

AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
OCTOBER 3, 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 September 19, 2011 County Council Meeting
- Dorchester County Employee Recognition Program
- 3rd Reading for Ordinance #11-13, "An Ordinance to Amend Dorchester County Ordinance Number 97-05 as Previously Amended Pertaining to the Organization and Rules of Dorchester County Council To Delete the Last Sentence of Section 1-3 and Substitute a New Sentence in Lieu Thereof"
- Public Hearing and 2nd Reading for "A Proposed Ordinance Approving and Adopting a Redistricting Plan for Dorchester County Council as Required by S.C. Code Ann. Sec. 4-9-90, as Amended, Subject To Preclearance from the Department of Justice"
- Public Hearing "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as Previously Amended, With Respect to Article IX, Section 9.1.3.1 to Remove Permitted Use Group Number 23(a) Therefrom"
- Correspondence

3. COUNCILMEMBER'S TIME- VICE CHAIRMAN GEORGE H. BAILEY

- Ridgeville Community Resource Center
- 1st Reading for "An Ordinance to Amend Dorchester County Ordinance Number 11-03 Which Created A Dorchester County Parks and Recreation Commission so as to Provide that the 5th Member of the Commission shall be the Chairman of the Commission and that the 5th Member Shall be a Member of County Council Appointed by the Chairman of the Public Safety, Health and Human Services Committee of Dorchester County Council"

4. GUEST

- Ms. Angie Crum –Ridgeville Community Resource Center

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

- 1st Reading for Rezoning Request #654 for Samuel L. Hanna, Jr. ET AL; TMS# 151-00-00-036
- 1st Reading for Rezoning Request #655 for William S. Hall; TMS# 130-13-00-103
- 1st Reading for Rezoning Request #656 William S. Hall; TMS# 130-13-00-105
- 1st Reading for Rezoning Request #657 Harold & Judy Veronee; TMS# 134-16-01-003
- 1st Reading for Rezoning Request #658 David Pulliam; TMS# 122-00-00-171
- 1st Reading for Rezoning Request #659 Ed Carlile; TMS# 121-16-04-013, -014, -015, -031

6. COMMITTEE REPORT

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for Sewer Service for Goodwill - Knightsville Portion of TMS #136-13-00-002
- Request for New Water and Sewer Service for Indigo Palms Phase 4, TMS #172-00-00-117

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- Public Hearing and 2nd Reading to “An Ordinance Adopting and Enacting a New Code for the County Of Dorchester South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective”
- 1st Reading for “An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of ___, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing For a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto”
- 1st Reading for “for “An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto”

-Executive Session -Legal Advice-

- Sinkhole in St. George
- Ridgeville Community Resource Center
- Legislative Delegation
- Presidential Preference Primaries
- Pine Trace Purchase
- ROD

-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

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

MINUTES

**DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE**

OCTOBER 3, 2011

7:04 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 S. 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
Ms. Ashley Jacobs, 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

There were no requests to address Council.

ADOPTION OF MINUTES FROM THE SEPTEMBER 19, 2011, COUNTY COUNCIL MEETING

1. On the motion of Mr. Rosebrock, seconded by Mr. Hearn, Council voted unanimously to adopt the Minutes from the September 19, 2011, County Council Meeting.

DORCHESTER COUNTY EMPLOYEE RECOGNITION PROGRAM

Dorchester County Council recognized County Employees for their years of dedicated service to the County. In addition, the County Administrator, Mr. Jason Ward recognized and introduced the new Emergency Services Director, Mr. Mario Formisano, the County's newly- hired Emergency Management Director.

3RD READING FOR 11-13 "AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE NUMBER 97-05 AS PREVIOUSLY AMENDED PERTAINING TO THE ORGANIZATION AND RULES OF DORCHESTER COUNTY COUNCIL TO DELETE THE LAST SENTENCE OF SECTION 1-3 AND SUBSTITUTE A NEW SENTENCE IN LIEU THEREOF"

2. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to give 3rd Reading for Ordinance #11-13, "An Ordinance to Amend Dorchester County Ordinance Number 97-05 as Previously Amended Pertaining to the Organization and Rules of Dorchester County Council to Delete the Last Sentence of Section 1-3 and Substitute a New Sentence in Lieu Thereof". This amendment changes the Administrative Assistant who currently reports to County Council to reporting to the County Administrator.

PUBLIC HEARING AND 2ND READING FOR "A PROPOSED ORDINANCE APPROVING AND ADOPTING A REDISTRICTING PLAN FOR DORCHESTER COUNTY COUNCIL AS REQUIRED BY S.C. CODE ANN. SEC. 4-9-90, AS AMENDED, SUBJECT TO PRECLEARANCE FROM THE DEPARTMENT OF JUSTICE"

Chairman Hargett opened the Public Hearing to receive public comment on the "Proposed Ordinance Approving and Adopting a Redistricting Plan for Dorchester County Council as Required by S.C. Code Ann. Sec. 4-9-90, as Amended, Subject To Preclearance from the Department of Justice".

