMMITTEE REPORT CONTINUED

RECOMMENDATION FOR 3RD READING FOR "AN ORDINANCE TO AMEND ARTICLE XI, SPECIAL AREAS OF DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS AMENDED, TO AUTHORIZE THE ESTABLISHMENT AND REGULATION OF CONSOLIDATED REVIEW COMMITTEES IN REGULATIONS FOR MASTER-PLANNED OVERLAY AREAS FORM DISTRICTS, AND TO VEST EACH SPECIFIC CONSOLIDATED REVIEW COMMITTEE WITH AUTHORITY AND JURISDICTION REGARDING DEVELOPMENT PERMITTING WITHIN THE SPECIFIC MASTER-PLANNED OVERLAY AREAS FORM DISTRICT"

14. Committee Chairman Davis stated that the Committee's recommendation to Council was for Council to give 3rd Reading for "An Ordinance to Amend Article XI, Special Areas of Dorchester County Zoning and Land Development Standards Ordinance #04-13, as Amended, to Authorize the Establishment and Regulation of Consolidated Review Committees in Regulations for Master-Planned Overlay Areas Form Districts, and to Vest Each Specific Consolidated Review Committee with Authority and Jurisdiction Regarding Development Permitting within the Specific Master-Planned Overlay Areas Form District". Council voted unanimously in favor of the recommendation.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

**COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
REQUEST FOR EXECUTIVE SESSION**

The County Attorney requested Council's consideration to enter into Executive Session to give legal advice concerning the Dorchester County One-Cent Transportation Sales Tax, and to discuss one contractual matter concerning negotiating a contract with MeadWestvaco.

EXECUTIVE SESSION 7:59 P.M.

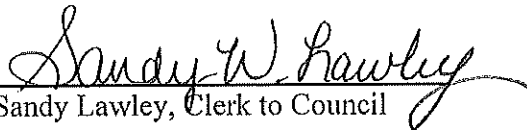
15. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to go into Executive Session, as requested by the County Attorney.

RECONVENE FROM EXECUTIVE SESSION 10:45 P.M.

The County Attorney reported that Council discussed the items previously announced prior to going into Executive Session, and no action was taken.

ADJOURNMENT

16. On the motion of Mr. Murphy, seconded by Mr. Murphy, Council voted unanimously to adjourn.
Time of adjournment was 10:46 p.m.


Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
SEPTEMBER 20, 2010
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. JAMIE FELTNER

- Requests to Address Council
- Adoption of Minutes from the September 7, 2010, County Council Meeting
- 3rd Reading for Ordinance #10-18, "An Ordinance Accepting the Transfer of the Authority to Conduct Municipal Elections in the Town of Ridgeville from the Ridgeville Municipal Elections Commission to the Dorchester County Board of Elections and Registration and to Prescribe the Terms of Such Transfer"
- Public Hearing and Recommendation for 2nd Reading to An Ordinance Approving the Adoption of a Capital Improvements Plan for Public Facilities, Such Public Facilities Being Limited to Roads, Streets, and Bridges, Including, But Not Limited to, Rights-of-Way and Traffic Signals as the Term Public Facilities Is More Specifically Defined in Section 6-1-920(18)(d), Code of Laws of SC
- Public Hearing and Recommendation for 2nd Reading for "A Transportation Impact Fee Ordinance for Unincorporated Dorchester County"
- Correspondence

3. COUNCIL MEMBER'S TIME- MR. WILLIE DAVIS

- Stormwater Fee

4. GUEST

- Mr. Tracey Todd, Accommodations Tax Committee Recommendation

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

- 3rd Reading for Rezoning Request #637, Mr. C S Carter, identified by TMS# 130-09-00-006

6. COMMITTEE REPORTS

Chairman Jamie Feltner, Budget, Finance and Purchasing Committee Report

- Accounts Payable Recovery Audit Services from Dixon Hughes Revised Proposal

Chairman Jamie Feltner, Water and Sewer Committee Report

- Request for New Sewer Service to TMS #135-08-00-028 for Denis Halloran
- Request for New Sewer Service to TMS #152-00-00-025, #152-00-00-026, #152-00-00-033, for The Market at The Ponds
- Request for New Sewer Service to TMS #151-00-00-098, for The Ponds Phase 2 Section 1

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

8. COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

- Executive Session
 - Confidential Economic Development Projects
 - Contractual Matters
 - MeadWestvaco
 - EOC and Elections and Registration Building
 - Legend Oaks Development Agreement

9. ADJOURN

JAMIE FELTNER
CHAIRMAN

WILLIE DAVIS
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



LARRY S. HARGETT

WILLIAM (BILL) HEARN, JR.

