

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
JANUARY 4, 2011
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. VICE -CHAIRMAN'S TIME – MR. WILLIE DAVIS

- Election of Chairman of County Council
- Election of Vice Chairman of County Council
- Requests to Address Council
- Adoption of Minutes from December 6, 2010, County Council Meeting
- Dorchester County Employee Recognition Program
- Dorchester County Retirement Recognition Program
- Request for Water and Sewer Service for Kilnsea Apartments, TMS #162-00-00-048
- Correspondence

3. COUNCILMEMBER'S TIME

- Councilman Larry Hargett- 1st Reading by Title Only for “An Ordinance Regulating the Smoking of Tobacco Products in the Unincorporated Areas of Dorchester County”

4. GUEST

- Mrs. Evelyn DeLaine Hart, Ph.D., Director, Trident Regional Minority Business Partnership- Request for Financial Support

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

- 2nd Reading for “An Ordinance to Create the Dorchester County Parks and Recreation Commission”
- 2nd Reading for “An Ordinance to Amend Dorchester County Ordinance #02-03 Which Created the Dorchester County Conservation Commission”
- Upper DC Historical Society & Summerville Preservation Society-Request for Flag Unveiling Ceremony
- 1st Reading for Rezoning Request #645 for Dorchester County Council, TMS #128-00-00-154
- Approval of Water and Sewer Department Restructuring

6. COMMITTEE REPORT

Chairman Willie Davis, Planning, Development and Building Committee Report

- Public Hearing and Recommendation for 3rd Reading for Rezoning Request #644, Greg Brooks; TMS #144-05-00-036 & #144-05-00-037

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- 3rd Reading for Ordinance #11-01, “An Ordinance Authorizing the First Amendment of that Certain Fee Agreement by and Between Dorchester County, South Carolina and Lafarge Building Materials, Inc., Relating to, Without Limitation, the Payment to Dorchester County of a Fee In Lieu of Taxes, an Extension of the Investment Period to Allow Continuing and Further Investment in the Project, and Revision of a Special Source Revenue Credit for Project Infrastructure”
- 3rd Reading for Ordinance #11-02, “An Ordinance Authorizing the Execution and Delivery of an Amendment To The Fee Agreement By and Between Dorchester County, South Carolina, and IMO USA Corporation, to Provide For Infrastructure Credits; and Other Related Matters”
- Request for Condemnation of Parcel #'s 8, 14, 31, 32, 33 and 42 for Phase 1 of the Bacons Bridge Road Widening Project
- Executive Session
 - Contractual Matter
 - Real Estate Matter
 - Personnel Matter

9. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE-CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



WILLIE R. DAVIS

WILLIAM (BILL) HEARN, JR.

DAVID CHINNIS

RICHARD ROSEBROCK

JAY BYARS

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 JANUARY 4, 2011 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. Larry Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. David Chinnis
Mr. Willie Davis
Mr. Richard Rosebrock
Mr. William "Bill" Hearn
Mr. Jay Byars
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

ELECTION OF CHAIRMAN OF COUNTY COUNCIL

Vice Chairman Davis opened the floor for nominations for Chairman of County Council.

Mr. Rosebrock nominated Mr. Hargett for Chairman of Council, and Vice Chairman Davis asked if there were any other nominations. Hearing none Vice Chairman Davis closed the nominations.

1. Mr. Bailey requested a motion for election of Mr. Hargett as Chairman of County Council by acclamation, seconded by Mr. Rosebrock, and Council voted unanimously in favor of this motion.

Mr. Hargett took his seat as Chairman, thanked Council for this honor and stated he would work hard over the next two year as Chairman and promised to be fair to all.

ELECTION OF VICE CHAIRMAN OF COUNCIL

Chairman Hargett opened the floor for nominations for Vice Chairman.

Mr. Rosebrock nominated Mr. Bailey for Vice Chairman of Council. The Chairman asked if there were any other nominations, hearing none Chairman Hargett declared the nominations closed.

2. Chairman Hargett stated their being no other nominations, "The chair would now entertain a motion to declare nominations closed with Councilman Bailey up for a vote to be elected for Vice Chairman of Council. Council voted unanimously in favor of the motion.

Chairman Hargett congratulated Vice Chairman Bailey on his new position.

REQUESTS TO ADDRESS COUNCIL

Chairman Hargett stated the following citizens filled out cards to address Council.

- Pastor Celeste Shepherd of the Seedtime Harvest and Restoration Ministries addressed Council regarding the ministries "City of Restoration Kingdom Community Project". She informed Council of their community kitchen and food bank.
- Mr. William Dutour addressed Council and spoke against the ordinance regulating smoking and said it was a personal choice and not for the Government to decide for him.
- Mrs. Ann Conder addressed Council and spoke against the ordinance regulating smoking, and stated she was concerned about Government trying to take away personal freedoms of individuals and private businesses.
- Mr. Rudd Smith addressed Council, spoke against the ordinance regulating smoking, and asked Council to consider five things if the Ordinance was ever passed. First, the Ordinance cannot be seen only as a public health issue, second, government versus individual rights, third, the economic influence on businesses, forth, the economic cost of enforcement, and last the timing of an educational period. In addition, Mr. Smith who serves on the Trident Tech College Area Board as a County representative told Council they would be receiving an invitation for a lunch from Dr. Mary Thornley concerning the development of the new "Nursing School".
- Dr. Otis Engleman addressed Council and spoke in favor of Council passing the ordinance regulating smoking.
- Mr. Mike Murphree former Dorchester County Council member addressed Council, spoke against the ordinance regulating smoking and stated this was a choice for citizens and not one the Government should make for them. He stated there were more pressing issues for Council to focus on rather than regulating smoking, and citizens could decide this on their own, because there were too many things in the world that can cause harm. Mr. Murphree requested Council to allow the citizens to remain free to make their own choices.
- Mr. Matthew Carpenter a professor from MUSC spoke in favor of the ordinance regulating smoking, and requested Council to give the Ordinance 1st Reading.
- Mr. Tony Alberg a professor from MUSC spoke in favor of the ordinance regulating smoking, and stated he contributed to a "Surgeon General's Report" on the long term health effects of second hand smoke. He requested Council to support the Ordinance regulating smoking.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Mrs. Allison Tysinger a professional musician stated she represented members of the “Food, Beverage, and Entertainment Service Workers” addressed Council and spoke in favor of the ordinance regulating smoking and requested that Council please pass this ordinance to provide smoke free workplaces.
- Mr. Jim Radcliffe who works in the food and beverage industry addressed Council, spoke in favor of the ordinance regulating smoking, and requested Council support the ordinance.
- Ms. Dianne Wilson, South Carolina African American Tobacco Control Network and resident of Dorchester County addressed Council and spoke in favor of business owners protecting their workers by not allowing smoking in the workplace. She stated she was in favor of the ordinance and requested Council support this ordinance so all workers would have a safe work environment.
- Mr. and Mrs. Glenn Davis (Dolly) addressed Council and spoke in favor of the ordinance regulating smoking, and both stated they had health conditions because their parents were long time smokers.
- Mrs. Elizabeth Kennedy a resident of Summerville and a registered nurse addressed Council to voice her support of the Ordinance to regulate smoking, stated she was a child of a cigarette smoker, and had health problems because of this reason.
- Ms. Deb Campeau, Summerville Medical Center addressed Council, spoke in favor of the ordinance regulating smoking, and requested Council support this ordinance. Ms Campeau stated that the Government has a long tradition of protecting its workers, and that was what distinguished the United States from third world countries.
- Representative Patsy Knight appeared before Council and welcomed the new Council Members aboard. She also discussed the taxes and the hard budget year before Council and the representatives.
- Mr. Fred White who owns the Red Pepper Restaurant in Summerville addressed Council, stated his restaurant was smoke free and requested Council support this ordinance.
- Ms. Martha P. Dunlap, Tobacco Educator for DHEC Region 7, addressed Council, spoke in favor of smoke free environments and read a short statement of support from John Simkovich, DDS, MHA, and Health Director of Region 7 DHEC.

DORCHESTER COUNTY FY 09-10 AUDIT

Mrs. Martha Bryan addressed Council on the official delivery of the Dorchester County Audit for Fiscal Year 09-10. She stated that the County received a “Clean Audit” and informed them that Ms. Charlotte Allen would be attending the next scheduled Council meeting to give a presentation and to answer any questions on the Audit. In addition, Mrs. Bryan informed Council that the “Audit Findings” was being mailed directly to them at their home.

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

3. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted five in favor, and two abstentions, to adopt the Minutes from the December 6, 2010, County Council Meeting.

Council Members Byars and Bailey abstained.

DORCHESTER COUNTY EMPLOYEE RECOGNITION PROGRAM

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

DORCHESTER COUNTY RETIREMENT RECOGNITION PROGRAM

Dorchester County Council recognized five employees who retired from the County in 2010. Mrs. Barbara Dantzler the Deputy Treasurer, Mrs. Susan Felder the Deputy Assessor, Ms. Alethea Guest a Sergeant for Detention and Corrections, Mr. Richard Garvin a Maintenance Worker for the County Road Department, and Mr. Frank White a Sanitation Equipment Operator for Solid Waste.

**REQUEST FOR WATER AND SEWER SERVICE FOR KILNSEA APARTMENTS,
TMS #162-00-00-048**

4. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously to provide water and sewer service to Kilnsea Apartments, identified by TMS #162-00-00-048. Staff recommended approval and stated that capacity was available to provide the water and sewer service to this apartment and townhome subdivision in the City of North Charleston.

CORRESPONDENCE

There was no correspondence reported.

**COUNCIL MEMBER'S TIME- CHAIRMAN LARRY HARGETT
1ST READING BY TITLE ONLY FOR "AN ORDINANCE REGULATING THE
SMOKING OF TOBACCO PRODUCTS IN THE UNINCORPORATED AREAS OF
DORCHESTER COUNTY"**

5. Mr. Hargett motioned to give 1st Reading by Title Only for "An Ordinance Regulating the Smoking of Tobacco Products in the Unincorporated Areas of Dorchester County", and to place this item in the Public Safety, Health and Human Services Committee, and this motion was seconded by Mr. Rosebrock.

Council discussed how they only received a copy of the Ordinance drafted by the County Attorney, only a short amount of time before the meeting, and whether or not Government should be involved in the enforcement of regulating the smoking of tobacco products. Overall Council does agree that a smoke-free work place was a good idea, and that secondhand smoke was unhealthy. The decision came down to how far the government should go to protect the health of its citizens before it infringes upon individual rights. Council Members thanked all citizens for coming out and voicing their opinion on this subject.

Before the Chairman called for a vote on motion number 5, the below motion was made.

6. Mr. Bailey moved to adjourn debate on this proposed Ordinance until the February 7, 2011, County Council meeting, so he could get more information on this subject, the motion was seconded by Mr. Chinnis, Council voted six in favor and one opposed.

Councilman Davis opposed.

GUEST

Mrs. Evelyn DeLaine Hart, Ph.D., Director of the Trident Regional Minority Business Partnership addressed Council. She explained the resource that reflects the broad regional commitment to economic development and the shared responsibility that was required for the partnership to become successful. Mrs. Hart requested County Council to make a three-year commitment to fund the Minority Business Partnership at \$25,000 per year. She provided Council with their upcoming goals and projects. She explained that in the past the County provided \$15,000 to the original study two years ago through the BCD COG. This initiative has some large firms in Dorchester County, which they are working with currently. Berkeley County, Charleston County, and several large municipalities are also supporting this initiative. Dr. Hart asked if there were any questions are more information she could provide. Councilman Bailey requested a list of minority businesses that the TRM are in partnership with in Dorchester County. Chairman Hargett thanked Dr. Hart for her time.

7. On the motion of Mr. Rosebrock, seconded by Mr. Hearn, Council voted unanimously to place this request into the Budget, Finance, and Purchasing Committee, and to bring this item back up on February 7, 2011, at a Budget Committee meeting.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
2ND READING FOR "AN ORDINANCE TO CREATE THE DORCHESTER COUNTY
PARKS AND RECREATION COMMISSION"

8. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor, and one opposed, to give 2nd Reading for "An Ordinance to Create the Dorchester County Parks and Recreation Commission".

Councilman Hearn opposed.

2ND READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY
ORDINANCE #02-03 WHICH CREATED THE DORCHESTER COUNTY
CONSERVATION COMMISSION"

9. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six favor, and one opposed, to give 2nd Reading for "An Ordinance to Amend Dorchester County Ordinance #02-03 Which Created the Dorchester County Conservation Commission".

Councilman Hearn opposed.

REQUEST FOR FUNDING FOR FLAG UNVEILING CEREMONY

Mr. Ward requested on behalf of the Upper Dorchester County Historical Society and the Summerville Preservation Society, for Council to approve the expenditure of a modest budget, estimated at \$2,000., to celebrate the creation and unveiling of the County Flag in February around the anniversary of the County.

10. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted unanimously to approve the request for funds (estimated around \$2,000) for the Dorchester County Historical Society and the Summerville Preservation Society to have the opportunity to have an unveiling ceremony of the County Flag as a part of a County Anniversary Celebration in February at the Dorchester County Courthouse.

COUNTY ADMINISTRATOR'S TIME-CONTINUED

1ST READING FOR REZONING REQUEST #645 FOR DORCHESTER COUNTY COUNCIL, TMS #128-00-00-154

11. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted unanimously to give 1st Reading to Rezoning Request #645 for Dorchester County Council, identified by TMS #128-00-00-154, and to place this item in the Planning, Development, and Building Committee for further consideration. This is a request to rezone 1.27 acres located at 850 E. Butternut Road near Summerville from R-4 (Residential Multi-Family District) to CG (General Commercial District).

APPROVAL OF WATER AND SEWER DEPARTMENT RESTRUCTURING

12. Mr. Chinnis motioned to approve the request, seconded by Mr. Davis, from the Administrator on the approval of the Water and Sewer Department Restructuring as presented. This would be a revenue-neutral restructuring that should improve operations based upon what the director has observed. The County has had one year operating both WWTP systems (Lower Dorchester and St. George) and a lot has been accomplished.

After discussion with the Administrator and Council about the Water and Sewer Commission and the Water and Sewer Committee, the following motion was made:

13. Mr. Rosebrock motioned to amend the main motion, seconded by Mr. Bailey, and Council voted unanimously to hold this item until the next meeting, and to discuss this item further at a Water and Sewer Committee Meeting.

