

GEORGE H. BAILEY, SR.
CHAIRMAN

C. DAVID CHINNIS
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

TRACEY L. LANGLEY
CLERK TO COUNCIL



JAMES LEX BYARS, III

EDWARD IVY CROSBY, JR.

WILLIAM R. HEARN, JR.

LARRY S. HARGETT

HARRIET A. HOLMAN

COUNTY COUNCIL OF DORCHESTER COUNTY

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

MINUTES
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
JANUARY 07, 2019
6:00 P.M.

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

PRESENT: Mr. George H. Bailey, Chairman
Mr. David Chinnis, Vice Chairman
Mr. Jay Byars
Mr. Eddie Crosby
Mr. Larry S. Hargett
Mr. William R. Hearn, Jr.
Ms. Harriet A. Holman
Mr. Jason L. Ward, County Administrator
Mr. Daniel Prentice, Deputy Administrator/CFO
Ms. Rebecca Vance, Deputy Administrator/Community Services
Mr. John Frampton, County Attorney
Mr. Bradley Mitchell, Deputy County Attorney
Ms. Tracey L. Langley, Clerk to Council

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

CHAIRMAN'S TIME

Chairman Byars welcomed Councilwoman Holman and Councilman Crosby to County Council. Councilman Crosby was appointed by Executive Order of Governor McMaster on January 02, 2019, to fill the District 5 seat until the special election is held on April 02, 2019.

ELECTION OF CHAIRMAN

Chairman Byars opened the floor for nomination of a new Chairman of County Council to serve a two-year term. Councilman Hargett nominated Councilman Bailey, followed by a second from Councilman Chinnis.

For the record, the vote was as follows:

1. On the motion of Councilman Hargett, seconded by Councilman Chinnis, County Council voted unanimously to elect Mr. George Bailey as Chairman for a two-year term.

Chairman Bailey thanked Council for honoring him with the task of being Chairman.

ELECTION OF VICE CHAIRMAN

Chairman Bailey opened the floor for nominations of a Vice Chairman of County Council to serve a two-year term. Councilman Hearn nominated Councilman Chinnis to serve as Vice Chairman. Councilman Byars seconded the motion.

For the record, the vote was as follows:

2. On the motion of Councilman Hearn, seconded by Councilman Byars, County Council voted unanimously to elect Mr. David Chinnis as Vice Chairman for a two-year term. Chairman Bailey congratulated Vice Chairman Chinnis and said he looked forward to working with him.

Councilman Hearn thanked Councilman Byars for his service as Chairman and said he did a fantastic job. He also thanked Chairman Bailey for his service as Vice Chairman. He wished Chairman Bailey and Vice Chairman Chinnis the best of luck.

Vice Chairman Chinnis said he appreciated two years of leadership from Councilman Byars.

REQUESTS TO ADDRESS COUNCIL

- Mr. Tim Lewis, 613 E. Main Street, Harleyville, presented a PowerPoint presentation to Council on the Comprehensive Plan with suggestions to make it better.
- Ms. Peggy Bangle, 114 Ravenwood Court, Summerville, complimented the Sheriff's Office and EMS for their response on Christmas Eve. She spoke on the topics of roads, advanced installment plan for property taxes, and the Local Government Fund.

MINUTES

3. On the motion of Councilman Chinnis, seconded by Councilman Hearn, County Council voted unanimously to adopt the minutes from the December 03, 2018, County Council Meeting.

ADOPTION OF RESOLUTION #19-01, RECOGNIZING MR. WAYMAN STARR

4. On the motion of Councilman Chinnis, seconded by Councilman Hearn, County Council voted unanimously to adopt Resolution #19-01, Recognizing and Honoring Mr. Wayman Starr for the Countless Number of Hours Volunteering and Advocating on Behalf of the Children of Dorchester County.

CORRESPONDENCE: No correspondence received.