CHRISTOPHER J. MURPHY

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MINUTES

DORCHESTER COUNTY COUNCIL

DORCHESTER COUNTY HUMAN SERVICES BUILDING

COUNCIL CHAMBERS, SUMMERVILLE

SEPTEMBER 20, 2010

7:00 P.M.

Pursuant to the Freedom of Information Act, the Dorchester Eagle Record, the Summerville Journal Scene, and the Post & Courier, were notified and a notice was posted on the bulletin boards 24 hours prior to the meeting.

PRESENT: Mr. Jamie Feltner, Chairman
Mr. Willie Davis, Vice Chairman
Mr. William "Bill" Hearn
Mr. Chris Murphy
Mr. Larry Hargett
Mr. Richard Rosebrock
Mr. Kenneth Waggoner
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

Chairman Feltner called the meeting to order, and Councilman Hargett gave the Invocation. The Chairman stated there were two requests to address Council, and the following comments were received:

- Mr. Tracey Todd addressed Council regarding the federal grants program called "Preserve America". He requested Dorchester County Council to apply for the County to become a "Certified Local Government", so the County would have the ability to apply for grants through "The Preserve America," grants program. Mr. Todd presented Council with a handout and the application to apply. The Chairman gave the information to the Administrator.
- Mrs. Audrey Hozhausen of Old Fort Fire Department addressed Council to inform them that Old Fort Fire Department was hosting a "Support Our Troops" Campaign in the month of October. She gave Council a letter, along with an invitation for Council to participate and to pass along.

ADOPTION OF MINUTES FROM THE SEPTEMBER 7, 2010, COUNCIL MEETING

1. On the motion of Mr. Rosebrock, seconded by Mr. Hearn, Council voted unanimously to adopt the Minutes from the September 7, 2010, County Council Meeting.

3RD READING FOR ORDINANCE #10-18, "AN ORDINANCE ACCEPTING THE TRANSFER OF THE AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS IN THE TOWN OF RIDGEVILLE FROM THE RIDGEVILLE MUNICIPAL ELECTIONS COMMISSION TO THE DORCHESTER COUNTY BOARD OF ELECTIONS AND REGISTRATION AND TO PRESCRIBE THE TERMS OF SUCH TRANSFER"

2. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Ordinance #10-18, "An Ordinance Accepting the Transfer of the Authority to Conduct Municipal Elections in the Town of Ridgeville from the Ridgeville Municipal Elections Commission to the Dorchester County Board of Elections and Registration and to Prescribe to the Terms of Such Transfer".

PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AN ORDINANCE APPROVING THE ADOPTION OF A CAPITAL IMPROVEMENTS PLAN FOR PUBLIC FACILITIES, SUCH PUBLIC FACILITIES BEING LIMITED TO ROADS, STREETS, AND BRIDGES, INCLUDING, BUT NOT LIMITED TO, RIGHTS-OF-WAY AND TRAFFIC SIGNALS AS THE TERM PUBLIC FACILITIES IS MORE SPECIFICALLY DEFINED IN SECTION 6-1-920(18)(D), CODE OF LAWS OF SOUTH CAROLINA

Chairman Feltner opened the Public Hearing for "An Ordinance Approving the Adoption of a Capital Improvements Plan for Public Facilities, Such Public Facilities Being Limited to Roads, Streets, and Bridges, Including, But Not Limited to, Rights-of-Way and Traffic Signals as the Term Public Facilities Is More Specifically Defined in Section 6-1-920(18)(d), Code of Laws of South Carolina". He stated this Public Hearing was being held for the *Capital Improvements Plan*, which was derived from the *Transportation Study*, which was ultimately derived from the *Dorchester County Comprehensive Plan*. Chairman Feltner stated that Councilman Murphy had requested that the two planned Public Hearings be combined, but because both were advertised separately, the two hearings were necessary. However, he requested to keep the hearings moving along, that if anyone wished to speak on both Ordinances, then they speak at only one of the Public Hearings if possible. Chairman Feltner then opened the floor to receive public comments.