COMMITTEE REPORT

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

PUBLIC HEARING AND RECOMMENDATION FOR 3RD READING FOR REZONING REQUEST #644, GREG BROOKS; TMS #144-05-00-036 & #144-05-00-037

14. Committee Chairman Davis stated that a Public Hearing was held and the Committee voted to recommend for Council to give 3rd Reading to Rezoning Request #644, for Mr. Greg Brooks; TMS #144-05-00-036 & #144-05-00-037. This was a request to rezone 3.78 acres located at 679 Orangeburg Road near Summerville from R-4 (Multi-family Residential District) to CN (Neighborhood Commercial District). Council voted unanimously on the recommendation.

APPOINTMENTS TO BOARDS AND COMMISSIONS
DORCHESTER COUNTY PLANNING COMMISSION
DORCHESTER COUNTY ALCOHOL AND DRUG ABUSE COMMISSION
DORCHESTER COUNTY BOARD OF ZONING APPEALS
DORCHESTER COUNTY ECONOMIC DEVELOPMENT BOARD
DORCHESTER COUNTY TRANSPORTATION COMMITTEE
DORCHESTER COUNTY AERONAUTICS BOARD

15. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously to make the following appointments/reappointments as requested by Councilman Bailey to the following named Boards and Commissions as representatives for District #3. Appoint Mr. Edward Carter to the Dorchester County Planning Commission; reappoint Mr. Stephen Ratliff to the Dorchester County Alcohol and Drug Abuse Commission; reappoint Mr. Samuel Reeves to the Dorchester County Board of Zoning Appeals; reappoint Mr. Ronnie Givens to the Dorchester County Economic Development Board; reappoint Mr. Samuel Stephens, Sr., to the Dorchester County Transportation Committee; reappoint Mr. Thayer R. Arthur to the Dorchester County Aeronautics Board.

DORCHESTER COUNTY SALES TAX TRANSPORTATION
AUTHORITY COMMISSION AND DORCHESTER COUNTY PLANNING
COMMISSION

16. On the motion of Mr. Byars, seconded by Mr. Rosebrock, Council voted unanimously to appoint Mr. Stephen Grant to the Dorchester County Sales Tax Transportation Authority, and to appoint Mr. Dekle Griffith to the Dorchester County Planning Commission, as requested by Councilman Byars, as representatives for District #7.

DORCHESTER COUNTY BOARD OF ZONING APPEALS

17. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to reappoint Mr. James E. Stein to the Dorchester County Board of Zoning Appeals, as requested by Councilman Chinnis, as a representative for District #2.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
3RD READING FOR ORDINANCE #11-01, "AN ORDINANCE AUTHORIZING THE
FIRST AMENDMENT OF THAT CERTAIN FEE AGREEMENT BY AND BETWEEN
DORCHESTER COUNTY, SOUTH CAROLINA AND LAFARGE BUILDING
MATERIALS, INC., RELATING TO, WITHOUT LIMITATION, THE PAYMENT TO
DORCHESTER COUNTY OF A FEE IN LIEU OF TAXES, AN EXTENSION OF THE
INVESTMENT PERIOD TO ALLOW CONTINUING AND FURTHER INVESTMENT
IN THE PROJECT, AND REVISION OF A SPECIAL SOURCE REVENUE CREDIT
FOR PROJECT INFRASTRUCTURE"

18. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 3rd Reading to Ordinance #11-01, "An Ordinance Authorizing the First Amendment of that Certain Fee Agreement by and Between Dorchester County, South Carolina and Lafarge Building Materials, Inc., Relating to, Without Limitation, the Payment to Dorchester County of a Fee In Lieu of Taxes, an Extension of the Investment Period to Allow Continuing and Further Investment in the Project, and Revision of a Special Source Revenue Credit for Project Infrastructure".

3RD READING FOR ORDINANCE #11-02, "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE FEE AGREEMENT BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND IMO USA CORPORATION, TO PROVIDE FOR INFRASTRUCTURE CREDITS; AND OTHER RELATED MATTERS"

19. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Ordinance #11-02, "An Ordinance Authorizing the Execution and Delivery of an Amendment To The Fee Agreement By and Between Dorchester County, South Carolina, and IMO USA Corporation, to Provide For Infrastructure Credits; and Other Related Matters".

REQUEST FOR CONDEMNATION OF PARCEL #'S 8, 14, 31, 32, 33 AND 42 FOR PHASE 1 OF THE BACONS BRIDGE ROAD WIDENING PROJECT

20. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to authorize the condemnation of Parcel #'s 8, 14, 31, 32, 33 and 42 for Phase 1 of the Bacons Bridge Road Widening Project as requested by the One Cent Transportation Sales Tax Authority.

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session to discuss a contractual matter concerning the purchase of certain real estate, and a personnel matter.

EXECUTIVE SESSION 8:42 P.M.

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

RECONVENE FROM EXECUTIVE SESSION 10:03 P.M.

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

PLANNING AND ZONING MANAGER

22. On the motion of Mr. Byars, seconded by Mr. Davis, Council voted unanimously to authorize the County Administrator to hire a Planning and Zoning Manager with a salary of up to \$70,760., and to authorize the Administrator to offer home garaging privileges of a county vehicle to the Planning and Zoning Manager.

ADJOURNMENT

23. On the motion of Mr. Davis, seconded by Mr. Hearn, 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, SUMMERSVILLE
JANUARY 18, 2011
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. LARRY HARGETT

- Requests to Address Council
- Adoption of Minutes from January 4, 2011, County Council Meeting
- Adoption of Resolution #11-01, "In Memory of Mrs. Miriam Beeson"
- Correspondence

3. GUESTS

- Ms. Charlotte Allen, Webster Rogers – FY 2009-2010 Audit Presentation
- Ms. Carolyn Tomlinson, Keep Dorchester County Beautiful – Awards and Grant

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

- 3rd Reading for Ordinance #11-03, "An Ordinance to Create the Dorchester County Parks and Recreation Commission"
- 3rd Reading for Ordinance #11-04, "An Ordinance to Amend Dorchester County Ordinance #02-03, Which Created the Dorchester County Conservation Commission"
- Application for Conservation Commission
- Application for Parks and Recreation Commission

5. COMMITTEE REPORT

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for Water and Sewer Reorganization

6. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- Request for Condemnation of Tracts #'s 55 and 56 for Phase 1 of the Bacons Bridge Road Widening
- Executive Session
 - Legal Advice
 - Request for Condemnation of a Portion of TMS #152-07-01-024
 - Contractual Matter
 - Dorchester County Detention and Courthouse Study
 - Confidential Economic Development Prospect
 - Personnel Matter

8. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE-CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



WILLIE R. DAVIS

WILLIAM (BILL) HEARN, JR.

DAVID CHINNIS

RICHARD ROSEBROCK

JAY BYARS

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 JANUARY 18, 2011 7:09 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. Larry Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. William "Bill" Hearn
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

REQUESTS TO ADDRESS COUNCIL

- Mr. Ashley Chapman Manager for Colonial Dorchester State Historic Site addressed Council to inform everyone about an event to be held at the Park on February 5, 2011. He stated that this would be an annual event where there would be historical re-enactors. He encouraged everyone to attend this historical program.
- Ms. Martha Dunlap addressed Council on behalf of the American Lung Association, American Cancer Society Association and the American Heart Association. She read a prepared statement against the proposed "Dorchester County's Signage Ordinance" on smoking inside businesses and stated she supported the comprehensive ordinance regulating smoking in Dorchester County.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Ms. Dianne Wilson addressed Council and spoke in favor of a smoke free environment for Dorchester County.

ADOPTION OF MINUTES FROM JANUARY 4, 2011, COUNTY COUNCIL MEETING

1. On the motion of Mr. Hearn, seconded by Mr. Rosebrock, Council voted unanimously to adopt the minutes from the January 4, 2011, County Council Meeting.

ADOPTION OF RESOLUTION #11-01, "IN MEMORY OF MRS. MIRIAM BEESON"

2. On the motion of Mr. Rosebrock, seconded by Mr. Bailey, Council voted unanimously to adopt Resolution #11-01, "In Memory of Mrs. Miriam Beeson", recognizing Mrs. Beeson for her years of service with Keep Dorchester County Beautiful. Mr. Marvin Beeson, husband of the late Mrs. Beeson, and family members were present to receive the resolution from County Council. Chairman Hargett read the Resolution aloud.

CORRESPONDENCE

Councilman Rosebrock gave a briefing on the Lake Marion Regional Water Authority and meetings he had attended. He gave updates about the projects that were on schedule and the funding of those projects. He also noted some problems the Authority was having with deficits on a couple of projects; however, the Authority was hoping to handle this with funding from the federal government. Council thanked Councilman Rosebrock for all of his hard work on the Authority.

MOTION TO AMEND THE AGENDA TO REVERSE ORDER OF GUESTS

3. On the motion of Mr. Hearn, seconded by Mr. Chinnis, Council voted unanimously to amend the agenda to change the order of the guests as listed on the agenda.

GUESTS

MS. CAROLYN TOMLINSON, KEEP DORCHESTER COUNTY BEAUTIFUL

Ms. Carolyn Tomlinson, Keep Dorchester County Beautiful, along with Board Members, appeared before Council to advise them of the County receiving two National Awards from Keep America Beautiful. The County was awarded \$1,500 in grant money for receiving 2nd Place in the Cigarette Litter Prevention Program, and received the Presidential Circle Award. In addition, the County received a Palmetto Pride/Keep South Carolina Beautiful Grant award for \$6,500. Mrs. Tomlinson presented the awards to Council and pictures were taken with Council, Mrs. Tomlinson and Board Members. Council thanked Ms. Tomlinson and the Board for all of their efforts and hard work.

MS. CHARLOTTE ALLEN, WEBSTER ROGERS – FY 2009-2010 AUDIT

Ms. Charlotte Allen with Webster Rogers presented Council with the FY 2009-2010 Audit. She reported the County received a "Clean Audit" with a contingency balance of \$3.7 million. This "rainy day fund" only to be spent by a super majority vote of Council, and typically meant to be used in the event of a natural disaster. In addition, Ms. Allen reported the total general fund balance was \$18 million, she explained absent spending the "rainy day fund" the County has about 3 months' worth of funds in operating cost, which was a healthy position for a County. She also reported on other accounts of the County and received, and answered questions from Council. Ms. Allen stated that this was the first year Dorchester County had no significant deficiencies, except for some small grant update issues, which were federal findings. Ms. Allen stated this was a very good audit report and congratulated Council County. She also explained the management letter, which Council received and how she handled the items identified in the letter with the appropriate Departments Heads, before its presentation to Council. In addition, Mr. Lee Moulder, Budget and Finance Director, addressed Council and stated he was available to answer any other questions Council may have. He also reminded them subsequent to the formation of Council's Audit sub-Committee the external Auditor reports directly to County Council and should be available to Council at their discretion.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
3RD READING FOR ORDINANCE #11-03, "AN ORDINANCE TO CREATE THE
DORCHESTER COUNTY PARKS AND RECREATION COMMISSION"

4. Mr. Byars motioned to amend Ordinance #11-03, "An Ordinance to Create the Dorchester County Parks and Recreation Commission" prior to giving 3rd Reading, by deleting from Section II A, the sentence reading: "The fifth member shall be the Chairman of the Public Safety, Health and Human Services Committee of Dorchester County Council", and substituting in lieu thereof the following sentence, "The fifth member who shall be the Chairman of the Commission, shall be a member of Dorchester County Council appointed by the Chairman of Dorchester County Council", and I would further move to amend Section II, B by deleting that paragraph and inserting in thereof a new paragraph which shall be designated as Section II, B as follows: "Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary-Treasurer. The Vice-Chairman and Secretary-Treasurer shall be elected by a majority vote of the Commission. These two officers shall be elected by the Commission each year for terms of office that shall commence on January 1 of the following year. These two officers shall serve terms of the year and shall continue in office until their successors are elected and qualified". Mr. Bailey seconded this motion.

AMENDMENT TO MOTION #4 - DISCUSSION

Mr. Chinnis stated he had an amendment to the above amendment prior to giving 3rd Reading to Ordinance #11-03, "An Ordinance to Create the Dorchester County Parks and Recreation Commission", and explained the reasoning for his amendment. He explained that most all Boards and Commissions elect their own Chairman, as it should be with this Commission. In addition, he stated for the record, this amendment had no reflection on Councilman Byars and his amendment to Mr. Byars amendment was simply to change who elects the Chairman of the Parks and Recreation Commission.

COUNTY ADMINISTRATOR'S TIME – CONTINUED
3RD READING FOR ORDINANCE #11-03, “AN ORDINANCE TO CREATE THE DORCHESTER COUNTY PARKS AND RECREATION COMMISSION” CONTINUED
ACTION TAKEN ON AMENDMENT TO MOTION #4

5. Mr. Chinnis motioned, seconded by Mr. Rosebrock, and Council voted four in favor, and three opposed, that prior to giving 3rd Reading to amend the proposed Ordinance #11-03, “An Ordinance to Create the Dorchester County Parks and Recreation Commission”, by deleting from Section II A, the sentence reading: “The fifth member shall be the Chairman of the Public Safety, Health and Human Services Committee of Dorchester County Council” and substituting in lieu thereof the following sentence, “The fifth member, shall be a member of Dorchester County Council appointed by the Chairman of Dorchester County Council”, and I would further move to amend Section II, B by deleting that paragraph and inserting in thereof a new paragraph which shall be designated as Section II, B as follows: “Officers of the Commission shall consist of a Chairman, Vice Chairman, and Secretary-Treasurer. The Chairman, Vice-Chairman and Secretary-Treasurer shall be elected by a majority vote of the Commission. These three officers shall be elected by the Commission each year for terms of office that shall commence on January 1 of the following year. These three officers shall serve terms of one (1) year and shall continue in office until their successors are elected and qualified”.

Council Members Byars, Hearn, and Hargett opposed.

DISCUSSION PERIOD AND VOTE ON MOTION #4

Council discussed both amendments in depth, concerning the Chairman of the Commission not being an elected official, the number of Park Districts and the types of members that would eventually serve on the Commission. **Council then voted unanimously on motion #4 as amended by motion #5.**

6. Chairman Hargett called for the question and Council voted unanimously to give 3rd Reading to Ordinance #11-03, “An Ordinance to Create the Dorchester County Parks and Recreation Commission”, as amended by motions #4 and #5.

3RD READING FOR ORDINANCE #11-04, “AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE #02-03, WHICH CREATED THE DORCHESTER COUNTY CONSERVATION COMMISSION”

7. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Ordinance #11-04, “An Ordinance to Amend Dorchester County Ordinance #02-03 Which Created the Dorchester County Conservation Commission”.

APPLICATION FOR CONSERVATION COMMISSION

8. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted to approve the supplemental questions for the Conservation Commission Applicants that together with the existing application for boards and commissions would complete the application. Council’s Administrative Assistant would receive and process the applications as required.