County Council gave 1st Reading to Redistricting Plan 7 at their regularly scheduled meeting on Tuesday, September 6, 2011, in Summerville and announced the plan was available for public review in the Dorchester County Library in Summerville, the Dorchester County Library in St. George, the County Council Offices in St. George and Summerville, and on the Dorchester County Website. Upon 3rd Reading, the redistricting plan would be submitted to the United States Department of Justice for preclearance. The Ordinance adopting the plan will become effective upon preclearance by the United States Department of Justice.

Hearing no comments from the public, Chairman Hargett closed the Public Hearing.

3. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted to give 2nd Reading for "A Proposed Ordinance Approving and Adopting a Redistricting Plan for Dorchester County Council as Required by S.C. Code Ann. Sec. 4-9-90, as Amended, Subject To Preclearance from the Department of Justice".

PUBLIC HEARING "AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE IX, SECTION 9.1.3.1 TO REMOVE PERMITTED USE GROUP NUMBER 23(A) THEREFROM"

Chairman Hargett addressed the public and stated that a Public Hearing was scheduled to be held at this time for an amendment to Dorchester County Ordinance Number 04-13, which amendment would have removed waste disposal facilities as a permitted use group for areas of the County zoned absence of control. He further stated that the proposed Ordinance to amend #04-13 was denied 2nd Reading at the September 19, 2011, County Council meeting and therefore, no Public Hearing would be necessary. However, Chairman Hargett stated that if anyone wished to speak to this issue County Council would be glad to listen at this time.

No one spoke regarding this issue.

CORRESPONDENCE

The County Administrator stated the County received a letter from South Carolina Department of Transportation indicating that the left turn phases would be installed at the intersection of Central Avenue and Orangeburg Road in Summerville, S.C., as soon as their schedule permitted.

COUNCIL MEMBER'S TIME - VICE CHAIRMAN - GEORGE H. BAILEY

RIDGEVILLE COMMUNITY RESOURCE CENTER

4. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously for the Ridgeville Community Resource Center to be removed from the Public Safety, Health, and Human Services Committee and placed before County Council as a whole so that it can be discussed in Executive Session.

1ST READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE NUMBER 11-03 WHICH CREATED A DORCHESTER COUNTY PARKS AND RECREATION COMMISSION SO AS TO PROVIDE THAT THE 5TH MEMBER OF THE COMMISSION SHALL BE A MEMBER OF COUNTY COUNCIL AND THAT THE 5TH MEMBER SHALL BE APPOINTED BY DORCHESTER COUNTY COUNCIL"

5. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted unanimously to give 1st Reading for "An Ordinance to Amend Dorchester County Ordinance Number 11-03 Which Created A Dorchester County Parks and Recreation Commission so as to Provide that the 5th Member of the Commission Shall be a Member of County Council and that the 5th Member Shall be Appointed by Dorchester County Council".

GUEST
MS. ANGIE CRUM
RIDGEVILLE COMMUNITY RESOURCE CENTER

Ms. Angie Crum addressed Council and gave a presentation on the Ridgeville Community Resource Center. She stated the reason for her appearance was to ensure the future of the Ridgeville Community Resource Center, which is housed in a County owned building. She offered the following requests to Council: the building be leased to the non-profit organization for a period of 90 years; or the County donate the building/property to the non-profit organization; or if the County were to sell the building/property, then the non-profit organization be given first option to purchase. Council thanked Ms. Crum for her time, efforts, and the presentation.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

1ST READING FOR REZONING REQUESTS #654 FOR SAMUEL L. HANNA, JR. ET AL- TMS# 151-00-00-036; #655 FOR WILLIAM S. HALL -TMS# 130-13-00-103; #656 WILLIAM S. HALL-TMS# 130-13-00-105; #657 HAROLD & JUDY VERONEE - TMS# 134-16-01-003; #658 DAVID PULLIAM- TMS# 122-00-00-171; #659 ED CARLILE- TMS'S # 121-16-04-013, -014, -015, -031

Mr. Ward stated he had several Rezoning Requests for Council's consideration, and requested Council give 1st Reading and place these requests in the Planning, Development, and Building Committee for further consideration.

6. On the motion of Mr. Davis, seconded by Mr. Chinnis, Council voted unanimously to give 1st Reading to Rezoning Requests #654 for Samuel L. Hanna, Jr. ET AL; TMS# 151-00-00-036, and Rezoning Request #655 for William S. Hall; TMS# 130-13-00-103, Rezoning Request #656 William S. Hall; TMS# 130-13-00-105, Rezoning Request #657 Harold & Judy Veronee; TMS# 134-16-01-003, Rezoning Request #658 David Pulliam; TMS# 122-00-00-171, and Rezoning Request #659 Ed Carlile; TMS# 121-16-04-013, -014, -015, -031, and place these items in the Planning, Development, and Building Committee for further consideration.