MOTION TO AMEND THE AGENDA

5. On the motion of Councilman Chinnis, seconded by Councilman Hargett, County Council voted unanimously to amend the agenda to consider the ratification of the submission of Ms. Cynthia Busby to the Director of the Division of Veteran Affairs for appointment as the Dorchester County Veteran Affairs Director.

APPOINTMENT OF DORCHESTER COUNTY VETERAN AFFAIRS DIRECTOR

6. On the motion of Councilman Chinnis, seconded by Councilman Hearn, County Council voted unanimously to ratify the submission of Ms. Cynthia Busby to the Director of the Division of Veteran Affairs to be appointed as the Dorchester County Veteran Affairs Director to fulfill Mr. Ed Burns unexpired term ending June 30, 2019, and to extend the appointment through June 30, 2021.

GUESTS

MS. CYNTHIA BUSBY, DORCHESTER COUNTY DIRECTOR OF VETERAN AFFAIRS

Chairman Bailey recognized Ms. Busby. Prior to her appointment as the Director of Veteran Affairs for Dorchester County, she most recently served as Deputy Director of Veteran Affairs in Charleston County. Ms. Busby holds certifications at the national and state level as a Veteran Affairs Officer. Ms. Busby has prior experience in the Dorchester County Veteran Affairs Office.

MS. NANCY JOHNSON, DORCHESTER COUNTY DIRECTOR OF RISK MANAGEMENT AND SAFETY

Mr. Prentice introduced Ms. Johnson to County Council. Ms. Johnson has nearly thirty years of experience in risk management and related fields, where she has been responsible for insurance administration, property valuation, risk assessment, and claims, etc. Her most recent role was with the S.C. Department of Insurance. She served as the Insurance Administrator for Duke Energy in Charlotte, North Carolina for twelve years. Ms. Johnson is a certified Professional in Insurance Regulation (PIR), Associate Professional in Insurance Regulation (APIR), and is in the process of becoming a Certified Risk Manager (CRM). She holds a Bachelor's Degree in Mathematics from South Carolina State University, and a Master's Degree in Business Administration from the University of South Carolina.

MR. DANIEL PRENTICE, DORCHESTER COUNTY DEPUTY ADMINISTRATOR/CFO

Mr. Prentice gave a summary of revenues and expenditures for the County's major funds through November 30, 2018. He also included a summary of cash on hand in the major funds and status updates on major Water & Sewer, and Stormwater projects.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

REZONING REQUEST #778

7. On the motion of Councilman Hearn, seconded by Councilman Chinnis, County Council voted unanimously to give 1st reading and referral to the Planning, Development, and Building Committee for a public hearing and recommendation regarding Rezoning Request #778 by David Carey to rezone .48 acre at 261 Allspice Drive, near Summerville, TMS #121-16-01-002; .03 acre at Greyback Road, near Summerville, TMS #121-16-01-024; and .39 acre at Greyback Road, near Summerville, TMS #121-16-01-026, from Single-Family Residential Manufactured Housing (R-1M) to Single-Family Residential Manufactured Housing (R-2M) (The purpose of this rezoning is to reduce the minimum lot size from 14,500 square feet to 7,500 square feet.)

REZONING REQUEST #779

8. On the motion of Councilman Chinnis, seconded by Councilman Hargett, County Council voted unanimously to give 1st reading and referral to the Planning, Development, and Building Committee for a public hearing and recommendation regarding Rezoning Request #779 by Hopper Communities C/O Nautilus Engineering to rezone an approximately 2 acre portion of an 11.44 acres tract located at Orangeburg Road near Summerville from Multi-Family Residential (R-4) to Single-Family Attached Residential District (R-3), TMS #136-00-00-130.

1ST READING OF AN ORDINANCE, SETBACK REQUIREMENTS

9. On the motion of Councilman Byars, seconded by Councilman Hearn, County Council voted unanimously to give 1st reading and referral to the Planning Commission and Planning, Development, and Building Committee for public hearings and recommendations regarding an Ordinance to Amend Dorchester County Zoning and Land

Development Standards Ordinance Number 04-13, With Respect to Article XI, Sections 11.5.9 through 11.5.11 "Additional Requirements" (The purpose of this amendment is to reduce the setback requirements for non-conforming lots platted prior to the adoption of the Ashley River Historic Overlay District.)