APPLICATION FOR PARKS AND RECREATION COMMISSION

9. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted to approve the supplemental questions for the Parks and Recreation Commission Applicants that together with the existing application for boards and commissions would complete the application.

Chairman Hargett passed the gavel to Vice Chairman Bailey where he could give his Committee report.

COMMITTEE REPORT

**WATER AND SEWER COMMITTEE- CHAIRMAN LARRY HARGETT
REQUEST FOR WATER AND SEWER DEPARTMENT REORGANIZATION**

10. Chairman Hargett stated a Water and Sewer and Committee meeting was held earlier tonight and the Water and Sewer Director gave a presentation to the Committee regarding the request for reorganization of the Water and Sewer Department. He stated that the Committee's recommendation to Council was for approval of the proposed Water and Sewer Department reorganization as presented. Council voted unanimously in favor of the recommendation.

APPOINTMENTS TO BOARDS AND COMMISSIONS

APPOINTMENT BY THE CHAIRMAN TO THE CHAT'S COMMITTEE

Chairman Hargett stated according to the By- Laws of the CHAT'S Board the Chairman of County Council automatically serves on the CHAT'S Committee and the Chairman has the opportunity to appoint another member and he was appointing Council's Vice-Chairman, Mr. George H. Bailey.

COUNCIL OF GOVERNMENTS (COG) BOARD

Chairman Hargett stated that the Chairman of Council was automatically on the COG Board and received the opportunity to make a recommendation for another appointment to serve from County Council.

11. Chairman Hargett motioned to make the recommendation to appoint Councilman Jay Byars to serve on the COG Board as a representative for Dorchester County, seconded by Mr. Chinnis, and Council voted unanimously in favor.

COUNCIL OF GOVERNMENTS (COG) BOARD (MINORITY MEMBERS)

12. Chairman Hargett motioned, seconded by Mr. Rosebrock, and Council voted unanimously in favor of re-appointing Mr. Ralph James and Mr. Matthew Profit as the two minority members of the COG Board.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

**REQUEST FOR CONDEMNATION OF TRACTS #'S 55 AND 56 FOR PHASE 1 OF THE
BACONS BRIDGE ROAD WIDENING**

13. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted unanimously to authorize the condemnation of Parcel #'s 55 and 56 for Phase 1 of the Bacons Bridge Road Widening Project.

COUNTY ATTORNEY'S TIME -CONTINUED

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session to give legal advice regarding a request for condemnation of a portion of TMS #152-07-01-024, to discuss a contractual matter concerning the Dorchester County Detention and Courthouse Study, to discuss a confidential economic development prospect, and a personnel matter.

EXECUTIVE SESSION 8:13 P.M.

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

REQUEST FOR AN ITEM TO BE PLACED IN A COMMITTEE

Councilman Bailey requested that the subject of Hideaway Road in the Givhans area be placed in the Public Works, Property, and Utilities Committee. The Chairman placed this item in the Committee.

RECONVENE FROM EXECUTIVE SESSION 10:45 P.M.

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

REQUEST FOR CONDEMNATION OF A PORTION OF TMS #152-07-01-024

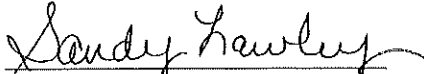
15. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to authorize the County Attorney to proceed with the condemnation of a portion of TMS #152-07-01-024 for a sewer line, should settlement negotiations with the landowner not resolve this acquisition.

PERSONNEL MATTER

16. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to adopt Dorchester County Organizational Chart as recommended by the Administrator as presented to Council in Executive Session.

ADJOURNMENT

17. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously to adjourn. Time of adjournment was 10:47 p.m.


Sandy Lawley, Clerk to Council

**AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
FEBRUARY 7, 2011
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. LARRY HARGETT

- Requests to Address Council
- Adoption of Minutes from January 18, 2011, County Council Meeting
- Public Hearing Dorchester County Citizens Plan Community Dev. Block Grant Program
- 1st Reading for “An Ordinance Regulating the Smoking of Tobacco Products in the Unincorporated Areas of Dorchester County”
- Correspondence

3. COUNCILMEMBER'S TIME

- Councilman Willie Davis --Presentation to Family Members of Resolution #10-19, “In Memory of Roy Britt”
- Councilman David Chinnis- 1st Reading for “An Ordinance Requiring Businesses Within Unincorporated Dorchester County to Post Signs Indicating the Policy of Such Businesses For the Smoking of Tobacco Products on the Premises of such Businesses”
- Councilman George H. Bailey- Motion to Reconsider 3rd Reading of Ordinance #11-03, “An Ordinance to Create the Dorchester County Parks and Recreation Commission”
- Councilman William H. Hearn- Motion to Amend the Effective Date of Ordinance #10-24, “Transportation Impact Fee Ordinance for Unincorporated Dorchester County”

4. GUEST

- Mr. Lee Moulder, Budget & Finance Director, Presentation of December 2010 Financial Report

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

- Request for Purchasing Procedures Manual Update
- Request for Approval of GASB 45 OPEB “Actuarial Services”
- Request for Approval Flag and Courthouse Dedication

6. COMMITTEE REPORTS

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for Approval Shady Grove Water Line Project

Chairman Larry Hargett, Budget, Finance, and Purchasing Committee Report

- Trident Regional Minority Business Partnership Request for Financial Support

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

-Adoption of Resolution #11-02, "A Resolution Approving the Extension by Dorchester County, South Carolina, of the Amended and Restated Lease Agreement by and Between Robert Bosch LLC, and Dorchester County, South Carolina, (Between Robert Bosch LLC Project), Pursuant To the Provisions of South Carolina Code Annotated, Section 4-29-67, Code of Laws of South Carolina 1976, as Amended"

-1st Reading for "An Ordinance Authorizing Delivery by Dorchester County of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and Other Matters Related Thereto"

-1st Reading for "An Ordinance to Amend the Amended and Restated Agreement for Development of a Joint County Industrial Park executed on May 17, 2010, by and among Dorchester County, South Carolina, and Orangeburg County, South Carolina, Providing for the Development of a Jointly Operated Industrial/Business Park so as to include property of Forestry Research Holdings, LLC"

-Executive Session -Confidential Economic Development Project
 -Legal Advice
 -Road Closing
 -Personnel Matter

9. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE-CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



WILLIE R. DAVIS

WILLIAM (BILL) HEARN, JR.

DAVID CHINNIS

RICHARD ROSEBROCK

JAY BYARS

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
FEBRUARY 7, 2011
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. Larry Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. William "Bill" Hearn
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

REQUESTS TO ADDRESS COUNCIL

The following individuals filled out cards to address Council:

- Mr. William J. Dutoun addressed Council and spoke in opposition of the telephone survey conducted by the Cancer Alliance on the smoking ban and requested Council vote against both Ordinances regulating smoking.
- Ms. Allison Tysinger filled out a card, but was not present when called upon to speak.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Ms. Martha Dunlap addressed Council on behalf of two restaurant managers who could not attend due to their work schedules. Manager of the "IHOP" Restaurant on Dorchester Road, Mr. David Durden, and Ms. Courtney Ivey, manager of the Waffle House on Dorchester Road, both requested Mrs. Dunlap pass on their position to Council that everyone deserves a smoke free work environment. Ms. Dunlap also requested Council to vote in favor of the Ordinance on a smoke free environment in Dorchester County.
- Mayor Charles Ackerman addressed Council as a representative of the American Cancer Society; he spoke about how smoking in the workplace was a health issue to all workers and stated that even brief exposure can be dangerous. Mayor Ackerman requested Council support a smoke free environment for Dorchester County, and smoke free workplaces in Dorchester County.
- Mr. Mike Dawson stated he spoke only for himself, but came as a Summerville Councilman. He spoke in favor of a smoke free environment and work place for Dorchester County. Mr. Dawson spoke on "The Lost Freedom Argument", where citizens claim that Government would be taking away their freedoms given to them by the Constitution, but he stated that all freedoms do come with boundaries. The other arguments Mr. Dawson proposed were "The Slippery Slope or The First Step in Outlawing Big Macs Argument", "The Legal Substance Argument", and "The "Smoking Police" Argument", he discussed each and gave Council a handout on the arguments. In conclusion, he requested Council to support the Ordinance to regulate smoking.
- Mr. Rudd Smith addressed Council and stated he hoped the four Council Members that were philosophically opposed to the smoking Ordinance still were opposed, and that this would be the end to this Ordinance. He stated that Council should be aware and ready to move on to the next public health issue, which would probably be obesity. He stated several of the problems, which comes with being obese, and recognized this to be as much of a problem as smoking, and declared Council may need an Ordinance to stop people from over eating in the near future.
- Mr. Hank Fernades a business owner from Summerville addressed Council and spoke against the smoking Ordinances in private business and said "Leave it Up to the People".
- Ms. Megan Hicks, State Director for the South Carolina Tobacco Collaborative, addressed Council, read a prepared statement on the dangers of smoking indoors to all workers and requested Council to support the Ordinance banning smoking in the workplace in Dorchester County.
- Ms. Dianne Wilson addressed Council and stated the results of the telephone survey were given to each Council member earlier, which questioned random citizens on the smoking ordinances and received widespread support. In addition, she stated her group was able to accomplish this survey with help from the SC Tobacco Collaborative and the SC Cancer Alliance. She stated that 3000 Dorchester County citizens responded to the survey in support of a comprehensive smoke free Ordinance in Dorchester County.
- Ms. Angie Crum addressed Council and requested her comments be placed in the minutes of Council. She recognized the Pastor of her church, concerned citizens of Ridgeville, friends, and members of the NAACP. She stated these individuals attended tonight and she would be speaking on their behalf. Mrs. Crum requested that Dorchester County not build the County Jail in Ridgeville because there were already three prisons in or near Ridgeville and it depreciates the value of the property. In addition, it brings great concern of their personal safety in the event of a prison escape and the concerned of the cost of the transportation of the prisoners. She requested the County place the proposed new Jail by the new County Courthouse. In addition, Mrs. Crum turned in a 12-page petition for those who could not attend, but wanted to support the ideas she (and her group) expressed to Council.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Pastor John David Lary addressed Council about the condition of Christ Church Road and requested the County inspect the condition of this road. He stated the road was full of potholes. Councilman Davis reported he had looked at the road due to it being in his District, and stated it was in terrible shape and needed to be worked on. Chairman Hargett stated the County would look at the road. (Mr. Louis Rivers, who also attended the meeting, stated he lived on the road and it was in bad condition.)
- Mr. Charlie Green Jr. addressed Council about Britt Green Road and requested this road be resurfaced and not patched. Councilman Bailey stated that this road was in his District, and he had received calls about the road, which he had inspected, and stated that this issue was in front of the County Transportation Committee and they were reviewing it presently.

ADOPTION OF MINUTES FROM JANUARY 18, 2011, COUNTY COUNCIL MEETING

1. On the motion of Mr. Hearn, seconded by Mr. Bailey, Council voted unanimously to adopt the minutes from the January 18, 2011, County Council Meeting.

**PUBLIC HEARING DORCHESTER COUNTY CITIZENS PLAN COMMUNITY DEV.
BLOCK GRANT PROGRAM**

Chairman Hargett reported that prior to opening the Public Hearing on the Citizens Community Development Block Grant Program; he would request the County Administrator give a brief overview of the program. Mr. Ward stated that the purpose of this public hearing was to solicit citizens input concerning community needs and priorities for housing, public facilities, and economic development in Dorchester County. He stated this was specifically in areas that have been identified as census tracts of low to moderate income citizens, for our purposes the majority of the County from Ridgeville on up was identified in that category. Mr. Ward stated officials from the BCD-COG were present to answer any questions, Ms. Kara Browder, and Mr. Darryl Bullock. He also informed the citizens that each year there were different allocations for different program types. Mr. Ward stated that these grant funds were competitive funds that had to be applied for through the SC Department of Commerce, and the County had been successful in receiving funds for the Dorchester County Library as well as for the Quick Jobs Center. He then turned the floor back over to Chairman Hargett.

Chairman Hargett opened the Public Hearing and the floor for public comments. Only two comments were received, and then Chairman Hargett closed the Public Hearing. He thanked all participants and stated that the hearing was for information only and no further action was necessary.

**1ST READING FOR "AN ORDINANCE REGULATING THE SMOKING OF TOBACCO
PRODUCTS IN THE UNINCORPORATED AREAS OF DORCHESTER COUNTY"**

Chairman Hargett reminded everyone why this Ordinance was on this agenda and asked if there were any comments from Council Members. All members of Council commented on the Ordinance, both in favor and opposed. After discussion, the following motions were made:

2. Mr. Rosebrock motioned, seconded by Mr. Davis, to give 1st Reading for "An Ordinance Regulating the Smoking of Tobacco Products in the Unincorporated Areas of Dorchester County".
3. Mr. Chinnis motioned, seconded by Mr. Bailey, to table "An Ordinance Regulating the Smoking of Tobacco Products in the Unincorporated Areas of Dorchester County". Council voted four in favor, and three opposed.

Council Members Davis, Hargett, and Rosebrock, opposed.

CORRESPONDENCE

The County Administrator reported the City of North Charleston had annexed several properties in Dorchester County along Hunter's Ridge Lane, Ashley Phosphate Road, and Stratton Drive, and these annexations occurred on January 27, 2011.

Councilman Rosebrock expressed unfavorable views on the random annexations by the City of North Charleston. In addition, Councilman Chinnis gave handouts to Council regarding the annexations and the problem with North Charleston taking annexation and taking money from the County from our Fire Departments. The Chairman stated that the County would look into this issue.

COUNCILMEMBER'S TIME - COUNCILMAN WILLIE DAVIS

**PRESENTATION TO FAMILY MEMBERS OF RESOLUTION #10-19,
"IN MEMORY OF ROY BRITT"**

Councilman Davis read aloud Dorchester County Resolution #10-19, a Resolution "In Memory of Mr. Roy Britt", which was adopted by Council in December of 2010. Tonight Council wanted to present this special Resolution to the family of the late Mr. Britt. Councilman Willie Davis made the presentation to the family members and friends of Mr. Britt who passed away in November, and was a long time employee of Dorchester County.

Chairman Hargett called a five-minute recess.

Chairman Hargett called the Council meeting back to order.