Councilman Rosebrock had comments on #655 and #656, regarding the landscaping of these two requests, due to the locations. Mr. Ward stated he would follow-up with Mr. Alec Brebner, Planning and Zoning Manager, prior to 2nd Reading and Public Hearing.

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

COMMITTEE REPORT- WATER AND SEWER COMMITTEE-
CHAIRMAN LARRY HARGETT
REQUEST FOR SEWER SERVICE - GOODWILL IN KNIGHTSVILLE

7. Chairman Hargett reported that the Water and Sewer Committee met tonight and the first request was for sewer service from Goodwill in Knightsville, identified by a portion of TMS #136-13-00-002, and the Committee voted to recommend for Council to grant the request of approval for the sewer services. Council voted unanimously in favor of the recommendation.

REQUEST FOR NEW WATER AND SEWER SERVICE - INDIGO PALMS PHASE 4,

8. Chairman Hargett reported the last request was for new water and sewer service for Indigo Palms Phase 4, identified by TMS #172-00-00-117, and the Committee voted unanimously to recommend for Council to grant the request. Council voted unanimously in favor of the recommendation.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
PUBLIC HEARING AND 2ND READING TO “AN ORDINANCE ADOPTING AND
ENACTING A NEW CODE FOR THE COUNTY OF DORCHESTER SOUTH
CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT
INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF;
PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING
WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE”

The County Attorney requested Council to hold a Public Hearing and then to give 2nd Reading on the above named Ordinance. Chairman Hargett opened the Public Hearing, and stated the above named Ordinance was basically a new way for all County's Ordinances, included in the codification, to be available to County Council, County staff, and citizens, in a form that would be much easier to use and to search. Additionally, he said it would be available to all on the County's website. Chairman Hargett then opened the floor for public comment: The below citizens addressed Council.

- Mrs. Karen Smith addressed Council regarding the understanding of current Ordinances.
- John Muckenfuss addressed Council regarding heirs' property.

Mr. Frampton explained the Code of Ordinances was to have a ready reference of the general and permanent ordinances of the County, similar to the Code of Laws of South Carolina. He stated that once the code was approved by Council, the company performing the codification makes a searchable electronic version of all Ordinances with an Index in one place, and it would be made available on the county's website. Mr. Frampton further stated that this Ordinance would codify the general and permanent ordinances of Dorchester County, with the exception of Ordinance #04-13, "The Dorchester County Zoning and Land Development Standards Ordinance," which was intentionally left out because of its size and because it changes often.

Hearing no further comments, Chairman Hargett closed the Public Hearing.

COUNTY ATTORNEY'S TIME -CONTINUED
PUBLIC HEARING AND 2ND READING TO "AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE COUNTY OF DORCHESTER SOUTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE"

9. On the motion of Mr. Hearn, seconded by Mr. Chinnis, Council voted unanimously to give 2nd Reading to "An Ordinance Adopting and Enacting a New Code for the County of Dorchester South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective".

1ST READING FOR "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT DATED AS OF ----, 2011 BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND SRE DORCHESTER LLC PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO"

10. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 1st Reading to "An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of ____, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing for a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto".

1ST READING FOR "FOR "AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN DORCHESTER COUNTY (SRE DORCHESTER LLC) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO"

11. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 1st Reading for "An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto".

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into executive session to give legal advice concerning a sinkhole which had developed in the town of St. George, the Ridgeville Community Resource Center, county support of the Legislative Delegation, Presidential Preference Primaries, and to discuss a contractual matter concerning the pending purchase of the Pine Trace property and one personnel matter.

EXECUTIVE SESSION 7:51 P.M.

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

RECONVENE FROM EXECUTIVE SESSION 9:36 P.M.

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

SALE OF FORMER NEWMAN CLINIC TO RIDGEVILLE COMMUNITY RESOURCE CENTER, INC.


13. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to offer to sell the former Newman Clinic to the Ridgeville Community Resource Center, Inc., for \$20,000. The Resource Center will have 60 days to perform any due diligence it desires with closing to take place 6 months from the date of the contract. The building will be sold "As Is".

REQUEST FROM REGISTER OF DEEDS - REF: PERSONNEL

14. On the motion of Mr. Chinnis, seconded by Mr. Rosebrock, Council voted unanimously to approve the request of the Register of Deeds to eliminate a grade 10 position in her office, create a new grade 6 position, and authorize the salary adjustment for the grade 5 position.

ADJOURNMENT

15. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously to adjourn. Time of adjournment was 9:41 p.m.