- Mr. Dick Kopfinueller, member of the Transportation Advisory Committee, addressed Council and spoke in favor of Council approving both the *Ordinance Approving the Capital Improvements Plan*, and the *Ordinance Approving the Transportation Impact Fees*. He requested Council to remember the goal of the Transportation Master Plan, to adopt both Ordinances and to continue with the plans to help control the growth in Dorchester County.

Hearing no further comments the Public Hearing was closed.

**PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AN
ORDINANCE APPROVING THE ADOPTION OF A CAPITAL IMPROVEMENTS
PLAN ETC... CONTINUED**

Council discussed the proposed Ordinance, with regard to changes to the Plan and then the following motion was made:

3. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted five in favor, and two opposed, to give 2nd Reading to "An Ordinance Approving the Adoption of a Capital Improvements Plan for Public Facilities, Such Public Facilities Being Limited to Roads, Streets, and Bridges, Including, But Not Limited to, Rights-of-Way and Traffic Signals as the Term Public Facilities Is More Specifically Defined in Section 6-1-920(18)(d), Code of Laws of South Carolina".

Council Members Hearn and Murphy opposed.

**PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AND ORDINANCE
FOR "A TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED
DORCHESTER COUNTY"**

Chairman Feltner opened the Public Hearing for "A Transportation Impact Fee Ordinance for Unincorporated Dorchester County". The Chairman then opened the floor to receive comments from the public. The following citizens addressed Council:

- Mr. Ed Carter, representing both County Chambers of Commerce came before Council and spoke in opposition to the impact fees. He stated that as a business community the Chambers wanted to be part of the solution in developing an effective transportation-funding program and believed that roadway infrastructure was critical to the commercial, personal, recreational, health and safety needs of all citizens. However, he stated that they felt it was appropriate for all citizens to share in the cost of ensuring a viable network of roads within Dorchester County. Therefore, the Chamber of Commerce was one of the primary backers of the *One Cent Sales Tax*. In summary, Mr. Carter stated that for any transportation or road improvement program to be successful, it must have a reliable and consistent source of revenue. He expressed both Chambers concerns with the lack of public input on the road projects and strongly urged the Council to slow down on the approval process until more input can be received from the public, not just from consultants. Mr. Carter thanked Council for taking the time to listen. He also presented "Four Alternatives" to Council, which are attached to these minutes. (*Attachment A*) Chairman Feltner stated that alternatives to impact fees were requested from the Chambers, which was why Mr. Carter was allowed to have extra speaking time.
- Mr. Robert Pratt, Chairman of the Planning Commission and local realtor, addressed Council about how he felt the County could better prepare itself for the next 30 years by not implementing the transportation impact fee. He explained that the County currently has an oversupply of 4% properties and less 6% properties, meaning more homes and fewer businesses, which pay 50% more tax dollars to the County. He stated the Transportation Fee schedule was based on people building businesses and not homes. He further stated only 12 commercial projects were completed in the County in the past 12 months and the County would not see the revenue expected, because more projects may go to other counties without impact fees. In conclusion, he stated that now was not a good time to implement impact fees and he requested that Council vote against the *Transportation Impact Fee Ordinance*.

PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AND ORDINANCE FOR "A TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED DORCHESTER COUNTY"--CONTINUED