COUNCIL MEMBER'S TIME CONTINUED - COUNCILMAN DAVID CHINNIS

**1ST READING FOR "AN ORDINANCE REQUIRING BUSINESSES WITHIN
UNINCORPORATED DORCHESTER COUNTY TO POST SIGNS INDICATING THE
POLICY OF SUCH BUSINESSES FOR THE SMOKING OF TOBACCO PRODUCTS ON
THE PREMISES OF SUCH BUSINESSES"**

4. Mr. Chinnis motioned, seconded by Mr. Bailey, to give 1st Reading for "An Ordinance Requiring Businesses Within Unincorporated Dorchester County to Post Signs Indicating the Policy of Such Businesses For the Smoking of Tobacco Products on the Premises of such Businesses". If adopted, this ordinance will require business owners to post signs indicating to those entering whether their establishments allows smoking, does not allow smoking, or allows smoking in designated areas.

Upon the above motion receiving a seconded, Councilman Rosebrock made the following motion.

5. Mr. Rosebrock motioned, seconded by Davis, and Council voted unanimously to table the above named Ordinance until more information could be received for further discussion.

**COUNCIL MEMBER'S TIME CONTINUED -COUNCILMAN GEORGE H. BAILEY
MOTION TO RECONSIDER 3RD READING OF ORDINANCE #11-03, "AN ORDINANCE TO
CREATE THE DORCHESTER COUNTY PARKS AND RECREATION COMMISSION"**

6. Mr. Bailey motioned, seconded by Mr. Rosebrock, for County Council to reconsider its vote for 3rd Reading of Ordinance #11-03, "An Ordinance to Create the Dorchester County Parks and Recreation Commission" as amended. Council voted unanimously in favor of the motion.
7. Mr. Bailey motioned, seconded by Mr. Chinnis, to give 3rd Reading to Ordinance #11-03, "An Ordinance to Create the Dorchester County Parks and Recreation Commission", as amended by Councilman Chinnis at the last Council Meeting. Council unanimously opposed this motion for 3rd Reading. (Motion failed)

**3RD READING OF ORDINANCE #11-03, "AN ORDINANCE TO CREATE THE
DORCHESTER COUNTY PARKS AND RECREATION COMMISSION" IN THE FORM AS
WAS VOTED ON FOR 2ND READING**

8. Mr. Bailey motioned, seconded by Mr. Chinnis, and Council voted unanimously to give 3rd Reading of Ordinance #11-03, "An Ordinance to Create the Dorchester County Parks and Recreation Commission", in the same form it was given 2nd Reading without the amendments.

COUNCILMAN WILLIAM (BILL) HEARN

**MOTION TO AMEND THE EFFECTIVE DATE OF ORDINANCE #10-24,
"TRANSPORTATION IMPACT FEE ORDINANCE FOR UNINCORPORATED
DORCHESTER COUNTY"**

Councilman Hearn stated that in December 2010 Council had offered an invitation to the Chamber to share alternatives with Council and unfortunately, those alternatives were never really heard or considered. Therefore, he wanted to make the following motion to amend the effective date of the Ordinance #10-24. In addition, Councilman Hearn stated he felt that the community needed more time for input into the Ordinance. The following action was taken.

9. Mr. Hearn motioned, seconded by Mr. Bailey, and concluding Council discussions, Council voted three in favor, and four opposed, to amend Dorchester County Ordinance #10-24, "Transportation Impact Fee Ordinance", which established the Transportation Impact Fee by changing the effective date in Article XX from February 1, 2011 to February 1, 2012 and to make this new effective date retroactively to any developer who may have applied for a building permit between February 1, 2011, and final reading of this amendment changing the effective date. (motion failed)

Thus, if this amendment were adopted, any developer who sought a building permit between February 1, 2011, and the adoption of this amendment would not be subject to the impact fee.

Council Members Rosebrock, Davis, Chinnis, and Hargett opposed.

GUEST

**MR. LEE MOULDER, BUDGET & FINANCE DIRECTOR, PRESENTATION OF
DECEMBER 2010 FINANCIAL REPORT**

Mr. Lee Moulder, Budget and Finance Director, presented the December 2010 Financial Report. The report included revenues from taxes on real property as well as fees collected once a year. Mr. Moulder stated that this report was based on the County finances halfway through the year, and as always the tax revenues do not materialize until they are reconciled and turned over in January by the Treasurer. He stated that there were a few line items coming in a little low, but most Departments were working very hard to stay within their budget. In addition, he received and answered questions from Council. Council thanked Mr. Moulder for his report.

**COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
REQUEST FOR PURCHASING PROCEDURES MANUAL UPDATE**

10. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously, as requested by the Administrator, to refer the "Request for the Purchasing Procedures Manual Update", to the Budget, Finance, and Purchasing Committee for further consideration.

REQUEST FOR APPROVAL OF GASB 45 OPEB "ACTUARIAL SERVICES"

11. On the motion of Mr. Davis, seconded by Mr. Chinnis, Council voted unanimously, as requested by the Administrator, to approve the updating of our accrued liability for other post employment benefits (OPEB) based on our current policy, and approve the update of the cost of our OPEB liability based upon new assumptions as discussed at the retreat held Monday January 31, 2011.

**REQUEST FOR APPROVAL OF COMBINING THE FLAG AND COURTHOUSE
DEDICATION**

12. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to approve the combining of the "Flag and Courthouse Dedications", with a program to take place at a time when the Chief Justice of the Supreme Court of South Carolina was available to attend, and to approve the addition of Chief Magistrate Judge Murphy to the Committee listing that was included in the Council packet dated February 7, 2011.

Chairman Hargett passed the gavel to Vice Chairman Bailey where he could give his Committee report.

**COMMITTEE REPORTS
WATER AND SEWER COMMITTEE- CHAIRMAN LARRY HARGETT
REQUEST FOR APPROVAL SHADY GROVE WATER LINE PROJECT**

13. Chairman Hargett reported a Water and Sewer Committee Meeting was held earlier in the evening and the recommendation to Council was for approval of the Shady Grove Water Line Project. Council voted unanimously in favor of the recommendation.

**BUDGET, FINANCE, AND PURCHASING COMMITTEE, CHAIRMAN LARRY HARGETT
TRIDENT REGIONAL MINORITY BUSINESS PARTNERSHIP FUNDING REQUEST**

Chairman Hargett reported that a Budget, Finance, and Purchasing Committee meeting was held earlier in the evening and there was one item which was before the Committee. The item was the "Trident Regional Minority Business Partnership Request for Financial Support", and the item was tabled with no action as far as approving or declining.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

**APPOINTMENTS TO BOARDS AND COMMISSIONS
DORCHESTER SENIORS INC.**

14. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously in favor of the appointment of Mrs. Eugene V. Clevenger to the Dorchester Seniors Inc. Board, as Representative for District #5.

DORCHESTER COUNTY LIBRARY BOARD

15. On the motion of Mr. Byars, seconded by Mr. Davis, Council voted unanimously to re-appoint Mr. James Neal to the Dorchester County Library Board, as Representatives for District #7.

DORCHESTER SENIORS INC.

16. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously in favor of the appointment of Mrs. Samella Odom to the Dorchester Seniors Inc. Board, as Representative for District #3.

DORCHESTER SENIORS INC.

17. Mr. Chinnis motioned, seconded by Mr. Davis, and Council voted unanimously in favor of the appointment of Ms. Emily Watts to the Dorchester Seniors Inc. Board, as Representative for District #2.

DORCHESTER COUNTY PLANNING COMMISSION

18. Mr. Chinnis motioned, seconded by Mr. Rosebrock, Council voted unanimously in favor to re-appoint Mr. John Groover to the Dorchester County Planning Commission, as Representative for District #2.

DORCHESTER COUNTY LIBRARY BOARD

19. On the motion of Mr. Chinnis, seconded by Mr. Byars, Council voted unanimously to re-appoint Ms. Linda Ensor to the Dorchester County Library Board, as Representatives for District #2.

DORCHESTER COUNTY SALES TAX TRANSPORTATION

20. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted six in favor, and one opposed, to appoint Mr. James D. McGraw to the Dorchester County Sales Tax Transportation Authority, as representative for District #2.

Chairman Hargett opposed.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

ADOPTION OF RESOLUTION #11-02, "A RESOLUTION APPROVING THE EXTENSION BY DORCHESTER COUNTY, SOUTH CAROLINA, OF THE AMENDED AND RESTATED LEASE AGREEMENT BY AND BETWEEN ROBERT BOSCH LLC, AND DORCHESTER COUNTY, SOUTH CAROLINA, (BETWEEN ROBERT BOSCH LLC PROJECT), PURSUANT TO THE PROVISIONS OF SOUTH CAROLINA CODE ANNOTATED, SECTION 4-29-67, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED"

21. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted unanimously to adopt Resolution #11-02, "A Resolution Approving the Extension by Dorchester County, South Carolina, of the Amended and Restated Lease Agreement by and Between Robert Bosch LLC, and Dorchester County, South Carolina, (Between Robert Bosch LLC Project), Pursuant To the Provisions of South Carolina Code Annotated, Section 4-29-67, Code of Laws of South Carolina 1976, as Amended".

1ST READING FOR "AN ORDINANCE AUTHORIZING DELIVERY BY DORCHESTER COUNTY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT WITH FORESTRY RESEARCH HOLDINGS, LLC, AND OTHER MATTERS RELATED THERETO"

22. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 1st Reading for "An Ordinance Authorizing Delivery by Dorchester County of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and Other Matters Related Thereto"

1ST READING FOR "AN ORDINANCE TO AMEND THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON MAY 17, 2010, BY AND AMONG DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE PROPERTY OF FORESTRY RESEARCH HOLDINGS, LLC"

23. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give for 1st Reading for "An Ordinance to Amend the Amended and Restated Agreement for Development of a Joint County Industrial Park executed on May 17, 2010, by and among Dorchester County, South Carolina, and Orangeburg County, South Carolina, Providing for the Development of a Jointly Operated Industrial/Business Park so as to include property of Forestry Research Holdings, LLC"

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into to Executive Session to discuss a confidential economic development project and to give legal advice regarding a road closing, and to discuss a personnel matter.

EXECUTIVE SESSION 9:13 P.M.

24. 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 9:39 P.M.

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

ROAD CLOSING

25. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted one in favor, and six opposed, to close Bear Branch Road located in Reevesville for Mr. Charlie Moorer.

Council Members Byars, Chinnis, Davis, Hargett, Hearn, and Rosebrock opposed.

ADOPTION OF RESOLUTION #11-03, "A RESOLUTION AUTHORIZING AN INDUCEMENT AGREEMENT BY DORCHESTER COUNTY RELATING TO ECONOMIC DEVELOPMENT INCENTIVES FOR PROJECT ATKINS"

26. On the motion of Mr. Bailey, seconded by Mr. Chinnis, Council voted unanimously to adopt Resolution #11-03, "Authorizing an Inducement Agreement by Dorchester County Relating to Economic Development Incentives for Project Atkins."

MOTION FOR RECONSIDERATION OF AN APPOINTMENT

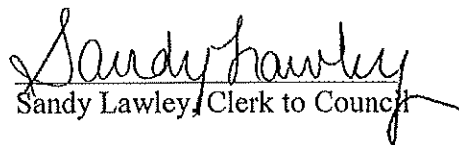
27. Mr. Hearn motioned, seconded by Mr. Rosebrock, to reconsider the appointment made by Councilman Chinnis to the Dorchester County Sales Tax Transportation Authority.

Upon discussion by Council, the Chairman called a short recess where the County Attorney could research the issue concerning the above subject. Upon reconvening, Mr. Frampton reported on the issue.

Mr. Rosebrock withdrew his second and therefore, Mr. Hearn's motion failed for lack of a second.

ADJOURNMENT

28. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to adjourn. Time of adjournment was 10:23 p.m.


Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
FEBRUARY 22, 2011
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. LARRY HARGETT

- Requests to Address Council
- Adoption of Minutes from February 7, 2011, County Council Meeting
- Correspondence

3. COUNCILMEMBER'S TIME

- Councilman Jay Byars**- 1st Reading to Amend Ordinance 05-03, "An Ordinance Pursuant to S.C. Code of Laws Section 4-37-10, An Ordinance to Create The Dorchester County Sales Tax Transportation Authority; To Provide for Its Membership an Appointment; To Provide for Its Rights and Powers; and Other Matters Related Thereto"
- Councilman George H. Bailey**- Freeze the Hiring, Replacement, and Salaries of all Full-time Positions

4. GUESTS

- Mr. John Henderson & Mr. Robert Benfield-SCAC Workers' Comp. Trust Presentation of Risk Management and Safety Awards
- Mr. Lee Moulder, Budget & Finance Director, Presentation of January 2011 Financial Report

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

- Request for Funds for Richard H. Rosebrock Park

6. COMMITTEE REPORTS

Chairman Richard Rosebrock, Public Works Property & Utilities Committee Report

- Hideaway Road Givhans

Chairman David Chinnis, Agenda and Rules Committee Report

- Amendments to Ordinance #97-05, "Organization and Rules of the Dorchester County Council"

Chairman Larry Hargett, Budget, Finance, and Purchasing Committee Report

- Request for Approval of Purchasing Procedures Manual Update

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for New Sewer Service to Coastal Carolina Family Dentistry TMS #181-00-00-102
- Request for Approval - Use of Impact Fees to Clean, Repair and Adjust Weir Height on Two Aeration Basins

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

Page Two
Dorchester County Council
February 22, 2011

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

- Public Hearing and 2nd Reading for “An Ordinance Authorizing Delivery by Dorchester County of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and Other Matters Related Thereto”
- Public Hearing and 2nd Reading for “An Ordinance to Amend the Amended and Restated Agreement for Development of a Joint County Industrial Park executed on May 17, 2010, by and among Dorchester County, South Carolina, and Orangeburg County, South Carolina, Providing for the Development of a Jointly Operated Industrial/Business Park so as to include Property of Forestry Research Holdings, LLC”
- Executive Session
 - Confidential Economic Development Project
 - Legal Advice
 - Contractual Matters
 - Courthouse

9. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



JAY BYARS

DAVID CHINNIS

WILLIE DAVIS

WILLIAM "BILL" HEARN, JR.

RICHARD ROSEBROCK

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

FEBRUARY 22, 2011

7:00 P.M.

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

PRESENT: Mr. Larry Hargett--Chairman
Mr. George Bailey--Vice Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. Bill Hearn
Mr. Richard Rosebrock
Mrs. Ashley McDonald--Deputy Administrator
Mr. John Frampton--County Attorney
Mrs. Gina R. Sams--Admin. Asst. to Council

ABSENT: Mr. Jason Ward--Administrator

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

REQUEST TO ADDRESS COUNCIL

There following person(s) requested to address Council.

- Mr. Rickey Johnson, resident of St. George, South Carolina came before Council and requested assistance with establishing a dirt road around Widow Moore Integrated Cemetery, which has been known locally as a historical cemetery located just pass Rosinville, South Carolina.