Sandy Lawley, Clerk to Council

**AGENDA
SPECIAL CALLED MEETING
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERSVILLE
OCTOBER 13, 2011
1:00 P.M.**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

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

-Executive Session -Contractual Matter – MeadWestvaco Development Agreement

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 SPECIAL CALLED MEETING OF DORCHESTER COUNTY COUNCIL HUMAN SERVICES BUILDING COUNCIL CHAMBERS, SUMMERVILLE OCTOBER 13, 2011 1:00 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 S. Hargett—Chairman
Mr. George Bailey—Vice Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. Bill Hearn
Mr. Richard Rosebrock
Mr. Jason Ward—Administrator
Ms. Ashley Jacobs—Deputy Administrator
Mr. John Frampton—County Attorney
Mrs. Sally Hebert—Admin. Asst. to Council

ABSENT: Mr. Bill Hearn

Chairman Hargett called the Special Called Meeting of Dorchester County Council to order and Vice
Chairman George Bailey gave the invocation.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

CONTRACTUAL MATTER – MEADWESTVACO DEVELOPMENT AGREEMENT

The County Attorney requested for Council's consideration to enter into executive session to discuss a contractual matter concerning MeadWestvaco Development Agreement.

EXECUTIVE SESSION – 1:02 P.M.

1. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted five in favor, and two absent, to enter into Executive Session for the purpose of discussing a contractual matter concerning the MeadWestvaco Development Agreement.

Council Members Hearn and Byars were absent.

Mr. Byars arrived as Council was gathering in the Conference Room for Executive Session.

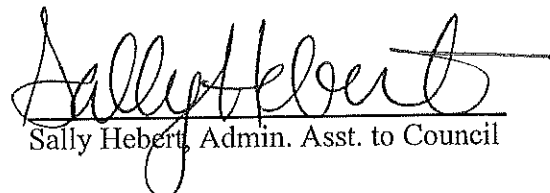
RECONVENE FROM EXECUTIVE SESSION – 2:29 P.M.

Mr. Frampton reported that Council entered into Executive Session to discuss the previously announced item and no action was taken.

ADJOURNMENT

2. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor and one absent to adjourn. The time of adjournment was 2:30 p.m.

Councilman Hearn was absent.


Sally Hebert, Admin. Asst. to Council

AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
OCTOBER 17, 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 October 3, 2011, County Council Meeting, and Minutes from October 13, 2011 Special Called County Council Meeting
- 3rd Reading for Ordinance #11-14, "An Ordinance Approving and Adopting a Redistricting Plan for Dorchester County Council as Required by S.C. Code Ann. Sec. 4-9-90, as Amended, Subject To Preclearance from the Department of Justice"
- 2nd Reading for "An Ordinance to Amend Dorchester County Ordinance Number 11-03 Which Created A Dorchester County Parks and Recreation Commission so as to Provide that the 5th Member of the Commission shall be a Member of County Council Appointed by Dorchester County Council"
- Correspondence

3. GUEST

- Dorchester County Conservation Commission- Mr. William (Mac) Baughman, Vice Chairman

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

- 1st Reading for "An Ordinance Supplementing The Code of Ordinances, Dorchester County, South Carolina, by Adding To Chapter 28, Article II, A New Section 28-30 Prohibiting the Advertisement, Possession, Purchase, Sale or Use of "Synthetic Stimulants" and "Synthetic Cannabinoids" Within the Unincorporated Areas of Dorchester County"

5. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- 3rd Reading for Ordinance 11-15, "An Ordinance Adopting and Enacting a New Code for the County Of Dorchester South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective"
(All permanent Ordinances of the County to be placed in one indexed volume)
- Public Hearing and 2nd Reading for "An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of ____, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing For a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto"
("An Ordinance authorizing the Chairman of County Council to execute a Fee in Lieu of Taxes Agreement for SRE, Dorchester's Facility to be located on Seven Mile Road near Harleyville")

COUNTY ATTORNEY'S TIME-CONTINUED

-Public Hearing and 2nd Reading for "An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto"

("An Ordinance amending the Multi-County Industrial Park Agreement with Orangeburg County to add SRE, Dorchester's Property located on Seven Mile Road near Harleyville to the Multi-County Industrial Park as required by state statutes pertaining to Fee in Lieu of Taxes")

-Requests for Condemnation of the following for Bacons Bridge Rd. Widening (SC Hwy. 165):

-Tract 114, TMS #145-13-03-004, Property Owner: John Swartz

(Located near Newington Road, Summerville)

-Tract 115, TMS #145-13-03-003, Property Owner: Bruce and Debra Huffines

(Located near Harter Drive, Summerville)

-Tract 159, TMS #145-09-06-001.00, Property Owner: Candice L. Blanche Lisa Heyward d/b/a Wonderful Beginnings (Lessee) *(located near Edisto Drive & Farm Road, Summerville)*

-Tract 179, TMS #145-10-01-058.00, Property Owner: Estate of Britt H. Branton

(Located near the corner of Lorraine Drive, Summerville)

-Tract 181/182, TMS #145-10-01-071.000, Property Owner: Central State Leasing, LLC

(Located near Danberry Drive, Summerville)

-Tract 183, TMS #145-10-01-040.000, Property Owner: Central State Leasing, LLC

(Located near Danberry Drive in Summerville)

-Executive Session

-Legal Advice

-Presidential Preference Primaries

-Contractual Matters

-Real Estate Matter HSB

-Real Estate Matter property near LEC

-New Jail

7. **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

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MINUTES
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
OCTOBER 17, 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 S. Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. Willie Davis
Mr. William "Bill" Hearn (arrived at 7:04 P.M.)
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Ms. Ashley Jacobs, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

ABSENT: Mr. David Chinnis

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

REQUESTS TO ADDRESS COUNCIL

There were two citizens who addressed Council at this meeting.