1ST READING OF AN ORDINANCE, TRAFFIC STUDY

10. On the motion of Councilman Chinnis, seconded by Councilwoman Holman, County Council voted unanimously to give 1st reading and referral to the Planning Commission and Planning, Development, and Building Committee for public hearings and recommendations regarding an Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, With Respect to Article XVII, Section 17.7 "Traffic Study", and Article XVIII, Section 18.4 "Traffic Study" (The purpose of this amendment is to revise the standards and process for Traffic Impact Analysis.)

1ST READING OF AN ORDINANCE, CONDITIONAL USES

11. On the motion of Councilman Chinnis, seconded by Councilman Crosby, County Council voted unanimously to give 1st reading and referral to the Planning, Development, and Building Committee for a public hearing and recommendation regarding an Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended, With Respect to Article IX, Section 9.2.3 "Conditional Uses"; Article X, Section 10.4.21 "Convenience Retail and Professional Service Businesses in Conservation Districts"; and Article XI, Section 11.5.13 "Additional Requirements For District 5" (The purpose of this amendment is to update the references and requirements for District 5 to reflect the adopted Cooks Crossroads Design Guidelines.)

LAND USE AGREEMENT WITH TEXAS COMMUNITY RECREATION ORGANIZATION BOARD

12. On the motion of Councilman Hearn, seconded by Councilman Crosby, County Council voted unanimously to approve a request to authorize the County Administrator to execute a Land Use Agreement with Texas Community Recreation Organization Board for Texas Community Park Property. The County owns the park property. The Land Use Agreement requires the Texas Community Organization perform regular maintenance and operations (mowing, opening and closing, utilities, refuse collection, etc.), indemnify the County for loss to person or property, and maintain suitable general liability insurance. Pursuant to the agreement, the County will accept responsibility for long-term maintenance and repairs of major park infrastructure such as the community building.

VENDOR SERVICE AGREEMENT WITH AMERICAN FINANCIAL CREDIT SERVICES

13. On the motion of Councilman Hearn, seconded by Councilman Crosby, County Council voted unanimously to authorize the County Administrator to execute a vendor service agreement with American Financial Credit Services for the purpose of collecting delinquent business personal property taxes. It is difficult for the county to collect delinquent business personal property taxes. American Financial Credit Services (AFCS) has helped several counties (Anderson, Beaufort, Clarendon, Georgetown, etc.) to collect taxes. AFCS assesses a 20% fee on billings for delinquent taxes which is passed through to the taxpayer, ensuring the County receives 100% of delinquent business personal property taxes.

MEDICAL PLAN FEASIBILITY ASSESSMENT

14. On the motion of Councilman Chinnis, seconded by Councilman Crosby, County Council voted unanimously to approve a request to conduct a Medical Plan Feasibility Assessment. This study will help the County determine the advantages and disadvantages of the County remaining with the state health system. Our premium costs have been rising by over \$300,000 a year with the state as follows: FY 2017 actual, \$4,843,681; FY 2018, actual \$5,226,714; and FY 2019, budget \$5,565,698.

NEW RESIDENTIAL PLANS EXAMINER FOR THE BUILDING SERVICES DEPARTMENT

15. On the motion of Councilman Chinnis, seconded by Councilman Crosby, County Council voted unanimously to approve a request to hire a new residential plans examiner for the Building Services Department and to authorize the transfer of \$27,670 in personnel savings from the Facilities and Grounds Department to cover the costs for the remainder of Fiscal Year 2018-2019. The position will reduce the time for plans review.