REQUEST TO ADDRESS COUNCIL-CONTINUED

Upon receiving Mr. Johnson's request for assistance with Widow Moore Integrated Cemetery the following action was taken:

WIDOW MOORE INTEGRATED CEMETERY DIRT ROAD PLACED INTO THE PUBLIC WORKS, PROPERTY, AND UTILITIES COMMITTEE

1. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously, to place the request to establish a dirt road going around Widow Moore Integrated Cemetery into Council's Public Works, Property, and Utilities Committee.

*Chairman Hargett reported he would reserve time to receive comments from Mr. Robby Robbins under the "Request to Address Council" segment of Council's meeting.

ADOPTION OF MINUTES FROM THE FEBRUARY 7, 2011, COUNTY COUNCIL MEETING

2. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously, to adopt the Minutes from the February 7, 2011, County Council Meeting.

CORRESPONDENCE

There were no correspondences reported out.

COUNCILMEMBER'S TIME

COUNCILMAN JAY BYARS

1ST READING TO AMEND ORDINANCE #05-03, "AN ORDINANCE PURSUANT TO S.C. CODE OF LAWS SECTION 4-37-10, AN ORDINANCE TO CREATE THE DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY; TO PROVIDE FOR ITS MEMBERSHIP AN APPOINTMENT; TO PROVIDE FOR ITS RIGHTS AND POWERS; AND OTHER MATTERS RELATED THERETO"

Councilman Byars stated the following by way of a motion:

I move that Dorchester County Ordinance Number 2005-03 which created the Dorchester County Sales Tax Transportation Authority be amended by deleting Section 2 Membership and Appointment in its entirety and substituting a new Section 2 Membership and Appointment which would read as follows:

"The Authority hereby created shall be governed by a Board composed of (nine) 9 members who shall be appointed as follows:

COUNCILMEMBER'S TIME-CONINTUED

COUNCILMAN JAY BYARS

1ST READING TO AMEND ORDINANCE #05-03, "AN ORDINANCE PURSUANT TO S.C. CDE OF LAWS SECTION 4-37-10, AN ORDINANCE TO CREATE THE DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY; TO PROVIDE FOR ITS MEMBERSHIP AN APPOINTMENT; TO PROVIDE FOR ITS RIGHTS AND POWERS; AND OTHER MATTERS RELATED THERETO"

Each member of Dorchester County Council shall have one (1) appointment to the Board, subject to the approval of a majority of Dorchester County Council. There shall be no requirement that an appointee be a resident of the council district of the Council member making the appointment. The remaining two (2) members of the board shall be appointed by a majority vote of Dorchester County Council."

Additionally, I would move to amend Section 3Term of Office by adding that the two members appointed by County Council as a whole would serve a term of four (4) years from date of appointment; provided, however, that such appointees may be removed during their term of office by a majority vote of Dorchester County Council.

3. Mr. Byars' motion was seconded by Mr. Hearn, and concluding discussions, Council voted four in favor, two opposed, and one abstention, to give 1st Reading to Amend Ordinance #05-03, "An Ordinance Pursuant to S.C. Code of Laws Section 4-37-10, An Ordinance to Create the Dorchester County Sales Tax Transportation Authority; To Provided for Its Membership an Appointment; To Provided for Its Rights and Powers; and Other Related Thereto".

Councilmen Chinnis and Davis opposed, and Councilman Bailey abstained.

COUNCILMAN GEORGE H. BAILEY

FREEZE THE HIRING, REPLACEMENT, AND SALARIES OF ALL FULL-TIME POSITIONS

Mr. Bailey provided remarks regarding his observations prior to coming on County Council and his recognizing the issues coming out of Columbia relating to budget constraints. Mr. Bailey made the following motion:

4. Mr. Bailey motioned to freeze the hiring, replacement, and salaries of all full-time positions as of February 22, 2011, with the exception of the Sheriff's Department and the EMS Department for the next 120 days, Mr. Byars seconded the motion.
5. Mr. Chinnis motioned to table the motion until the next regularly scheduled Council meeting in order to have the County Administrator present to address this issue himself, Mr. Davis seconded the motion.

Mr. Hearn requested for this matter to be placed into the Council's Budget, Purchasing, and Finance Committee.

COUNCILMEMBER'S TIME-CONINTUED

COUNCILMAN GEORGE H. BAILEY

FREEZE THE HIRING, REPLACEMENT, AND SALARIES OF ALL FULL-TIME POSITIONS

Concluding Council's discussions, Mr. Chinnis withdrew his motion (#5) to table the above subject titled, "Freeze the Hiring, Replacement, and Salaries of all Full-Time Positions". Mr. Davis withdrew his second, and the following action was taken:

6. Mr. Chinnis motioned to place the subject titled "Freeze the Hiring, Replacement, and Salaries of all Full-Time Positions" into Council's Budget, Finance, and Purchasing Committee, Mr. Rosebrock seconded, and Council voted unanimously in favor of the motion.

GUESTS

MR. JOHN HENDERSON & MR. ROBERT BENFIELD-SCAC WORKERS' COMP. TRUST PRESENTATION OF RISK MANAGEMENT AND SAFETY AWARDS

Mr. Henderson with the South Carolina Association of Counties came before Council and noted Mr. Benfield was unable to attend and instead he would be giving the Workers' Comp Trust presentation of Risk Management and Safety awards.

Mr. Henderson presented a Continued Excellence in Risk Management Award and a Service Award to the Dorchester County's Risk Management and Safety Department. Mr. Henderson also presented an Outstanding Safety Achievement Award to the County's Sheriff, Mr. L.C. Knight as well as the Sheriff's Office.

Mr. Schmenk of the County's Risk Management and Safety Department reported major saving of approximately \$200,000 and stated the County's workers compensation premiums were lower in this current budget year than what was paid five years ago, which were due to the County's pro-active risk management and safety programs. Mr. Schmenk presented certificates to the County's Detention Center and the County's Water and Sewer Department. The Detention Center was recognized for going over 3 years without a time loss injury claim. The Water and Sewer Department was recognized for going over 2 years without a time loss injury claim as well.

Council and all attendees recognized all award recipients by applauding their achievements.

PRESENTATION OF JANUARY 2011 FINANCIAL REPORT

Mr. Moulder, Director of Dorchester County's Finance Department, came before Council and presented the County's Monthly Budget Report for the period ending January 31, 2011.

PRESENTATION OF JANUARY 2011 FINANCIAL REPORT-CONTINUED

The report included a detailed summary of the General Fund, Capital Improvement Fund, Water and Sewer Fund, Storm Water Fund, and Solid Waste Fund.

In addition, Mr. Moulder provided a supplemental overview of additional information outside of the budget summaries, which included the following: Major General Fund Revenues, Major General Fund Expenditures, Major Water & Sewer Fund Revenues, Major Water and Sewer Fund Expenditures, Major Storm Water Revenues, Major Storm Water Expenditures, Major Solid Waste Revenues, Major Solid Waste Expenditures, and a listing of General Fund Revenues in descending order.

Overall Mr. Moulder reported being cautiously optimistic with the County's current financial status.

COUNTY ADMINISTRATOR'S TIME, MR. JASON WARD/ASHLEY MCDONALD

REQUEST FOR FUNDS FOR RICHARD H. ROSEBROCK PARK

On behalf of the County Administrator, Mrs. McDonald, Deputy County Administrator, provided to Council for their consideration a budget to complete the Richard H. Rosebrock Park. It was reported that the Park budget would use County recreation fund monies, state and federal funds, county labor, and in-kind assistance. To date volunteers completed the clearing of over .5 miles of trails and constructed a bridge. The County's Public Works staff have surveyed new trails, cleared property, and assisted in placement of materials for a bridge. Additionally, SCE &G donated light poles for the bridge and have in place a lease for a portion of the park with Charleston CPW.

Mrs. McDonald reported on the cost estimates from Haden Stanziale vs. the County completing the park project in-house. Haden Stanziale's cost estimate totaled approximately \$1,883,000. The County's in-house cost estimate totaled approximately \$272,875.

7. On the motion of Mr. Bailey, seconded by Mr. Chinnis, Council voted six in favor and one abstention, to approve the request of \$200,000 for the completion of the Richard H. Rosebrock Park.

Mr. Rosebrock abstained.

Chairman Hargett reported wanted to thank and acknowledge the following people for attending, under "Chairman's Time": Summerville Town Councilman, Bob Jackson; former County Councilman, Kenny Waggoner; Dorchester County Sales Tax Transportation Authority Chairman, Mr. Marshall Murdaugh.

REQUEST TO ADDRESS COUNCIL-CONTINUED

Chairman Hargett reopened the floor to receive comments from Mr. Robby Robbins as referenced on Page Two (*).

Mr. Robbins thanked Council for giving him time to address the Non-Profit Corporation, Arts, Business, Civic Coalition of Summerville/Dorchester County, Inc (ABC Coalition). Mr. Robbins reported the ABC Coalition vision, mission and its methodology. Also reported was the ABC Coalitions Short Term Organization Action Goal, as well as its Long Term Organization Action Goals.

The ABC Coalition was developed to ensure that arts, business and civic needs, through partnerships, continue to play an integral role in the cultural well being, and economic life of the greater Summerville area and surrounding counties. Mr. Robbins explained there was not a current Civic Center or other locations in the Summerville area for students or businesses to hold events within the County and it was the Coalition attempt to change this but it would need assistance in identifying a location and the cost for a center.

Mr. Robbins reported the Coalition had a matching 25/25 grant opportunity. If the Coalition were able to come up with \$25,000, then the grant could award \$25,000, which would provide \$50,000 for the organization to have a feasibility study performed. Mr. Robbins requested if Dorchester County Council would participate in the way of \$5,000 to meet the Coalition's goal of receiving grant monies. Mr. Robbins explained the grant application deadline was set for March 1, 2011 and hence the urgency of his coming before Council.

REQUEST FOR RECESS

Mr. Chinnis requested a recess.

8. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted unanimously to take a recess.

Council came back from the recess and the following action was taken:

PARTICIPATION WITH ABC COALITION FROM COUNCIL CONTINGENCY

9. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously in favor to provide \$4,999 from Council's Contingency Fund, for the Arts, Business, Civic Coalition of Summerville/Dorchester County, Inc.

COMMITTEE REPORTS

**PUBLIC WORKS PROPERTY & UTILITIES COMMITTEE REPORT- CHAIRMAN
RICHARD ROSEBROCK**

HIDEAWAY LANE

10. Mr. Rosebrock reported that the Public Works, Property, and Utilities Committee's recommendation to Council was for the County Attorney be authorized to offer the following settlement proposal to the parties involved in the Hideaway Lane lawsuit in order to end that litigation: The parties involved in the litigation would grant to Dorchester irrevocable permission to continue county maintenance of Hideaway Lane within its existing roadbed as far as practicable. The County would agree not to pave the roadbed but would instead continue its maintenance as it has historically. This proposal would be reduced to a Court Order ending this litigation. Council voted three in favor, three opposed, and one abstention on the recommendation.

The motion failed.

11. Mr. Davis motioned to reconsider the matter of Hideaway Lane, Mr. Rosebrock seconded, and upon Council's discussions motion (#11) was withdrawn, and it was agreed for this item to be held later in this meeting.

AGENDA AND RULES COMMITTEE- CHAIRMAN DAVID CHINNIS

Chairman Chinnis reported the Agenda and Rules Committee had met earlier for the purpose of discussing the subject of Amendments to Ordinance #97-05, "Organization and Rules of the Dorchester County Council" and the Committee voted to keep this matter in Committee for further study.

Chairman Hargett passed the gavel to Vice Chairman Bailey for the purpose of giving the following Committee Reports:

**BUDGET, FINANCE, AND PURCHASING COMMITTEE-CHAIRMAN LARRY
HARGETT**

REQUEST FOR APPROVAL OF PURCHASING PROCEDURE MANUAL UPDATE

12. Chairman Hargett reported the Budget, Finance and Purchasing Committee's recommendation to Council was to approve the update to the Purchasing Procedure Manual. Council voted unanimously in favor of the recommendation.

**WATER & SEWER COMMITTEE REPORT-CHAIRMAN LARRY HARGETT-
CONTINUED**

**REQUEST FOR NEW SEWER SERVICE TO COASTAL CAROLINA FAMILY
DENTISTRY, TMS #181-00-00-102**

13. Chairman Hargett reported the Water and Sewer Committee's first recommendation was for Council to approve a request for new sewer service to Coastal Carolina Family Dentistry, TMS #181-00-00-102. Council voted unanimously in favor of the recommendation.

**REQUEST FOR APPROVAL – USE OF IMPACT FEES TO CLEAN, REPAIR AND
ADJUST WEIR HEIGHT ON TWO AERATION BASINS**

14. Chairman Hargett reported the Water and Sewer Committee's second recommendation to Council was to approve a request to clean, repair and adjust weir height on two aeration basins at the County's sewer plant. Council voted unanimously in favor of the recommendation.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

APPOINTMENTS TO BOARDS AND COMMISSIONS

15. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to re-appoint Mr. Marion Thompson to the Trident Area Commission.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

**PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE AUTHORIZING
DELIVERY BY DORCHESTER COUNTY OF A SPECIAL SOURCE REVENUE
CREDIT AGREEMENT WITH FORESTRY RESEARCH HOLDINGS, LLC, AND
OTHER MATTERS RELATED THERETO”**

County Attorney, John Frampton, called for Council to hold a Public Hearing on the above referenced title.

Chairman Hargett opened the Public Hearing to receive comments on the above referenced title; hearing no comments the Public Hearing was closed.

County Attorney, John Frampton, requested Council's consideration to give 2nd Reading for “An Ordinance Authorizing Delivery by Dorchester County of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and Other Matter Related Thereto”.

16. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 2nd Reading for “An Ordinance Authorizing Delivery By Dorchester County of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and Other Matter Related Thereto”.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE TO AMEND THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON MAY 17, 2010, BY AND AMONG DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE PROPERTY OF FORESTRY RESEARCH HOLDINGS, LLC”

County Attorney, John Frampton, called for Council to hold a Public Hearing on the above referenced title.

Chairman opened the Public Hearing to receive comments on the above referenced title; hearing no comments the Public Hearing was closed.