- Mr. Steve Varn, former member of Berkeley County Council and local developer, addressed Council in opposition to the *Transportation Impact Fee Ordinance*, and expressed concerns over the impact fees especially for his construction workers and requested Council to please oppose the Ordinance. In addition, he suggested placing the tax on gasoline; therefore, the fee would be on the automobile that drives down the roads, and not on the house.
- Mr. George Barber addressed Council and spoke in favor of the *Transportation Impact Fee Ordinance*, and stated it was necessary because growth does not pay for itself. In addition, he stated there was no evidence that impact fees would stop development. Mr. Barber stated the fees would not even cover the entire cost for the infrastructure required to support growth, but would simply be the developer's contribution for a share of the growth.
- Mr. Robert Long, a resident of Dorchester County and local contractor, addressed Council to voice his opposition to the implementation of any impact fees. He stated that if the impact fee had been in place when he completed a recent project that the project would never have been built, because he could have never financed it. Mr. Long stated that if the intent of Council were to stop growth in Dorchester County then this impact fee would accomplish the goal.
- Mr. George Tupper, a Developer and a long time resident of Dorchester County addressed Council and stated that he opposed this Ordinance and felt it would cause industries to go to other Counties. He said Dorchester County needs industrial property to build-up its tax base, but by imposing an impact fee, developers would be more likely to choose other locations. In addition, Mr. Tupper stated Dorchester County needed to be more inviting to industries and not put roadblocks out to turn industries away.
- Mr. Alex Quattlebaum, an Industrial Developer from Dorchester County, addressed Council and spoke in opposition of the *Transportation Impact Fee Ordinance*. He stated that anything, which puts Dorchester County at a competitive disadvantage in industrial development, would be bad for the County and bad for job growth. He stated there was a need for being competitive, and referenced the negative effect(s) the proposed Ordinance would have on the existing companies wanting to expand in Dorchester County. He stated that a company would select another County over Dorchester County if this Ordinance passed.
- Mr. Mike Murphree, former member of Dorchester County Council and resident of Summerville, came before Council to speak in opposition of the *Transportation Impact Fee Ordinance*. He questioned the impact(s) of changing Dorchester County's economic dynamics. Mr. Murphree compared the passing of this Ordinance to the closure of the Naval Base in 1993 and 1994. He stated that this would be just as detrimental to the economy of Dorchester County, and requested Council not to pass this Ordinance.
- Mr. Billy Simmons addressed Council and stated that he opposed the *Transportation Impact Fee Ordinance*, and if passed.... it would drive businesses completely out of Dorchester County.
- Mr. John Mojonier, resident of Dorchester County, stated that he felt the issue before the Council was one of fairness and stated he was in favor of the *Transportation Impact Fee Ordinance*. In addition, he said that development has proceeded in Dorchester County for years with no plan on how to pay for the required infrastructure and this impact fee would be a reasonable and fair way to pay the cost.

PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AND ORDINANCE FOR "A TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED DORCHESTER COUNTY"-CONTINUED

- Mr. Phillip Ford, Director of the Charleston Homebuilder's Association and resident of Dorchester County, addressed Council and stated he opposed the fee and that everyone contributes to the burden of the problem, not just new residents or new developments. Mr. Ford stated that during this economy downfall most entities have been placing moratoriums on fees or reducing fees, not creating new ones. In conclusion, he stated if Dorchester County were to bring in a large new industry like Boeing, it would create jobs and bring in more revenue than the impact fee would bring into the County. He asked that Council please slow down and hold off on this Ordinance.
- Mrs. Katharine Eastvold, resident of Dorchester County, addressed Council and spoke in favor of the impact fee. She said Council should look at all the alternatives presented by the different speakers, including the gas tax; however, developers should pay their fair share. Mrs. Eastvold said that the recession would pass and should not stop long-range planning and Council's responsibility was to look toward planning for the future of Dorchester County.
- Mr. Tony Chippos addressed Council and spoke in favor of the *Transportation Impact Fee Ordinance*, but felt it was necessary to build new roads and pay for the required infrastructure, which may help solve the problem with the increase of the population in Dorchester County. He stated that he does empathize for the developers and the builders with the state of the economy, but the impact fee was necessary at this time.
- Mrs. Barbara Mojonnier, a 23-year resident of the County, stated she wanted to comment on several statements made during the public hearing. She said she heard the County had not grown any this year, however in a newspaper article she read, it stated Dorchester District II received 500 new students this year. The other comment was on alternatives to impact fees, which was taxes and more taxes, she stated that those taxes would be on all residents, and the impact fees would be on new development and growth, which was where it should be. In conclusion, she encouraged Council to support the *Transportation Impact Fee Ordinance*.
- Ms. Allyson Dukes spoke on behalf of School District II, and stated they were opposed to the *Transportation Impact Fee Ordinance*. She stated that schools were not like development, they take traffic off the streets and this impact fee would hurt the schools and add more cost for schools to pass on to the residents of the County. Mrs. Dukes concluded by saying the cost to the residents would be passed back to the County. In addition, she requested that maybe it could be reviewed where the schools could be exempt if the impact fees were passed.
*Chairman Feltner asked Ms. Dukes when School District II had contributed money for road projects when the four new schools were build over the past four years if she knew how much money, or where the money came from when the District contributed to the road projects. Mrs. Dukes stated that it was about a million dollars, and the amount was added to the cost of the buildings. Chairman Feltner thanked Ms. Dukes for her time.
- Mr. Tom Roe spoke on behalf of the South Carolina Landowners Association and stated that they were in general opposition of implementing impact fees because they were detrimental to economic growth, job creation, and due to the negative effects on land values. Mr. Roe reported from a 2006 study on impact fees, which he had e-mailed to County Council. He requested Council to consider not implementing the *Transportation Impact Fee Ordinance*, and stated that an impact fee was just a tax and asked them to remember if you do not spend it, you do have to pay it back.

PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AND ORDINANCE FOR "A TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED DORCHESTER COUNTY"-CONTINUED

- Mr. Rutherford Smith addressed Council speaking against the *Transportation Impact Fee Ordinance*. He stated that he did not oppose all impact fees, however he does oppose the transportation impact fee because it promotes the misconception that all businesses create travel and most small businesses do not, in fact they take cars off the road. Mr. Smith concluded by stating that he feels that this impact fee would hurt the small businesses in the local area.
- Councilman Kenny Waggoner addressed the citizens and Council regarding a paid advertisement that appeared in *The Dorchester Eagle Record* concerning the *Transportation Impact Fee Ordinance*, which he felt attacked him and Councilman Davis. He stated that it had five so-called facts, which were politically motivated and he addressed those items. In conclusion, he thanked Council and the citizens for their time.
- Councilman Rosebrock stated he was concerned about imposing any kind of tax increase in the middle of a recession, when people were hurting financially. He said he knows the County needs revenue to pay for growth, but jobs were needed also, and with Boeing now being in Charleston, Dorchester County could have an increase not only in new homes, but also in small businesses and industry. Councilman Rosebrock said he was not against impact fees, but he felt that this was not the right time. He stated that when he looked at the large number of roads under consideration for impact fee funding, such as Ladson Road and the Glen McConnell Parkway, he realized that these were State roads. Therefore, he asked why the County should pay for state roads, and why our State Legislature would not increase the gasoline tax to take care of the roads. He also pointed out the County cannot bond impact fees. In conclusion, Councilman Rosebrock stated he wanted to look at additional alternatives, such as a vehicle fee, and reducing the Impact Fee's Payment Schedule.

Hearing no further comments the Chairman closed the Public Hearing, and requested a motion for discussion.

4. On the motion of Mr. Hearn, seconded by Mr. Waggoner, to approve 2nd Reading for "A Transportation Impact Fee Ordinance for Unincorporated Dorchester County".

Councilman Hearn stated that he had thought he was motioning to close the Public Hearing. Councilman Hearn withdrew his motion and Councilman Waggoner withdrew his second. Chairman Feltner requested another motion in order for Council discussion.

5. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted five in favor, and two opposed, to approve 2nd Reading for "A Transportation Impact Fee Ordinance for Unincorporated Dorchester County" with the Discount Rate set at Eighty (80) percent of the Maximum Allowable Fee, as recommended by the Planning Commission in Resolution #10-10 on August 12, 2010.

Council Members Hearn and Murphy opposed.

The following discussions took place after the motion was made, but before the vote was taken.

PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING TO AND ORDINANCE FOR "A TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED DORCHESTER COUNTY"-CONTINUED

Councilman Davis stated he appreciated all of the citizens' attendance and those who spoke concerning the Ordinance, however, for now he planned to vote in favor of approving 2nd Reading, but this did not mean he would vote for 3rd Reading.

Councilman Hargett stated he had read everything that was sent to him on "Impact Fees", and there were pros and cons to having impact fees, however he would vote in favor of Council giving 2nd Reading at this time. He stated he had enormous concerns over taxing churches, schools, and public facilities, and he felt that it was not right and wanted to have a "Zero Fee" on those types of entities. In closing, Councilman Hargett stated that he wanted to change the fee chart to be fairer with developers and small businesses.

Councilman Hearn spoke against Council voting to give 2nd Reading at this time and stated he wanted Council to take time to look at the alternate suggestions that have been proposed and that there was no need to rush. He felt that the impact fee had been proposed at a bad time and would cause a real disadvantage to small businesses and 6% taxpayers. In addition, he stated that with Boeing, we are in line for potential economic development prospects, but the Impact Fee would kill that opportunity for Dorchester County

Councilman Murphy first thanked Councilman Rosebrock for the comments he made on the negative impacts of this fee, and stated that the proposed alternate suggestions made tonight were well thought-out and needed exploration. He then thanked the Chairman for holding the Public Hearing in Summerville and requested to postpone 3rd Reading until November 2nd, when Council returns to Summerville. Councilman Murphy spoke about how Berkeley County has an Impact Fee Ordinance, which they are presently trying to get rid of, but in the meantime their millage is lower than Dorchester County's so they were still a more attractive location, even with an impact fee for industry. In closing, Councilman Murphy stated that the impact fee would not fix existing road problems and that he would be voting against the *Transportation Impact Fee Ordinance*.