- Mr. Pete Weathers of St. George stated he would read a prepared statement in the interest of time. He read his statement regarding his opposition to the coal ash being accepted into Dorchester County near Grover from the SCE&G Plant and the "mess" it could make of the County. Mr. Weathers cited the 2008 flood near Tennessee in which a coal ash plant was destroyed when a river flooded and the land and river was polluted with toxic waste when the flooding occurred. He concluded by asking if it was too toxic for Colleton County then why not for Dorchester County.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Mr. Tom and Mrs. Debbie Ainscough of 189 McMakin Drive, Summerville, addressed Council regarding drainage problems at their property. Mrs. Ainscough first thanked Councilman Hearn for his visit to look at the drainage problems at their residence. She then reminded Council she had appeared before regarding this same drainage problem. Mrs. Ainscough provided Council with pictures of the problem after the heavy rains received in the past month. Councilman Hearn arrived at this time and spoke on the issue. Mr. Ward told Mrs. Ainscough that the County would follow-up with her and DHEC regarding working towards having this issue resolved.

ADOPTION OF MINUTES FROM THE OCTOBER 3, 2011, COUNTY COUNCIL MEETING, AND MINUTES FROM THE OCTOBER 13, 2011 SPECIAL CALLED COUNTY COUNCIL MEETING

1. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to adopt the Minutes from the October 3, 2011, County Council Meeting, and Minutes from the October 13, 2011 Special Called County Council Meeting.

Councilman Chinnis was absent.

3RD READING FOR ORDINANCE #11-14, "AN ORDINANCE APPROVING AND ADOPTING A REDISTRICTING PLAN FOR DORCHESTER COUNTY COUNCIL AS REQUIRED BY S.C. CODE ANN. SEC. 4-9-90, AS AMENDED, SUBJECT TO PRECLEARANCE FROM THE DEPARTMENT OF JUSTICE"

Chairman Hargett explained that County Council gave 1st Reading to the Ordinance for Redistricting Plan 7 at their meeting on Tuesday, September 6, 2011 in Summerville and 2nd Reading at their meeting on Monday, October 3, 2011 in St. George, and held two Public Hearings. He further stated that the Plan was available for public review in the County Library in Summerville, the County Library in St. George, the County Council Offices in St. George and Summerville, and on the Dorchester County Website.

2. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted six in favor and one absent, to give 3rd Reading to Ordinance #11-14, "An Ordinance Approving and Adopting a Redistricting Plan for Dorchester County Council as Required by S.C. Code Ann. Sec. 4-9-90, as Amended, Subject To Preclearance from the Department of Justice".

Councilman Chinnis was absent.

2ND READING FOR "AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE NUMBER 11-03 WHICH CREATED A DORCHESTER COUNTY PARKS AND RECREATION COMMISSION SO AS TO PROVIDE THAT THE 5TH MEMBER OF THE COMMISSION SHALL BE A MEMBER OF COUNTY COUNCIL APPOINTED BY DORCHESTER COUNTY COUNCIL"

3. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted six in favor and one absent, to give 2nd Reading for "An Ordinance to Amend Dorchester County Ordinance Number 11-03 Which Created A Dorchester County Parks and Recreation Commission so as to Provide that the 5th Member of the Commission shall be a Member of County Council Appointed by Dorchester County Council".

Councilman Chinnis was absent.

CORRESPONDENCE

There was no correspondence to report.

GUEST

**DORCHESTER COUNTY CONSERVATION COMMISSION-
WILLIAM (MAC) BAUGHMAN, VICE CHAIRMAN**

Dr. William (Mac) Baughman, Vice Chairman of the Dorchester County Conservation Commission, addressed Council on behalf of the Commission. He stated the Commission held its first meeting and started by declaring goals and working on a mission statement based on the Ordinance, which created the Commission. He said the meeting schedule for now would be the 1st Thursday of every month at the Dorchester County Public Works Department, near Dorchester. Dr. Baughman further explained that the Commission had questions regarding funding, and as a result the Commission thought it would be best to request that County Council consider temporarily freezing the expenditure of funds from the \$5 Million Bond Referendum, excluding any already obligated funds. He stated the Committee discussed many different items for the future and wanted to make that request of Council while the Commission was putting together a proposal for presentation to Council. Council discussed this issue, but at this point did not want to tie the funds up.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

MOTION TO AMEND THE AGENDA

Mr. Ward stated that prior to requesting 1st Reading for "An Ordinance Supplementing The Code of Ordinances, Dorchester County, South Carolina, by Adding To Chapter 28, Article II, A New Section 28-30 Prohibiting the Advertisement, Possession, Purchase, Sale or Use of "Synthetic Stimulants" and "Synthetic Cannabinoids" Within the Unincorporated Areas of Dorchester County", he would request that Council recognize the County Attorney, so that he could request 3rd Reading establishing the "Code of Ordinances".