County Attorney, John Frampton, requested Council to consider giving 2nd Reading for “An Ordinance to Amend the Amended and Restated Agreement for Development of a Joint County Industrial Park Executed on May 17, 2010, by and among Dorchester County, South Carolina and Orangeburg, South Carolina, Providing for the Development of a Jointly Operated Industrial/Business Park so as to include Property of Forestry Research holdings, LLC”

17. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 2nd Reading for “An Ordinance to Amend the Amended and Restated Agreement for Development of a Joint County Industrial Park Executed on May 17, 2010, by and among Dorchester County, South Carolina and Orangeburg, South Carolina, Providing for the Development of a Jointly Operated Industrial/Business Park so as to include Property of Forestry Research holdings, LLC”

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into executive session to discuss Hideaway Lane, a confidential Economic Development Project, and to give legal advice regarding contractual matters concerning the senior centers, fire district, and the County's courthouse.

EXECUTIVE SESSION 8:41 P.M.

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

RECONVENE FROM EXECUTIVE SESSION 10:04 P.M.

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

**OLD FORT FIRE PROTECTION PLACEMENT INTO PUBLIC SAFETY, HEALTH,
AND HUMAN SERVICES COMMITTEE**

19. Council voted unanimously to place the subject of Old Fort Fire Protection into Council's Public Safety, Health and Human Services Committee.

HIDEAWAY LANE

20. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously in favor for the County Attorney to be authorized and to offer the following settlement proposal to the parties involved in the Hideaway Lane lawsuit in order to end that litigation: The parties involved in the litigation would grant to Dorchester irrevocable permission to continue county maintenance of Hideaway Lane within its existing roadbed as far as practicable. The County would agree not to pave the roadbed but would instead continue its maintenance as it has historically. This proposal would be reduced to a Court Order ending this litigation

**LETTER TO BOTH TOWNS OF SUMMERVILLE & ST. GEORGE TO CONVEY
SENIOR CENTER SITES TO DORCHESTER COUNTY**

21. On the motion of Mr. Hearn, seconded by Mr. Rosebrock, Council voted unanimously in favor to have the County Administrator send a letter of request to both towns of Summerville and St. George, requesting they convey the Senior Center sites to Dorchester County.

**ALLOCATION OF FUNDS TO ECONOMIC DEVELOPMENT FUND FOR
RECLAIMING WATER PROJECT AT LOWER WASTEWATER TREATMENT
PLANT**

22. On the motion of Mr. Byars, seconded by Mr. Rosebrock, Council voted unanimously in favor to allocate \$330,000 to the Economic Development Fund for the design and engineering for the Reclaiming Water Project at the lower wastewater treatment plant.

ADJOURNMENT 10:06 P.M.

23. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted unanimously to adjourn.



Gina R. Sams, Admin. Asst. to Council

**AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERSVILLE
MARCH 7, 2011
7:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. LARRY HARGETT

- Requests to Address Council
- Adoption of Minutes from February 22, 2011, County Council Meeting
- Request to Amend the "Dorchester County Council Meeting Schedule for 2011" -
"Change Regular Scheduled Meeting from April 18th, 2011 to April 19th, 2011, and
Add a County Council Meeting on March 24th, 2011"
- 2nd Reading for "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase
the Membership of the Dorchester County Sales Tax Transportation Authority"
- Correspondence

3. COUNCILMEMBER'S TIME- COUNCILMAN GEORGE H. BAILEY

- Problem with Beavers in Dorchester County

4. GUEST

- Dorchester County Sales Tax Transportation Authority Roadway Improvement Program Presentation

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

- Request for Funding Summerville 4th of July Fireworks
- Request to Split Associate Probate Judge Part-time Position

6. COMMITTEE REPORTS

Chairman George Bailey, Public Safety, Health and Human Services Committee

- Executive Session-Contractual Matter –Old Fort Fire Department

Chairman Bill Hearn, Planning, Development and Building Committee

- Public Hearing and Recommendation for 2nd Reading for Rezoning Request #645 for Dorchester County
Council, TMS #128-00-00-154

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- 3rd Reading for Ordinance # 11-05, "An Ordinance Authorizing Delivery by Dorchester County
of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and
Other Matters Related Thereto"
- 3rd Reading for Ordinance # 11-06, "An Ordinance to Amend the Amended and Restated
Agreement for Development of a Joint County Industrial Park executed on May 17, 2010, by
and among Dorchester County, South Carolina, and Orangeburg County, South Carolina,
Providing for the Development of a Jointly Operated Industrial/Business Park so as to include
Property of Forestry Research Holdings, LLC"
- Executive Session-
 - Confidential Economic Development Project
 - Legal Advice
 - School District Budgets
 - Illegal Parking
 - Contractual Matter
 - Personnel Matter

9. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE-CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



WILLIE R. DAVIS

WILLIAM (BILL) HEARN, JR.

DAVID CHINNIS

RICHARD ROSEBROCK

JAY BYARS

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

MARCH 7, 2011

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. Larry Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. William "Bill" Hearn
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

REQUESTS TO ADDRESS COUNCIL

The following citizen filled out a card to address Council.

- Ms. Linda Haynes Whetsell of 108 Atlantic Street located in the Town of Summerville addressed Council regarding problems with noise and pollution from the street behind her home, which was under county zoning and zoned "Industrial Use". She stated she had appeared before Council for assistance with this matter before because the two industries on that street have affected her health, sleep, and quality of life, along with other residents of Atlantic Street. She requested Council to take action in helping her and the other residents. Councilman Hearn, her representative, stated that DHEC had been informed of the problems and would hold a Community Meeting with the residents of Atlantic Street and she would be called about the meeting and thanked her for her time and patience.

ADOPTION OF MINUTES FROM FEBRUARY 22, 2011, COUNTY COUNCIL MEETING

1. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to adopt the minutes from the February 22, 2011, County Council Meeting.

REQUEST TO AMEND THE "DORCHESTER COUNTY COUNCIL MEETING SCHEDULE FOR 2011" - "CHANGE REGULAR SCHEDULED MEETING FROM APRIL 18TH, 2011 TO APRIL 19TH, 2011, AND ADD A COUNTY COUNCIL MEETING ON MARCH 24TH, 2011"

Chairman Hargett entertained a motion to amend the "Dorchester County Council Meeting Schedule for 2011" by changing the regular scheduled meeting from Monday, April 18, 2011, to Tuesday, April 19, 2011, (St. George at 7:00 p.m.) and by adding a Council meeting on Thursday, March 24, 2011 at 4:00 p.m. in Summerville. The Chairman asked if Council had any questions. Councilman Chinnis stated he wanted to clarify the reason for the change of the Council Meeting from April 18, and that reason was so the Legislative Delegation could meet on the 18th in Summerville. Chairman Hargett agreed that was the reason for the change and stated Council was to make a presentation to the Delegation.

2. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted six in favor, and one opposed, to Amend the "Dorchester County Council Meeting Schedule for 2011", by changing the Regular Scheduled Meeting from April 18th, 2011 to April 19th, 2011, (same place and time as scheduled) and add a Council Meeting on March 24th, 2011, at 4:00 p.m. in Summerville.

Councilman Chinnis opposed.

2ND READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE NUMBER 2005-03 TO INCREASE THE MEMBERSHIP OF THE DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY"

Chairman Hargett stated that at the last meeting "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase the Membership of the Dorchester County Sales Tax Transportation Authority", was given 1st Reading, and now he would entertain a motion for 2nd Reading.

3. On the motion of Mr. Byars, seconded by Mr. Hearn, the motion was made to give 2nd Reading for "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase the Membership of the Dorchester County Sales Tax Transportation Authority".
4. Mr. Rosebrock motioned, Mr. Hearn seconded, and Council voted five in favor, and two opposed, that prior to giving 2nd Reading this proposed Ordinance be amended to remove any advertising requirements as required by County Ordinance #97-05, as amended.

Council Members Chinnis and Davis opposed.

The discussions that took place upon Councilman Rosebrock making the above motion were over the "Rules of Council" regarding advertisement, and the appointment of voting members versus non-voting members.

5. Council then voted four in favor, two opposed, and one abstention, to give 2nd Reading for "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase the Membership of the Dorchester County Sales Tax Transportation Authority", as amended.

Council Members Chinnis and Davis opposed and Councilman Bailey abstained.

COUNCIL MEMBER'S TIME – COUNCIL GEORGE H. BAILEY
PROBLEM WITH BEAVERS IN DORCHESTER COUNTY

Councilman Bailey requested to adjourn debate until the next meeting, which is scheduled for March 21, 2011, so that more information could be gathered on this item along with the USDA Program that he will be speaking about.

GUESTS
DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY ROADWAY
IMPROVEMENT PROGRAM PRESENTATION

Mr. Mark Pilgrim, a member of the Dorchester Sales Tax Transportation Authority came before Council and thanked them for time to present an update on the Dorchester County Road Improvement Program. He introduced Mr. Donnie Dukes of Davis and Floyd Engineering who provided Council with a presentation on the 22 road projects selected by a "County Citizens Committee" in June of 2004. Mr. Dukes informed Council and the citizens in attendance of a "1 Cent Sales Tax Website", which was setup so anyone can get information on the road projects, along with other useful information and that web address was: (www.dorchesterroadstax.org). Mr. Dukes' presentation included Program Milestones, Financial Information (\$87 million in expenditures to date), and Information of Public Meetings and Hearings. In addition, he gave updates on the projects, which were completed, projects under construction, and projects soon to start. The listing included contractors for each and the amounts for each project. Also provided in the report were the "4 Major Projects", the Berlin G. Myers Parkway Phase 3, Dorchester Road Improvements, Bacons Bridge Road Improvements, and US Highway 78 Improvements. Mr. Dukes gave a detailed report on each of the major projects. He stated that Phase 3 of US Highway 78 was the only project that was unfunded. In addition, he went over projects that come under the State Infrastructure Bank, and the County Transportation Committee, which are projects that were not under the Referendum.

In conclusion, Mr. Dukes stated that currently 18 of the 22 road projects are complete. He then gave Council an overall summary as of March 7, 2011, which was broken down as follows: *Firm Program Funds \$205 million, Anticipated additional funds (Rural Guideshare) \$24 million, Program Funding Requirements \$295 million, Shortfall \$66 million, US Highway 78 Phase 3- Major Project "Unfunded", and the most hopeful addition funding source State Infrastructure Bank, which has no funds at this time.* Upon the end of his presentation, Mr. Dukes took questions from County Council on the presentation and various projects. In addition, members of the Authority answered questions from Council and afterwards Council thanked the Authority Members and Mr. Dukes for their time and dedication to Dorchester County.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
REQUEST FOR FUNDING SUMMERVILLE 4TH OF JULY FIREWORKS

6. On the motion of Mr. Rosebrock, seconded by Mr. Bailey, Council voted unanimously to deny the request for funding for the Summerville 4th of July Fireworks in the amount of \$10,000.

REQUEST TO SPLIT ASSOCIATE PROBATE JUDGE PART-TIME POSITION

7. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously to approve the request from the Dorchester County Probate Judge for the revenue neutral position split of the 20-hour "Associate Probate Judge Part-time Position", to two 10-hour Associate Probate Judges.

COMMITTEE REPORTS
PUBLIC SAFETY, HEALTH, AND HUMAN SERVICES COMMITTEE –
CHAIRMAN GEORGE BAILEY
CONTRACTUAL MATTER –OLD FORT FIRE DEPARTMENT

Chairman Bailey reported the Public Safety, Health, and Human Services Committee met earlier, and went into Executive Session, to discuss a contractual matter and no action was taken.

PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE –CHAIRMAN BILL HEARN
PUBLIC HEARING AND RECOMMENDATION FOR 2ND READING FOR REZONING
REQUEST #645 FOR DORCHESTER COUNTY COUNCIL, TMS #128-00-00-154

8. Chairman Hearn stated a Planning, Development, and Building Committee meeting was held earlier, on the item Rezoning Request #645, TMS #128-00-00-154. He reported after the Public Hearing the Committee's unanimous recommendation to Council was to approve 2nd Reading for Rezoning Request #645 for Dorchester County Council, TMS #128-00-00-154. Council voted unanimously in favor of the recommendation.

APPOINTMENTS TO BOARDS AND COMMISSIONS
DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY

9. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted unanimously in favor of the appointment of Mr. Marshall Murdaugh to the Dorchester County Sales Tax Transportation Authority for District #3 Representative.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
3RD READING FOR ORDINANCE # 11-05, "AN ORDINANCE AUTHORIZING DELIVERY
BY DORCHESTER COUNTY OF A SPECIAL SOURCE REVENUE CREDIT AGREEMENT
WITH FORESTRY RESEARCH HOLDINGS, LLC, AND OTHER MATTERS RELATED
THERE TO"

10. On the motion of Mr. Rosebrock, seconded by Mr. Hearn, Council voted unanimously to give 3rd Reading for Ordinance #11-05, "An Ordinance Authorizing Delivery by Dorchester County of a Special Source Revenue Credit Agreement with Forestry Research Holdings, LLC, and Other Matters Related Thereto".

3RD READING FOR ORDINANCE # 11-06, "AN ORDINANCE TO AMEND THE AMENDED
AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY
INDUSTRIAL PARK EXECUTED ON MAY 17, 2010, BY AND AMONG DORCHESTER
COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA,
PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OPERATED
INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE PROPERTY OF FORESTRY
RESEARCH HOLDINGS, LLC"

11. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Ordinance #11-06, "An Ordinance to Amend the Amended and Restated Agreement for Development of a Joint County Industrial Park executed on May 17, 2010, by and among Dorchester County, South Carolina, and Orangeburg County, South Carolina, Providing for the Development of a Jointly Operated Industrial/Business Park so as to include Property of Forestry Research Holdings, LLC".

COUNTY ATTORNEY'S TIME-CONTINUED

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session to receive information on a confidential economic development project, to receive legal advice concerning school district budgets, as well as the enforcement of a state-parking ordinance, to discuss a contractual matter, and a personnel matter.

EXECUTIVE SESSION 8:05 P.M.

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

RECONVENE FROM EXECUTIVE SESSION 9:49 P.M.

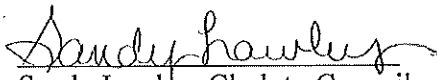
The County Attorney reported that Council discussed the previously announced items prior to going into Executive Session, and no action was taken.

**ADVERTISEMENT OF VACANCIES FOR DORCHESTER COUNTY PARKS
AND RECREATION COMMISSION AND DORCHESTER COUNTY
CONSERVATION COMMISSION**

13. On the motion of Mr. Chinnis, seconded by Mr. Rosebrock, Council voted unanimously to direct the Clerk or the Administrative Assistant to Council to post the vacancies to be filled, along with PDF's of the applications on the County's web site for the Dorchester County Parks and Recreation Commission, and the Dorchester County Conservation Commission, as well as run advertisements for the vacancies in the Post and Courier, the Summerville Journal Scene, and the Dorchester Eagle Record, to ensure that County Council has received the greatest possible pool of applicants to review for both Commissions.