Chairman Feltner spoke last and stated this subject had been discussed for a long time and he has heard the same thing, which was that the citizens do not want to continue to pay for infrastructure needed for new development. He explained that this fee would be charged to new construction in the lower part of the unincorporated County to pay for future road needs, having the developer pay for the necessary infrastructure for the growth, like sewer and water impact fees. Chairman Feltner further stated that people have said that the County was not growing, but the County had 2% growth just last year. He stated that we have to take action, and not one member of Council wants to raise taxes on the existing citizens and that would be the only other way to get the money to pay for the growth. Chairman Feltner then showed a political advertisement that was mailed to his home about the *Transportation Impact Fee Ordinance* and expressed his displeasure for the advertisement and for the sponsors.

Motion #5

*Chairman Feltner called for the question and the vote was taken, which was five in favor, and two opposed, to give 2nd Reading. *See motion number #5 on page #6, (motion was approved).*

At this time, Council took a five-minute recess. Time of recess 9:00 P.M.

Chairman Feltner called the meeting back to order.

COUNCIL MEMBER'S TIME- MR. WILLIE DAVIS -STORMWATER FEE

Councilman Davis addressed Council and the public regarding the Stormwater Fee and explained he wanted to make the citizens aware that this fee was handed down to the County from the Federal Government. He explained that this unfunded federally mandated program was passed down to the County with no instructions except that it had to be implemented and managed, or the County could be charged penalties, which could exceed \$25,000 per day for violations. Councilman Davis further explained that properties classified under the agricultural land use classification and cemeteries of human remains are exempt from the fees, but all other properties are subject to the payment of the fee, which include churches, schools, historical campgrounds, along with County and State owned properties. He stated the fees are used to fund labor, equipment, environmental testing and major stormwater projects throughout the entire County. The Department's responsibilities include laying driveway pipe and cleaning the miles of stormwater drains. Some of the projects completed over the last year include installing over 2500 linear feet of stormwater piping in both ends of the county, cleaning 23 miles of ditches and canals, with 70% of these being in the upper end of the county and completing 382 requests for service (work orders) over the entire county. In addition, there are also three major channel improvement projects underway at this time. Councilman Davis stated that Council does not like having to charge the Stormwater Fees on churches or the historical campgrounds and has tried several times unsuccessfully to change the requirement, but the Federal Government would not allow it to be changed. He thanked everyone for their time on allowing him to explain this fee.

Councilman Hargett questioned why Berkeley County does not have a Stormwater Fee. The County Administrator stated that their fee was charged on their tax bill, but their County was working towards creating a Stormwater Department. Council Members had some discussion on this issue. Councilman Waggoner had a question for the County Attorney regarding the County's Stormwater Ordinance and requested Mr. Frampton to look at the ordinance and report back.

**GUEST- MR. TRACEY TODD,
ACCOMMODATIONS TAX COMMITTEE RECOMMENDATION**

Mr. Tracey Todd, Chairman of the Accommodations Tax Committee, came before the Council to submit the Committee's recommendations for Council's consideration and approval. The Committee's Recommendations are attached to these minutes. (*Attachment B*)

6. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to approve the recommendations as submitted by the Accommodations Tax Committee.

FUNDING REQUEST FROM RIDGEVILLE COMMUNITY RESOURCE CENTER, INC

7. On the motion of Mr. Davis, seconded by Mr. Wagoner, Council voted unanimously to place the request from the Ridgeville Community Resource Center, Inc into the Budget, Finance, and Purchasing Committee for further consideration.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
3RD READING FOR REZONING REQUEST #637 FOR MR. C. S. CARTER,
IDENTIFIED BY TMS #130-09-00-006

8. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Rezoning Request #637, for Mr. C. S. Carter, identified by TMS #130-09-00-006.

Chairman Feltner passed the gavel to Vice Chairman Davis to give his Committee Reports:

COMMITTEE REPORTS

BUDGET, FINANCE, AND PURCHASING COMMITTEE REPORT,
CHAIRMAN JAMIE FELTNER- ACCOUNTS PAYABLE RECOVERY AUDIT
SERVICES FROM DIXON HUGHES REVISED PROPOSAL

9. Chairman Feltner reported that the Committee's recommendation to Council was to deny awarding the contract to Dixon Hughes on their Revised Proposal. Council voted unanimously in favor of the recommendation to deny the revised proposal. It was requested that Mr. Ward make an offer to Dixon Hughes on the last offer that was approved on September 7, 2010 County Council Meeting.