COUNTY ADMINISTRATOR'S TIME – CONTINUED

MOTION TO AMEND THE AGENDA

Mr. John Frampton, County Attorney addressed Council and stated that under his time was a request for Council to give 3rd Reading for Ordinance 11-15, "An Ordinance Adopting and Enacting a New Code for the County Of Dorchester South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective". Therefore, he stated that in as much as the Ordinance that Mr. Ward was requesting 1st Reading for would supplement the new Code, he requested Council adopt New Code of Ordinances prior to Council supplementing the Code of Ordinances.

4. On the motion of Mr. Hearn, seconded by Mr. Davis, Council voted six in favor and one absent, to amend the agenda to change the order of the items as requested by the County Attorney regarding the New Codes for the Ordinances for Dorchester County.

Councilman Chinnis was absent.

3RD READING FOR ORDINANCE 11-15, "AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE COUNTY OF DORCHESTER SOUTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE"

After the agenda was amended, the County Attorney requested County Council to give 3rd Reading for Ordinance #11-15, "An Ordinance Adopting and Enacting a New Code for the County of Dorchester South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective".

5. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to give 3rd Reading for Ordinance #11-15, "An Ordinance Adopting and Enacting a New Code for the County Of Dorchester South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective".

Councilman Chinnis was absent.

COUNTY ADMINISTRATOR'S TIME – CONTINUED

1ST READING FOR “AN ORDINANCE SUPPLEMENTING THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY ADDING TO CHAPTER 28, ARTICLE II, A NEW SECTION 28-30 PROHIBITING THE ADVERTISEMENT, POSSESSION, PURCHASE, SALE OR USE OF “SYNTHETIC STIMULANTS” AND “SYNTHETIC CANNABINOIDS” WITHIN THE UNINCORPORATED AREAS OF DORCHESTER COUNTY”

6. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to give 1st Reading for “An Ordinance Supplementing The Code of Ordinances, Dorchester County, South Carolina, by Adding To Chapter 28, Article II, A New Section 28-30 Prohibiting the Advertisement, Possession, Purchase, Sale or Use of “Synthetic Stimulants” and “Synthetic Cannabinoids” Within the Unincorporated Areas of Dorchester County”, and to authorize a Public Hearing for the November 7, 2011, County Council Meeting.

Councilman Chinnis was absent.

Mr. Ward stated that this Ordinance was directed toward “Synthetic Stimulants” also known as “bath salts” and “Synthetic Cannabinoids” also known as “spice.” He stated these two substances, which are currently legal, affect users in a manner similar to cocaine and marijuana, respectively. Mr. Ward also informed Council and the public that Dorchester County School District Two has taken action to address possession of both substances by students and the Drug Enforcement Agency was also addressing “bath salts.” Sheriff Knight also addressed the issue and informed Council how dangerous these two substances were and told of his experiences with individuals that the Department had encountered on one or both of them.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT DATED AS OF ----, 2011 BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND SRE DORCHESTER LLC PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO”

The County Attorney requested Council to hold a Public Hearing on the above named Ordinance.

Chairman Hargett opened the Public Hearing, and stated this was for “An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of ____, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing for a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto”.

COUNTY ATTORNEY'S TIME – CONTINUED -PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT DATED AS OF ---- , 2011 BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND SRE DORCHESTER LLC PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES AND OTHER MATTERS RELATED THERETO” –CONTINUED

Chairman Hargett explained that this Ordinance basically was authorizing the Chairman of County Council to execute a Fee in Lieu of Taxes Agreement for SRE, Dorchester's Facility to be located on Seven Mile Road near Harleyville, South Carolina. He then opened the floor to receive public comment.

Two citizens addressed Councils with questions:

- Mr. Wallace Kizer addressed Council regarding the official name of the company that the County was authorizing the agreement with. The County Attorney stated that “SRE” was the name used in the ordinance.
- Mr. John Stauffer, 108 Edisto Drive in Summerville, addressed Council and questioned how the Fee In Lieu of Taxes Agreement works for the County.

Upon hearing no more comments, Chairman Hargett closed the Public Hearing.

7. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted six in favor and one absent, to give 2nd Reading to “An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of ____, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing for a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto”.

Councilman Chinnis was absent.

PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN DORCHESTER COUNTY (SRE DORCHESTER LLC) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO”

The County Attorney requested Council to hold a Public Hearing on the above named Ordinance.