ADJOURNMENT

14. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously to adjourn. Time of adjournment was 9:56 p.m.


Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
MARCH 21, 2011
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. LARRY HARGETT

- Requests to Address Council
- Adoption of Minutes from March 7, 2011, County Council Meeting
- 3rd Reading for Ordinance #11-07, "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase the Membership of the Dorchester County Sales Tax Transportation Authority"
- Presentation of The Water Environmental Association of South Carolina's "Golden Manhole Award" to Mrs. Kristen Champagne
- Correspondence

3. COUNCILMEMBER'S TIME- COUNCILMAN RICHARD ROSEBROCK

- Presentation of the Senator David L. Thomas Award to Officer Donna Thomas

COUNCILMEMBER'S TIME- COUNCILMAN GEORGE H. BAILEY

- Update on Dedication of the Dorchester County Courthouse and Flag

4. GUESTS

- Mr. Lee Moulder, Budget & Finance Director, February 2011 Financial Report
- Mr. Dennis Locke, Finance Dir., City of Spartanburg- GFOA Distinguished Budget Presentation Award

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

- 3rd Reading for Rezoning Request #645 for Dorchester County Council, TMS #128-00-00-154
- Request for Council to Confer Authority of Zoning Administrator on Mr. Alec Brebner, Planning and Zoning Manager
- Road Maintenance Agreement Application –Waterside Landing

6. COMMITTEE REPORTS

Chairman Richard Rosebrock, Public Works Property & Utilities Committee Report

- Discussion of Beautification of Convenience Sites
- Removal of Old Committee Agenda Items from List

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for New Sewer Service to the Ponds Phase 2 Section 2, TMS# 151-00-00-098
- Request for New Sewer Service to the Ponds Phase 2 Section 3, TMS# 151-00-00-098
- Request for New Sewer Service to Taylor Plantation Phase 3A, TMS# 180-00-00-046
- Executive Session – Contractual Matter

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- 1st Reading to a Development Agreement by and Between Oakridge Landfill, Inc. and
Dorchester County, South Carolina
- Executive Session
 - Legal Advice
 - Zoning and Land Development Standards Ordinance
 - Clemson Extension Agreement
 - Winding Wood Road
 - Pine Trace Development
 - Contractual Matters
 - Paperless County Council Packets
 - County Council Chambers Audio Visual Improvements
 - Confidential Economic Development Prospects

9. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE-CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



WILLIE R. DAVIS

WILLIAM (BILL) HEARN, JR.

DAVID CHINNIS

RICHARD ROSEBROCK

JAY BYARS

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 MARCH 21, 2011 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. Larry Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. William "Bill" Hearn
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Mrs. Ashley McDonald, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

REQUESTS TO ADDRESS COUNCIL

The following citizens filled out cards to address Council:

- Mrs. Angie Crum addressed Council and stated she was speaking on behalf of all poor rural citizens in Dorchester County. She spoke on an article she read in the Summerville Journal Scene Newspaper about Council pondering the purchase of the Pine Trace property for a park. Mrs. Crum stated she felt now was not the time to spend any money on a park, when issues that are more important need attention and funding from the County. In addition, she submitted her comments in writing, which will be on file in the Council Office in St. George.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Mr. Richard Hayes addressed Council and spoke against proposed Ordinance #11-07, an Ordinance to increase the membership of the Sales Tax Transportation Authority. He stated that the current system was working well and does not need to be fixed and requested that Council please vote against this proposed Ordinance.
- Mr. David Rison addressed Council and spoke against proposed Ordinance #11-07, an Ordinance to increase the membership of the Sales Tax Transportation Authority. He also requested Council to vote against this proposed Ordinance.
- Mr. Harshad Vyas addressed Council and spoke in opposition of the proposed Ordinance #11-07, an Ordinance to increase the membership of the Sales Tax Transportation Authority. He stated that there was no justification to add the additional at-large members, and this goes against the fundamental rules of County Council in his opinion.
- Mr. Bob Jackson addressed Council as a member of Summerville Town Council, and a citizen of Dorchester County. He wanted to voice his opinion in favor of Council purchasing the Pine Trace property for a park and give his encouragement and support. Mr. Jackson gave several reasons on why this purchase would be ideal for the County and why the location of the property near the Bridges of Summerville Subdivision was perfect.
- Mr. John Mojonnier addressed Council regarding the new County Seal and discussed the heritage and values of Dorchester County represented on the seal. He spoke about how important natural landscaping was for the County as how it was represented on the seal and in the County's Comprehensive Plan, as roads were widened in the County. Mr. Mojonnier encouraged Council to deliberate and make decisions from our political center guided by our Comprehensive Plan and work for all the people in spite of special interest groups, who appear to seek unfair consideration and entitlement in development planning. In conclusion, he requested Council to manage quality growth with respect to Dorchester County's heritage and natural character.
- Ms. Margaret Turney addressed Council and spoke in opposition of the proposed Ordinance #11-07, an Ordinance to Increase the Membership of the Dorchester County Sales Tax Transportation Authority. She requested that all members of Council oppose this Ordinance.
- Ms. Susan Shapiro addressed Council and spoke against proposed Ordinance #11-07, an Ordinance to Increase the Membership of the Dorchester County Sales Tax Transportation Authority, by two members. She stated that each Councilman had a representative, which was how the Authority was setup, and requested that Council oppose this Ordinance. Ms. Shapiro stated that the two new members would create a special interest group.
- Mrs. Barbara Mojonnier addressed Council and spoke in opposition of the proposed Ordinance #11-07, an Ordinance to Increase the Membership of the Dorchester County Sales Tax Transportation Authority. She stated that she had many questions on why the proposed Ordinance came about and whether or not the Chairman of the DCTA had requested in writing or verbally the need for more members. Mrs. Mojonnier said she did not understand the reason for Council even wanting to add more members and asked if this was for political reasons only. (Mrs. Mojonnier had a list of questions regarding the above subject matter, including questions on Boards and Commissions applications, qualifications of applicants, representation of all districts, and assistance to the DCTA by the County Attorney.)
- Mr. and Mrs. Art (Ann) Shields appeared before Council, on behalf of the Bridges of Summerville HOA, to urge Council to proceed with the purchase of the Pine Trace Property. They stated that the County was getting the property at a good price. Mr. Shields also listed the benefits for proceeding with the purchase of the property. They both stated this would benefit the entire County.

ADOPTION OF MINUTES FROM MARCH 7, 2011, COUNTY COUNCIL MEETING

1. On the motion of Mr. Bailey, seconded by Mr. Chinnis, Council voted unanimously to adopt the minutes from the March 7, 2011, County Council Meeting.

3RD READING FOR ORDINANCE #11-07, "AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE NUMBER 2005-03 TO INCREASE THE MEMBERSHIP OF THE DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY"

2. Mr. Hearn motioned, seconded by Mr. Byars, to give 3rd Reading for Ordinance #11-07, "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase the Membership of the Dorchester County Sales Tax Transportation Authority", to add two members to the Transportation Authority for a total of nine members.

Chairman Hargett asked Council if there was any discussion before a vote on the above motion. Council had a very long discussion period on this issue. County Attorney, John Frampton, was asked if he could represent the Dorchester County Sales Transportation Authority if the Authority asked him for assistance, and he responded yes, and that he has done so on several times. Chairman Hargett asked Mr. Frampton if it would be possible for him to represent the DCTA and Council at the same time if it became necessary. Mr. Frampton stated that he could unless there was a conflict, but he saw no reason where there would ever be a conflict between the two entities because the two work together. Each Member of Council shared their views in favor and in opposition of this proposed Ordinance. Before a vote on the main motion, Councilman Chinnis stated he had two amendments.

3. Mr. Chinnis motioned, to amend the main motion (# 2) by adding that Council adjust every County Board and Commission that Council appoints, with the exception of the Dorchester County Planning Commission, be amended to consist of nine members, where all Boards and Commissions would all have equal representation. Mr. Davis seconded the motion. After discussion, Council voted one in favor, five opposed, and one abstention. (Motion failed)

Council Members Hargett, Rosebrock, Davis, Byars and Bailey opposed and Councilman Davis abstained.

4. Mr. Chinnis motioned to amend the main motion (#2), seconded by Mr. Davis, and Council voted two in favor, and five opposed, if the proposed Ordinance #11-07, passed that the two at-large appointees to the DCTA be ex-officio (non-voting) members of the Authority, with all rights of discussion and participation at every meeting, except for voting rights. (Motion failed)

Council Members Hargett, Rosebrock, Davis, Byars and Bailey opposed.

Council now voted four in favor, and three opposed, on the main motion (#2), to give 3rd Reading for Ordinance #11-07, "An Ordinance to Amend Dorchester County Ordinance Number 2005-03 to Increase the Membership of the Dorchester County Sales Tax Transportation Authority", to add two more members to the Transportation Authority for a total of nine members.

Council Members Chinnis, Davis and Rosebrock opposed.

PRESENTATION OF THE WATER ENVIRONMENTAL ASSOCIATION OF SOUTH CAROLINA'S "GOLDEN MANHOLE AWARD" TO MS. KRISTEN CHAMPAGNE

Chairman Hargett along with Council presented Ms. Kristen Champagne, Dorchester County Water and Sewer Director, with the "Golden Manhole Award". Ms. Champagne was recognized by the Water Environmental Association of South Carolina with this award because of contributions to the water and sewer profession in South Carolina both as a practitioner and as an instructor in the "WEASC" Wastewater Collections School. Chairman Hargett along with Council stated that they were very proud that Ms. Champagne had received this award, and that she and her staff had worked diligently on the two systems in the County. Council thanked Mrs. Champagne for her dedicated service to Dorchester County.

CORRESPONDENCE

There were no correspondences reported out.

**COUNCILMEMBER'S TIME- COUNCILMAN RICHARD ROSEBROCK
PRESENTATION OF THE SENATOR DAVID L. THOMAS AWARD TO
OFFICER DONNA THOMAS**

Councilman Rosebrock along with Council presented Officer Donna Thomas with the "*Senator David L. Thomas Award*" from the SC Litter Control Association. Councilman Rosebrock spoke about Officer Thomas before the presentation of the award. He stated how Donna was a diligent Environmental Services Officer and then read a statement from Mr. Jamie Nelson, President of the South Carolina Litter Control Association, expressing his appreciation for her dedicated service and hard work. Mrs. Thomas has been actively involved with the SC Litter Control Association for 10 ½ years and has served as a board member since February of 2008, as well as the Lower Region Director, consisting of 15 counties, and approximately 45 members. Also in the statement from President Nelson, he stated that Donnas has given the SC Litter Control Association the same 100% positive work ethic that she carries to her job each day with Dorchester County. Councilman Rosebrock, along with each Councilman, thanked Mrs. Thomas for her dedicated service to Dorchester County.

**COUNCIL MEMBER'S TIME – COUNCILMAN GEORGE H. BAILEY
UPDATE ON DEDICATION OF THE DORCHESTER COUNTY COURTHOUSE
AND NEW FLAG**

Councilman Bailey gave Council an update on the dedication of the new Dorchester County Courthouse and new County Flag. He reminded Council that earlier in the year Council had voted to commit \$2000 to fund the ceremony to dedicate the new flag and then decided to dedicate the new Courthouse at the same time. Councilman Bailey reported how pleased he was to announce that the entire project would come in under budget. He reported the event has been scheduled for Thursday, May 19, at 3:30 p.m. In addition, he stated that Chief Justice Jean Toal has confirmed her attendance and Governor Haley was invited, but a reply of her attendance has not been received. Councilman Bailey thanked Mr. Ward for the group of people he selected as members for the Dedication Committee. He stated that he had a fine group, but wanted to single out one member, which was Mrs. Wendy Smith from the Economic Development Department, who has been such an asset and done a tremendous job in keeping everything straight.

MOTION TO AMEND THE AGENDA

5. On the motion of Mr. Chinnis, seconded by Mr. Hearn, Council voted unanimously, to amend the agenda to add an item under Council Member's Time.

**COUNCIL MEMBER'S TIME – COUNCILMAN DAVID CHINNIS
ELIMINATING ATI/POINT OF SALE HOUSE BILL AND SENATE BILL**

Councilman Chinnis brought to Council's attention the ramifications of several Bills, which were before the SC House of Representatives and the SC Senate that he felt could cause Dorchester County Council to have to raise taxes on its citizens. The House Bill 3713, currently being considered by the House of Representatives, would create the elimination of Assessable Transfer of Interest. By removing Assessable Transfers of Interest, this would lower millage values, which would force local entities to increase tax rates in order to pay back General Obligation Bonds for existing school buildings and local government buildings, and that would affect tax revenues and cause Council to raise taxes. He provided Council with handouts showing how much the County would lose in revenue in one year, which would be 2 Million dollars and he stated this figure would go up each year. Councilman Chinnis then asked the County Auditor, Mr. J.J. Messervy, if he would address Council on this issue.

Mr. J.J. Messervy addressed Council and stated how the Bills being considered would affect the millage rate and tax revenues. He stated that what this legislation was going to do was when the Legislators passed Act 388, which a portion of it made it so when a property was purchased the taxes on that property were based not on the old value, but on the new value. Mr. Messervy gave an example that if you owned a piece of property, taxed at \$1 million then sold the property for \$2 million, the property would be taxed at the \$2 million figure. He pointed out that there were several different Bills going around the SC General Assembly and the Legislature was saying that they are unfairly taxing those properties because identical properties, which were right next to each other were being taxed at higher rates. He stated the County's problem with this would be the County has based a lot of General Obligation Bonds, as well as operations, on Assessable Transfers of Interest, and as a result of losing these ATIs, (depending on our debt schedule, along with other factors) and all things being equal, the County would have to increase taxes on debt. Mr. Messervy reported that on the County's operating side this cost would be \$400,000 this year, and now if it were rolled back from the 2007 values, because we have not recognized them from 2010, looking at it like that, it would be like a 1% reduction in our entire County Budget, and that would be County Operating. Mr. Messervy concluded by giving Council an example of what the cuts would look like for the County, and asked if Council had any questions. Council thanked him for his time.

6. Mr. Chinnis motioned, seconded by Mr. Davis, and Council voted unanimously that Dorchester County Council send "notice" (Chairman's Letter) to the Legislative Delegation for Dorchester County of Council's disapproval of this effort in Columbia to force County Council to raise taxes on the citizens of Dorchester County. (More clarification of this motion on page 11)

(Motion #6 made regarding the above discussion. The passage of any of the proposed bills would severely cut local tax revenues, at a time when counties cannot afford more cuts. Removing the taxable value of ATI's from the last three (3) years will reduce current revenues for Dorchester County, its municipalities, school districts, and other agencies by \$2 Million.)