WATER AND SEWER COMMITTEE REPORT, CHAIRMAN JAMIE FELTNER
NEW SEWER SERVICE TO TMS #135-08-00-028 FOR DENIS HALLORAN

10. Chairman Feltner reported the Committee's recommendation to Council was to recommend approval on the request for new sewer service to TMS #135-08-00-028 for Denis Halloran, and that capacity was available to provide the new sewer service at 305 Huntington Road in the Sweetbriar Subdivision. Council voted unanimously in favor of the recommendation.

NEW SEWER SERVICE TO TMS #152-00-00-025, #152-00-00-026, #152-00-00-033, FOR
THE MARKET AT THE PONDS

11. Chairman Feltner reported the Committee's recommendation to Council was in favor of the "Request for New Sewer Service to TMS #152-00-00-025, #152-00-00-026, #152-00-00-033, for The Market at The Ponds". He stated that capacity was not available, but the Committee's recommendation was in favor, contingent upon the commercial development upgrading pump station #88, to the capacity necessary. Council voted unanimously in favor of the recommendation.

REQUEST FOR NEW SEWER SERVICE TO TMS #151-00-00-098, FOR THE PONDS
PHASE 2 SECTION 1

12. Chairman Feltner reported the request for new sewer service to TMS #151-00-00-098, for The Ponds, Phase 2, Section 1. He stated the Committee's recommendation to Council was in favor, contingent upon the developer agreeing to upgrade pump station #88, for the necessary capacity. Council voted unanimously in favor of the recommendation.

Vice Chairman Davis passed the gavel back to Chairman Feltner.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

THANK YOU TO MR. HAROLD LEAMOND, PLANNING DIRECTOR

Chairman Feltner stated that he wanted to thank Mr. Harold LeaMond since this was his last County Council Meeting as Planning Director, because he was retiring later this month. He stated that Mr. LeaMond has been a true professional and a pleasure to work with and would be missed. Councilman Davis thanked Mr. LeaMond for everything he has done for the County, all the support and commended him on a job well done. All other Council members added their well wishes and agreed with the statements made about Mr. LeaMond.

**COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
REQUEST FOR EXECUTIVE SESSION**

The County Attorney requested Council's consideration to enter into Executive Session to discuss several confidential economic development projects, contractual matters dealing with MeadWestvaco, the EOC and Elections and Registration Building construction, as well as an agreement with Legend Oaks concerning land donation.

EXECUTIVE SESSION 9:40 P.M.

13. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to go into Executive Session, as requested by the County Attorney.

RECONVENE FROM EXECUTIVE SESSION 11:11 P.M.

The County Attorney reported that Council discussed the items previously announced prior to going into Executive Session, and no actions were taken.

SUBDIVISION IMPROVEMENT AGREEMENT FOR LEGEND OAKS


14. On the motion of Mr. Hargett, seconded by Mr. Rosebrock, Council voted unanimously to approve that the Subdivision Improvement Agreement with Providence Development Partners S.C., LLC regarding Phase 5 and Phase 6, in Legend Oaks to be amended to delete the land donation provisions, but continue to require the monetary donations totaling \$100,000.

**PROPOSED REDEVELOPMENT PLAN PURSUANT TO THE SOUTH
CAROLINA TAX INCREMENT FINANCING ACT FOR COUNTIES**

15. On the motion of Mr. Rosebrock, seconded by Mr. Murphy, Council voted unanimously to authorize the Dorchester County Administrator to issue a notice to taxing districts in accordance with the requirements of the South Carolina Tax Increment Financing Act for Counties regarding a public hearing on a proposed redevelopment plan proposed to be known as "East Edisto, Initial Communities." In accordance with the requirements of the South Carolina Tax Increment Financing Act for Counties, the notices shall include: (1) the date and time, to be no earlier than on November 15, 2010, and place of the public hearing; (2) the boundaries of the proposed redevelopment project area; (3) a notification that all interested persons will be given an opportunity to be heard at the public hearing; (4) a description of the redevelopment plan and redevelopment project; and (5) the maximum estimated term of obligations to be issued under the redevelopment plan. Additionally, the notice to the taxing districts shall include a request to each taxing district to submit comments to Dorchester County concerning the proposed redevelopment plan prior to the date of the public hearing.