APPROVAL TO USE PERSONNEL SAVINGS TO COVER THE COST OF ACQUIRING A CERTIFIED LAW ENFORCEMENT OFFICER

16. On the motion of Councilman Hargett, seconded by Councilwoman Holman, County Council voted unanimously to approve a request to transfer personnel savings of \$4,823 in the Sheriff's Office to cover the cost of acquiring a Certified Law Enforcement Officer.

COMMITTEE REPORTS

CHAIRMAN CHINNIS – PLANNING, DEVELOPMENT AND BUILDING COMMITTEE

Chairman Chinnis reported that the Committee met at 5:00 p.m. to discuss the following items:

17. On the recommendation of the Committee, County Council voted unanimously to deny 2nd reading of an Ordinance to Repeal and Replace Article XI, Section 11.1 "Areas Surrounding Airports" of the Dorchester County Zoning and Land Development Standards, Ordinance #04-13, as Previously Amended.
18. On the recommendation of the Committee, County Council voted unanimously to approve 2nd reading of an Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, With Respect to Article X, to Create a New Section 10.7 "Cluster Development" (The purpose of this amendment is to create standards for cluster design developments.)
19. On the recommendation of the Committee, County Council voted unanimously to approve 2nd reading of Rezoning Request #764 by Thomas & Hutton, to rezone 450.66 acres located at 3401 West 5th North Street near Summerville from Absence of Controls (AC) to Single-Family Residential District (R-2) TMS #110-00-00-022.
20. On the recommendation of the Committee, County Council voted unanimously to approve 3rd reading of Rezoning Request #774 by Andrew Pyrda, to rezone .97 acre located at 590 Beech Hill Road near Summerville from Multi-Family Residential (R-4) to Commercial Light Industrial District (CLI-2), TMS #160-11-03-014.
21. On the recommendation of the Committee, County Council voted unanimously to deny 3rd reading of Rezoning Request #774 by Andrew Pyrda to rezone .24 acre located at 100 Sprucewood Drive near Summerville from Neighborhood Commercial District (CN) to Commercial Light Industrial District (CLI-2), TMS #160-11-03-013.
22. On the recommendation of the Committee, County Council voted unanimously to approve 3rd reading of Rezoning Request #776 by Regina Royal to rezone .99 acre located at 131 Schultz Lake Road near Summerville from Multi-Family Residential (R-4) to Single-Family Residential Manufactured Housing District (R-1M), TMS #151-00-00-072.
23. On the recommendation of the Committee, County Council voted unanimously to approve 3rd reading of Rezoning Request #777 by Jose Fuerte to rezone 11.1 acres located at Sojourner Lane near Summerville from Multi-Family Residential (R-4) to Single-Family Residential Manufactured Housing District (R-1M), TMS #135-00-00-005.
24. On the recommendation of the Committee, County Council voted unanimously to approve 2nd reading of Rezoning Request #780 by Harmoniest Simmons to rezone .88 acre located at Jordan Simmons Road near Summerville from Multi-Family Residential (R-4) to Single-Family Residential Manufactured Housing District (R-1M), TMS #129-00-00-082, and 1.68 acres located at Jordan Simmons Road near Summerville from Multi-Family Residential (R-4) to Single-Family Residential Manufactured Housing District (R-1M), TMS #129-00-00-086.
25. On the recommendation of the Committee, County Council voted unanimously to approve 3rd Reading of an Ordinance Approving the 2018 Dorchester County Comprehensive Plan.

CHAIRMAN BAILEY – AUDIT COMMITTEE

Chairman Bailey reported that the Committee met at 5:45 p.m. to receive a presentation by Ms. Emily Sobczak, CPA, Partner, Greene Finney, LLP, of the Audited Financial Statements for the Fiscal Year Ended June 30, 2018. Ms. Sobczak presented the audit findings and shared changes to the balances in the major funds. The report was received for information only, and no action was taken.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

26. On the motion of Councilman Hargett, seconded by Councilman Hearn, County Council voted unanimously to appoint Mr. Bill Tulluck to the County Transportation Committee.
27. On the motion of Councilman Byars, seconded by Councilman Crosby, County Council voted unanimously to appoint Jennifer Kunda to the Planning Commission.
28. On the motion of Councilman Byars, seconded by Councilman Chinnis, County Council voted unanimously to appoint Mr. Glenn Segelken to the Board of Zoning Appeals.