GUESTS

**MR. LEE MOULDER, BUDGET & FINANCE DIRECTOR,
FEBRUARY 2011 FINANCIAL REPORT**

Mr. Lee Moulder, the County's Budget & Finance Director, appeared before Council and gave the February 2011 Financial Report. The report included a detailed summary of the General Fund, Capital Improvement Fund, Water and Sewer Fund, Storm Water Fund, and Solid Waste Fund. He reported the County was in a positive position based on current trends, and commented if reviewed the total revenues were where they should be for February, which was at 67%. Mr. Moulder reported on the county's expenditures, and stated they looked good, and that Department Heads were currently continuing to work diligently on keeping the County Budget on track. In addition, he mentioned the different items discussed at the Budget Retreat and stated they were explained in detail in the report, he had provided to Council. Council thanked Mr. Moulder for his report.

**MR. DENNIS LOCKE, FINANCE DIRECTOR, CITY OF SPARTANBURG,
G.F.O.A DISTINGUISHED BUDGET PRESENTATION AWARD**

Mr. Dennis Locke, Finance Director for the City of Spartanburg, appeared before Council to present the G.F.O.A. Distinguished Budget Presentation Award. He stated that Dorchester County was one of six counties in South Carolina to receive this award. The Government Finance Officers Association recognized counties for producing budget documents that meet National Advisory Council on State and Local Budgeting guidelines and the association's recommended best practices on budgeting, with the distinguished budget award. G.F.O.A. reviewers evaluated the County's Fiscal Year 2011 Budget as a policy document, as a financial plan, as an operations guide, and as a communications device. The award was presented to Dorchester County Council, Mr. Jason Ward, County Administrator, Mrs. Ashley McDonald, Deputy County Administrator, Mr. Lee Moulder, Budget and Finance Director, and Mrs. Kara Gunter, Deputy Budget and Finance Director.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

**3RD READING FOR REZONING REQUEST #645 FOR DORCHESTER COUNTY
COUNCIL, TMS #128-00-00-154**

7. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading to Rezoning Request #645, for Dorchester County Council, TMS #128-00-00-154.

**REQUEST FOR COUNCIL TO CONFER AUTHORITY OF ZONING ADMINISTRATOR TO
MR. ALEC BREBNER, PLANNING AND ZONING MANAGER**

8. On the motion of Mr. Davis, seconded by Mr. Chinnis, Council voted unanimously to grant the request to confer authority of Zoning Administrator to Mr. Alec Brebner to enforce the zoning regulations of Dorchester County.

ROAD MAINTENANCE AGREEMENT APPLICATION –WATERSIDE LANDING

9. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted unanimously to authorize the Road Maintenance Agreement Application for the acceptance of certain roads (a portion of Waterside Landing Way, Whitfield Court, and Claybourne Court, as described in the application) in Waterside Landing and to begin the 12-month maintenance warranty period.

COMMITTEE REPORTS

**PUBLIC WORKS, PROPERTY AND UTILITIES COMMITTEE REPORT –
CHAIRMAN RICHARD ROSEBROCK**

DISCUSSION OF BEAUTIFICATION OF CONVENIENCE SITES

Chairman Rosebrock reported that the Public Works, Property and Utilities Committee met earlier in the evening, along with the County's Public Works Director, and the Committee discussed ways to improve the appearance of the convenience sites in areas around Summerville. In addition, Chairman Rosebrock reported that he and several members of Council recently toured the parks and recreation facilities in Rock Hill, South Carolina. He stated how impressed they were with the landscaping and design in Rock Hill, where the County had placed emphasis on beautification including the parks, convenience sites and County facilities, and the participation from local businesses. He reported that the Committee also discussed how improving the landscaping of areas around the County would be a major step in starting improvements and beautification within Dorchester County.

**REMOVAL OF OLD COMMITTEE AGENDA ITEMS FROM LIST
(REMOVAL OF STATE ROADS)**

10. Chairman Rosebrock stated that the Committee's recommendation to Council was to have all of the items listed below be removed from the "Committee Items Listing" except for one item, which was the, "Request for the Establishment of a Dirt Road Around Moorer Widow Integrated Historical Cemetery". Council voted unanimously in favor of the recommendation. The following items were removed:

- DC Road Maintenance Policy Ordinance #97-12
- Dogwood Ridge Road
- Old Spell Road
- Yerby Road
- County's Acceptance of State Roads: Parlor Drive (S-259), Old Fort Road (S-662), Harold Road (S-749), Holbrook Drive (S-750), Ronald Drive (S-751), Old Fort Road (S-748)

OTHER BUSINESS

Chairman Rosebrock stated that several citizens had approached him about a reduction of the speed limit from 45 mph to 35 mph, along Bacons Bridge Road, which is a state road. He stated that the Committee had not made a motion or recommendation on this; instead, Councilman Bailey would be taking this issue to the South Carolina Department of Transportation.

Chairman Hargett passed the gavel to Vice Chairman Bailey where he could give the Water and Sewer Committee report from its meeting that was held earlier in the evening.

COMMITTEE REPORTS CONTINUED

WATER AND SEWER COMMITTEE REPORT, CHAIRMAN LARRY HARGETT

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

11. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for new sewer service to the Ponds Subdivision, Phase 2 Section 2, TMS #151-00-00-098. Council voted unanimously in favor of the recommendation.

**REQUEST FOR NEW SEWER SERVICE TO THE PONDS PHASE 2 SECTION 3,
TMS# 151-00-00-098**

12. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for new sewer service to the Ponds Subdivision, Phase 2 Section 3, TMS #151-00-00-098. Council voted unanimously in favor of the recommendation.

**REQUEST FOR NEW SEWER SERVICE TO TAYLOR PLANTATION PHASE 3A,
TMS# 180-00-00-046**

13. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for new sewer service to Taylor Plantation Subdivision, Phase 3A, TMS #180-00-00-046. Council voted unanimously in favor of the recommendation.

EXECUTIVE SESSION – CONTRACTUAL MATTER

Chairman Hargett reported the Committee went in to executive session on a contractual matter at the Committee meeting and the following motion was based on the Committee's recommendation to Council.

SEWER SERVICE ON HIGHWAY 27 /RIDGEVILLE CORRIDOR

14. Chairman Hargett motioned, Mr. Davis seconded it, and Council voted unanimously, that the County agree with Mr. Timmons proceeding with flow modeling and engineering in order to move toward an agreement with Mr. Timmons for improvements associated with sewer service in the Highway 27/Ridgeville Corridor.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

APPOINTMENTS TO BOARDS AND COMMISSIONS

DORCHESTER COUNTY BOARD OF ZONING APPEALS

15. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to appoint Dr. Brunson Westbury to the Dorchester County Board of Zoning Appeals, as representative for District #5.

APPOINTMENTS TO BOARDS AND COMMISSIONS- CONTINUED

**DORCHESTER COUNTY SALES TAX TRANSPORTATION AUTHORITY
TWO NEW AT-LARGE NOMINATIONS/APPOINTMENTS**

Councilman Bailey nominated Mr. Randy Patrick; Councilman Chinnis then nominated Mr. Jordan Bryngelson; and Councilman Byars nominated Mr. Robby Robbins. Chairman Hargett asked if there were any other nominations. Hearing no more nominations, the Chairman stated that Council would now vote on the three nominees for the new two at-large positions on the Dorchester County Sales Tax Transportation Authority. He stated that Council would vote in ascending order.

16. Chairman Hargett motioned for a vote on the last candidate nominated, which was Mr. Robby Robbins for appointee to fill one of the two at-large positions on the Dorchester County Sales Tax Transportation Authority. Council voted five in favor, one opposed and one abstention.

Councilman Rosebrock opposed and Councilman Davis abstained.

17. Chairman Hargett motioned for a vote on the second candidate nominated, which was Mr. Jordan Bryngelson for appointee to fill one of the two at-large positions on the Dorchester County Sales Tax Transportation Authority. Council voted one in favor, four opposed, and two abstentions.

Council Members Hargett, Bailey, Byars, and Hearn opposed, and Council Members Rosebrock and Davis abstained.

18. Chairman Hargett motioned for a vote on the first candidate nominated, which was Mr. Randy Patrick for appointee to fill one of the two at-large positions on the Dorchester County Sales Tax Transportation Authority. Council voted four in favor, one opposed, and two abstentions.

Councilman Chinnis opposed, and Council Members Rosebrock and Davis abstained.

Chairman Hargett announced that Mr. Robby Robbins and Mr. Randy Patrick would be the two new appointments to the Dorchester County Sales Tax Transportation Authority.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

**1ST READING TO “AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT
BY AND BETWEEN OAKRIDGE LANDFILL, INC. AND DORCHESTER COUNTY, S.C.”**

19. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted unanimously to give 1st Reading to an Ordinance approving a Development Agreement between Dorchester County and Oakridge Landfill, LLC., and to refer it to the Planning Commission with authority to conduct the first Public Hearing and to refer this item to the Council's Planning, Development, and Building Committee to provide Council with its recommendation.

COUNTY ATTORNEY'S TIME – CONTINUED

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session to receive legal advice concerning the County's Zoning and Land Development Standards Ordinance and a proposed amendment thereto, to discuss a proposed agreement with Clemson Extension Service, to receive an update concerning an option agreement existing between the County and two landowners involving the Winding Wood Commerce Park, to discuss Pine Trace Development, and to discuss three contractual matters, one dealing with the use of electronic devices versus paper in County Government, to review quotes for updates to audio visual improvements in Council's Chambers, and to receive updates on confidential economic development prospects.

EXECUTIVE SESSION 8:23 P.M.

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

RECONVENE FROM EXECUTIVE SESSION 11:08 P.M.

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

OPTION TO PURCHASE REAL PROPERTY BETWEEN DORCHESTER COUNTY AND PEACOCK INVESTMENTS, LLC

21. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously that the "Option to Purchase Real Property" between Dorchester County and Peacock Investments, LLC., dated, August 19, 2008, be amended to add the following additional real property:
1. The remaining 110.17 acres of TMS #046-00-00-022
 2. The 350 acres comprising TMS #046-00-00-023
 3. The 205 acres comprising TMS #059-00-00-009

Except as amended by the addition of this acreage, the option would remain unchanged.

CLEMSON EXTENSION AGREEMENT

22. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to approve the Clemson Extension Agreement.

REJECT RECOMMENDATION FROM PLANNING COMMISSION TO AMEND ARTICLE V. GENERAL PROVISIONS OF DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13

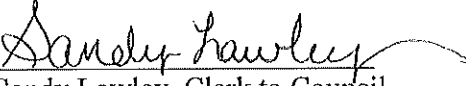
23. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to reject the recommendation of the Planning Commission to adopt a proposed amendment to Article V of Dorchester County Ordinance #04-13, which would have inserted a new Section 5.7.2.8.

CLARIFICATION OF MOTION #6 LETTER TO LEGISLATIVE DELEGATION ATI/POINT OF SALE HOUSE BILL AND SENATE BILL

Councilman Hearn requested clarification on the discussion and the motion (#6, page 5), whereby Council, had taken action on the matter concerning "ATI/POINT OF SALE". Councilman Hearn inquired what specifically had Council requested in the motion, and was it just a letter stating Council's objection. Chairman Hargett stated that was his impression, and asked Councilman Chinnis did he want to weigh in on the question. Councilman Chinnis agreed it was a letter stating Council's objection to the above referenced subject matter. Councilman Byars expressed his concerns with the motion and felt it handcuffed Council by leaving the County without some sort of recourse to offset what it would be losing based on the State's decision. He asked was there anyway Council could amend or modify its objection to the Bills, where the State would be responsible somewhat to the County's lose of the \$2 million and that they would in effect be forcing the Council to raise taxes off of a state mandated decision. Councilman Chinnis asked if Council wanted to change the motion as presented. There was no motion made. Chairman Hargett stated if acceptable with Council, he would have Mr. Ward draft a "Chairman's Letter" to the County's Legislative Delegation, with a copy to all of Council, and the letter would follow the motion as approved by Council. All Members of Council agreed that would be fine.

ADJOURNMENT

24. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to adjourn. Time of adjournment was 11:15 p.m.


Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERSVILLE
MARCH 24, 2011
4:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CHAIRMAN'S TIME – MR. LARRY HARGETT

-Presentation by Moseley Architects -Findings of the Old Courthouse and Jail Study

3. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



JAY BYARS

DAVID CHINNIS

WILLIE DAVIS

WILLIAM "BILL" HEARN, JR.

RICHARD ROSEBROCK

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
HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
MARCH 24, 2011
4:05 P.M.

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

PRESENT: Mr. Larry Hargett--Chairman
Mr. George Bailey--Vice Chairman
Mr. David Chinnis
Mr. Willie Davis
Mr. Bill Hearn
Mr. Jason Ward--Administrator
Mrs. Ashley McDonald--Deputy Administrator
Mr. John Frampton--County Attorney
Mrs. Gina R. Sams--Admin. Asst. to Council

ABSENT: Mr. Jay Byars
Mr. Richard Rosebrock

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

CHAIRMAN'S TIME- LARRY HARGETT

PRESENTATION BY MOSELEY ARCHITECTS-FINDINGS OF THE OLD COURTHOUSE AND JAIL STUDY

Ms. Carroll Roberts with Moseley Architects came before Council to provide a presentation on the Detention Planning and Engineering Analysis of the Detention Center and the Old Courthouse Facility. She recognized those members that served on the Detention/Courthouse Planning Committee.

**PRESENTATION BY MOSELEY ARCHITECTS-FINDINGS OF THE OLD
COURTHOUSE AND JAIL STUDY-CONTINUED**

Overview:

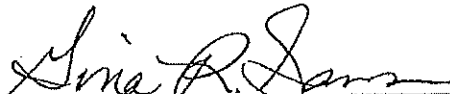
The first segment of the presentation entailed the "*Courthouse Needs Assessment Study*", which provided information on the architects' general review, options, and cost estimates on the existing structure of the former Courthouse located at 101 Ridge Street, St. George, South Carolina and a discussion period was held by Council and representatives by Moseley Architects.

The second segment of the presentation entailed the "Detention Needs Assessment Study" which provided information on the architects' general review, options (A. B. C. along with various phases), cost estimates, staffing analysis, and a discussion period was held by Council and representatives of Moseley Architects. Council received the presentation for informational purposes only and no action was taken on any topics discussed.

ADJOURNMENT

1. On the motion of Mr. Davis, seconded by Mr. Chinnis, Council voted five in favor and two absent, to adjourn.

Councilmen Byars and Rosebrock were absent.


Gina R. Sams, Admin. Asst. to Council