Chairman Hargett opened the Public Hearing, and stated this was for “An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto”. He stated basically this Ordinance was amending the Multi-County Industrial Park Agreement with Orangeburg County to add SRE Dorchester LLC, Dorchester's Property located on Seven Mile Road near Harleyville to the Multi-County Industrial Park as required by state statutes pertaining to Fee in Lieu of Taxes.

Chairman Hargett opened the floor to receive any public comment.

Upon hearing no public comment, Chairman Hargett closed the Public Hearing.

COUNTY ATTORNEY'S TIME – CONTINUED

PUBLIC HEARING AND 2ND READING FOR “FOR “AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN DORCHESTER COUNTY (SRE DORCHESTER LLC) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO” –CONTINUED

8. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted six in favor and one absent, to give 2nd Reading for “An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto”.

Councilman Chinnis was absent.

REQUESTS FOR CONDEMNATIONS OF THE FOLLOWING TRACTS FOR BACONS BRIDGE RD. WIDENING (SC HWY. 165):

The County Attorney requested Council's consideration to authorize the condemnation of the following tracts for the Bacons Bridge Road, widening project as recommended by the Dorchester County Transportation Sales Tax Authority:

- Tract 114, TMS #145-13-03-004, Property Owner: John Swartz (*located near Newington Road, Summerville*)
- Tract 115, TMS #145-13-03-003, Property Owner: Bruce and Debra Huffines (*located near Harter Drive, Summerville*)
- Tract 159, TMS #145-09-06-001.00, Property Owner: Candice L. Blanche Lisa Heyward d/b/a Wonderful Beginnings (Lessee) (*located near Edisto Drive & Farm Road, Summerville*)
- Tract 179, TMS #145-10-01-058.00, Property Owner: Estate of Britt H. Branton (*Located near the corner of Lorraine Drive, Summerville*)
- Tract 181/182, TMS #145-10-01-071.000, Property Owner: Central State Leasing, LLC (*Located near Danberry Drive, Summerville*)
- Tract 183, TMS #145-10-01-040.000, Property Owner: Central State Leasing, LLC (*Located near Danberry Drive in Summerville*)

9. On the motion of Mr. Hearn, seconded by Mr. Byars, Council voted six in favor and one absent, to authorize the condemnation of the above listed tracts of property for the widening project for Bacons Bridge Road (SC Highway 165).

Councilman Chinnis was absent.

MOTION TO AMEND THE AGENDA

Mr. Frampton requested for Council to amend its agenda prior to going into Executive Session to add an additional item to be discussed in executive session with that item being a contractual matter dealing with the Pine Trace real estate purchase.

10. On the motion of Mr. Davis, seconded by Mr. Byars, Council voted six in favor and one absent, to amend the agenda as requested by the County Attorney to include an additional item to be discussed in Executive Session.

Councilman Chinnis was absent.

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into executive session to discuss the contractual matter concerning the Pine Trace real estate purchase, to give legal advice concerning "Presidential Preference Primaries", and to discuss additional contractual matters dealing with a real estate purchase of the Human Services Building, a real estate purchase concerning property near the Law Enforcement Complex, and to receive information concerning a contractual matter dealing with the new jail complex.

EXECUTIVE SESSION 7:36 P.M.

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

Councilman Chinnis was absent.

RECONVENE FROM EXECUTIVE SESSION 9:15 P.M.

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

CANCELLATION OF SPECIAL CALLED COUNCIL MEETING

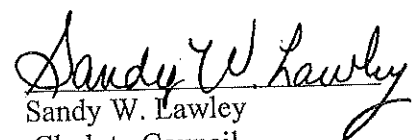
12. On the motion of Mr. Byars, seconded by Mr. Hearn, Council voted six in favor and one absent, that County Council cancel the Special called Meeting of Council scheduled for Thursday, October 20th, 2011 at 9:00 a.m.

Councilman Chinnis was absent.

ADJOURNMENT

13. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted six in favor and one absent, to adjourn. Time of adjournment was 9:17 p.m.

Councilman Chinnis was absent.


Sandy W. Lawley
Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
NOVEMBER 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 October 17, 2011, County Council Meeting
- Adoption of Proclamation #11-03, South Carolina Earthquake Awareness Week
- Public Hearing on "The Proposed Sale of County Property Located at 108 Dorchester Street, Ridgeville, S.C. (Former Newman Clinic) to the Ridgeville Community Resource Center"
TMS #108-04-01-001
- Public Hearing on "The Proposed Sale of Approximately 25 Acres of Real Property contained with TMS# 154-00-00-073, which is being purchased by Dorchester County from the State of South Carolina to Dorchester County School District Two" (*This is a portion of the Pine Trace property located on Jamison Road, Summerville*)
- 3rd Reading for Ordinance #11-16, "An Ordinance to Amend Dorchester County Ordinance Number 11-03 Which Created A Dorchester County Parks and Recreation Commission so as to Provide that the 5th Member of the Commission shall be a Member of County Council Appointed by Dorchester County Council"
- Approval of Revised SC Transportation Infrastructure Bank Application
- Correspondence