COUNTY ATTORNEY’S TIME – MR. JOHN FRAMPTON

PUBLIC HEARING AND 3RD READING OF ORDINANCE #19-02, MAYRIVER INDUSTRIES, LLC

The County Attorney requested Council’s consideration to open the public hearing so County Council can receive public comments, on an Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement By and Between Mayriver Industries, LLC (Mayriver) and Dorchester County, South Carolina, Whereby the County Will Enter into a Fee in Lieu of Tax and Incentive Agreement with Mayriver Providing for Payment by Mayriver of Certain Fees in Lieu of Ad Valorem Taxes; Providing for the Location of the Property and the Allocation of Fees in Lieu of Taxes Payable Under the Agreement for the Establishment of a Multi-County Industrial/Business Park; and Other Matters Relating Thereto.

Chairman Bailey struck the gavel, opening the public hearing. He then invited the public to come forward to speak on this issue. In the absence of additional requests to speak, Chairman Byars struck the gavel, closing the public hearing.

29. On the motion of Councilman Chinnis, seconded by Councilman Hearn, County Council voted unanimously to give 3rd Reading of Ordinance #19-02, an Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement By and Between Mayriver Industries, LLC (Mayriver) and Dorchester County, South Carolina, Whereby the County Will Enter into a Fee in Lieu of Tax and Incentive Agreement with Mayriver Providing for Payment by Mayriver of Certain Fees in Lieu of Ad Valorem Taxes; Providing for the Location of the Property and the Allocation of Fees in Lieu of Taxes Payable Under the Agreement for the Establishment of a Multi-County Industrial/Business Park; and Other Matters Relating Thereto.

PUBLIC HEARING AND 3RD READING OF ORDINANCE #19-02, DIATOM US, INC.

The County Attorney requested Council’s consideration to open the public hearing so County Council can receive public comments, on an Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement By and Between Diatom US, Inc. (Diatom) and Dorchester County, South Carolina, Whereby the County Will Enter into a Fee in Lieu of Tax and Incentive Agreement With Diatom Providing for Payment by Diatom of Certain Fees in Lieu of Ad Valorem Taxes; Providing for Special Source Revenue Credits in Connection With Such Agreement; Providing for the Location of the Property and the Allocation of Fees in Lieu of Taxes Payable Under the Agreement for the Establishment of a Multi-County Industrial/Business Park; and Other Matters Relating Thereto.

Chairman Bailey struck the gavel, opening the public hearing. He then invited the public to come forward to speak on this issue. In the absence of additional requests to speak, Chairman Byars struck the gavel, closing the public hearing.

30. On the motion of Councilman Chinnis, seconded by Councilman Hearn, County Council voted unanimously to give 3rd Reading of Ordinance #19-03, an Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax and Incentive Agreement By and Between Diatom US, Inc. (Diatom) and Dorchester County, South Carolina, Whereby the County Will Enter into a Fee in Lieu of Tax and Incentive Agreement With Diatom Providing for Payment by Diatom of Certain Fees in Lieu of Ad Valorem Taxes; Providing for Special Source Revenue Credits in Connection With Such Agreement; Providing for the Location of the Property and the Allocation of Fees in Lieu of Taxes Payable Under the Agreement for the Establishment of a Multi-County Industrial/Business Park; and Other Matters Relating Thereto.

ADOPTION OF RESOLUTION #19-02, PROJECT TC

31. On the motion of Councilman Chinnis, seconded by Councilman Hearn, County Council voted unanimously to adopt Resolution #19-02, a Resolution Committing to Negotiate a Fee In Lieu of Ad Valorem Taxes Agreement Between Dorchester County and an Entity Known for the Time Being as "Project TC", and Identifying the Project.