ADJOURNMENT

16. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to adjourn. Time of adjournment was 11:14 p.m.


Sandy Lawley, Clerk to Council

Alternative 1-Vehicle Road Tax

Section 4-9-30 of the SC Code of Laws grants counties the power to assess uniform service charges to fund the functions and operations of the County including roads. Such a program has been used successfully in Spartanburg County and should be given consideration by Dorchester County. Information from the county auditor's office indicates the total vehicles in the county to be over 100,000. A twenty-five dollar per vehicle fee would produce \$2,500,000 annually and that amount would increase if growth were to occur. This revenue would be predictable, reliable and bondable. Vehicles create the need for these improvements and it makes sense to use them in determining funding sources for addressing existing shortfalls.

Alternative 2-Public Works Improvement Act

Another tool available to Dorchester County is the County Public Works Improvement Act which is Section 4-35-10 of the SC Code of Laws. This Act allows the County to designate an area of the county as an improvement district in which the relocation, construction, widening and paving of roads and streets can be accomplished. These improvements can be funded through a voluntary assessment agreed upon by a majority of the owners of real property within an improvement district and representing at least sixty-six percent of the assessed value of all real property within the district. Any improvements would be eligible for revenue bond financing and the Act provides alternative methods for collecting the voluntary assessment. This would provide reliable and consistent revenue to implement transportation and/or road projects in specific areas of the county.

Alternative 3-Property Taxes

According to the Dorchester County Assessor, an increase of 15 mils would provide the necessary debt payment for \$100,000,000 in project costs. This would be an increase of \$128 annually on a \$250,000 home. We, like all citizens, if given the option, would like to limit property tax increases. And while the alternative offered does illustrate the only source of revenue to cover the shortfall, we do not advocate it being used solely but rather as only part of the solution.

We believe that some combination of these alternatives should be considered for the funding of existing and/or future road shortfalls.

Alternative 4-Fuel Taxes

With all that said, we also support, and are willing to commit our time and resources, to the lobbying of our State legislature to aid in this process by pushing for the approval of revenue sources such as local option fuel taxes.

B

Accommodations Tax Worksheet for 09-10FY

Organization Name Fiscal Year 09-10	65% Amount Recommended by Committee	30% Amount Recommended by Committee	65% Amount Approved by County Council	30% Amount Approved by County Council
Audubon Center at Francis Beidler Forest (Charleston Visitors Bureau Brochure Mailing Service)	1,500.00			
Builders of Our Heritage Angeloak Media Group, LLC (Dorchester County Edition of Builders of Our Heritage)	0.00	0.00		
Colonial Dorchester State Historical Site (Educational signage for Colonial Dorchester)	1,000.00			
Flowertown Players (Marketing to Senior Adult Travel Groups)	500.00			
Greater Summerville/Dorchester Co. Chamber (Tourism Council Marketing Promotion Plan) (Wages and Operations)	1,200.00 416.09	5,978.08		
Middleton Place Foundation (Repairs & Restoration to the House Museum)	5,000.00			
Sculpture In the South (Sculpture in the South Show & Sale, Arts Education Week and the S'ville Public Sculpture Collection)	1,000.00			
Summerville Dorchester Museum (Improvements to the front of the Museum)	1,000.00			
Summerville D.R.E.A.M. (“Holly Days in Historic Summerville” brochure)	750.00			
Summerville Family YMCA (Family YMCA Flowertown Festival) (Flowertown 10k/5k Run)	0.00 0.00	0.00 0.00		
The Klauber Building Comm. (Landscaping of the Courtyard beside the Klauber Bldg.)	2,000.00			
The Lourie Theater (Storage Room and Mechanical lift to stage area)	1,000.00			
Timrod Literary and Library (Replace the asphalt shingle roof)	0.00			
Town of St. George (“Lights of Festivals”)	1,000.00			
Tri County Regional Chamber of Commerce (Travel Show Tourism Attraction Campaign) (For operation of Center and upkeep of Website)	416.09 1,000.00	2,500.00		
Upper Dorchester Historical Society, Inc. (Historical Marker at St. Paul campground)	2,000.00			
Summerville Preservation Society (Restoration Old Town Hall)	0.00	0.00		
Arts, Business, Civic Coalition of Summerville/Dorchester Cty, Inc (Civic Center)	0.00	0.00		
	19,782.18	8,478.08	19,782.18	8,478.08