1ST READING OF AN ORDINANCE, PROJECT TC

32. On the motion of Councilman Chinnis, seconded by Councilman Hargett, County Council voted unanimously to give 1st Reading (By Title Only) of an Ordinance Authorizing the Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement By and Between "Project TC" and Dorchester County, South Carolina, Whereby the County Will Enter Into a Fee In Lieu of Tax and Incentive Agreement With Project TC Providing for Payment by Project TC of Certain Fees In Lieu of Ad Valorem Taxes; Providing for the Location of the Property and the Allocation of Fees In Lieu of Taxes Payable Under the Agreement for the Establishment of a Multi-County Industrial/Business Park; and Other Matters Relating Thereto.

EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session at 6:52 p.m. to discuss the following:

- Contractual Matter
 - Potential Purchase of Real Estate for Conservation and Recreation
 - Intergovernmental Agreement between Dorchester County, the Town of Hollywood and Charleston Water Systems
 - Agreement for Capital Improvements to Summerville Soccer Club
- Confidential Economic Development Projects
 - Confidential Economic Development Projects

RECONVENE FROM EXECUTIVE SESSION

At approximately 7:26 p.m., Mr. Frampton reported that Council discussed the previously announced items, but no action was taken.

PURCHASE OF REAL ESTATE FOR CONSERVATION AND RECREATION

33. On the motion of Councilman Hargett, seconded by Councilwoman Hearn, County Council voted unanimously to authorize the County Administrator to enter into a contract with Thomas Limehouse to purchase approximately 6.9 property near the Ashley River Park for \$145,000.00.

APPROVAL FOR TC-CC, LLC AND PEACOCK INVESTMENTS, LLC TO DEFER REPAYMENT TO DORCHESTER COUNTY

Councilman Chinnis announced there is a pending Real Estate Purchase Agreement between TC-CC, LLC and Peacock Investments, LLC as Sellers effective as of August 15, 2018, with Excel, Inc., as Buyer for a 125 acres parcel in the Winding Woods Park. The Sellers currently have an obligation to repay to Dorchester County the sum of \$360,000 pursuant to its Agreements with the County which the County has conditioned to be repaid out

of the closing of this transaction. The Sellers have requested that the repayment be deferred for a period of 24 months following the closing of this transaction with Excel, Inc.

34. On the motion of Councilman Chinnis, seconded by Councilwoman Hearn, County Council voted unanimously to defer the obligation for the repayment to the County by the Sellers of the \$360,000 for a period of 24 months following the closing and authorize the County Administrator to execute such documents as are necessary to document such deferral to allow this closing to take place without repayment out of this transaction provided that the County Attorney reviews and approves such documentation so that the repayment of the \$360,000 shall constitute a lien against the remaining property owned by the Sellers to be repaid on the date requested by the Sellers, including a note and mortgage to secure this obligation.

LETTER OF INTENT BETWEEN DORCHESTER COUNTY AND P.R. PROPERTIES OF SUMMERVILLE, LLC

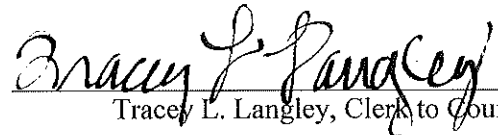
35. On the motion of Councilman Hearn, seconded by Councilman Chinnis, County Council voted unanimously to authorize the County Administrator to execute a non-binding letter of intent between Dorchester County and P.R. Properties of Summerville, LLC.

PRESENTATION OF RESOLUTION #19-01, RECOGNIZING MR. WAYMAN STARR

Chairman Bailey announced that Mr. Wayman Starr had arrived and requested he come up so County Council could recognize and honor him for his dedicated service to the children of Dorchester County.

ADJOURNMENT

36. On the motion of Councilwoman Holman, seconded by Councilman Hargett, County Council voted unanimously to adjourn at approximately 7:36 p.m.


Tracey L. Langley, Clerk to Council