3. GUESTS

- Mr. Lee Moulder, Budget & Finance Director, Budget Report through September 30, 2011
- Mr. Edsel Taylor, Master Gardener, and Mrs. Carolyn Tomlinson, Keep Dorchester County Beautiful, Presentation of Pilot Project "Beautification Efforts of 3 Convenience Sites"

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

- Request to Recognize and Authorize a Codes Enforcement Officer / Animal Control Officer (*Giving Authorization to an Officer to Issue Summons in Violation of Animal Control and Code Violation of County Ordinances*)
- Proposals for Public Defender and Solicitor for Summary Court (Magistrate's Court)
- Requests for Funds to Repair 1988 Hahn Fire Engine (3023) --Sandhill Fire Department
- 1st Reading for Rezoning Request #660, Robert W. Cope, Jr.; TMS# 129-01-02-004 (*151 McMakin Dr., Summerville; Requested Zoning Change from R-1 (Single-Family Residential District) to R-1M (Single-Family Residential Manufactured Housing District)*)
- Public Hearing and 2nd Reading for "An Ordinance Supplementing the Code of Ordinances, Dorchester County, South Carolina, by Adding To Chapter 28, Article II, A New Section 28-30 Prohibiting the Advertisement, Possession, Purchase, Sale or Use of "Synthetic Stimulants" and "Synthetic Cannabinoids" Within the Unincorporated Areas of Dorchester County"

COUNTY ADMINISTRATOR'S TIME-CONTINUED

-3rd Reading for Dorchester County, South Carolina Ordinance #11-17, "A Fifth Supplemental Ordinance Making Provision For The Terms And Conditions Of Waterworks And Sewer System Revenue Borrowing By Dorchester County, South Carolina, Authorized By General Bond Ordinance No. 03-06 Enacted By The County Council Of Dorchester County, South Carolina On September 2, 2003; Approving The Financing Of System Improvements In Dorchester County, South Carolina, Through The Borrowing Of Not Exceeding \$1,481,830 Plus Capitalized Interest, If Any, From The State Water Pollution Control Revolving Fund, By Agreement With The South Carolina Water Quality Revolving Fund Authority, Pursuant To Title 48, Chapter 5 Of The Code Of Laws Of South Carolina 1976, As Amended; Providing For The Agreement To Make And To Accept A Loan, The Execution And Delivery Of A Loan Agreement Between Dorchester County And The South Carolina Water Quality Revolving Fund Authority, The Execution And Delivery Of A Promissory Note From Dorchester County To The South Carolina Water Quality Revolving Fund Authority; And Other Matters Relating Thereto" *(This will allow the County to borrow funds to match a grant to install a reclaim water system.)*

5. COMMITTEE REPORTS

Chairman Bill Hearn, Planning, Development and Building Committee Report

-Executive Session -Contractual Matter – MeadWestvaco Development Agreement

Chairman Larry Hargett, Water and Sewer Committee Report

-Request for New Water and Sewer Service for Westcott Park TMS# 171-00-00-086

(To provide water and sewer service including irrigation service for a 50+/- acre park at 9006 Dorchester Road, North Charleston that includes a baseball complex, passive park, and associated maintenance facilities.)

-Recommendation for Authorization of a Formal Request to the Town of Hollywood to Provide Sewer Service to Poplar Grove

Chairman Bill Hearn, Planning, Development and Building Committee Report

-**Public Hearings and Recommendations for 2nd Readings for the following Rezoning Requests:**

-#651, George R. & Beverly M. Gifford, TMS #160-11-03-013; (.315-acre); Location – Highway 61, Summerville, SC; Requested Change R-2 (Single-Family Residential District) to CN Neighborhood Commercial District)

-#654, Samuel L. Hanna, Jr. ET AL; TMS# 151-00-00-036; (1 acre); Location –11035 Dorchester Rd., Summerville, SC; Requested Change R-4 (Multi-Family Residential District) to CG (General Commercial District)

-#655, William S. Hall; TMS#130-13-00-103; (1.7 acres); Location - 116 Pidgeon Bay Rd., Summerville, SC; Requested Change TRM (Transitional Residential Manufactured Housing District) to CLI (Commercial Light-Industrial District)

-#656, William S. Hall; TMS# 130-13-00-105; (9.18 acres); Location - 120 Pidgeon Bay Rd., / W Richardson Ave, Summerville, SC; Requested Change R-4 (Multi-Family Residential District) to CLI (Commercial Light-Industrial District)

-#657, Harold & Judy Veronee; TMS# 134-16-01-003; (2.3 acres); Location – 107 Pruitt St., Summerville, SC; Requested Change R-1MA (Single-Family Residential Manufactured Housing District) to TRM (Transitional Residential Manufactured Housing District)

-#658, David Pulliam; TMS# 122-00-00-171; (13.42 acres); Location - 507 Hodge Rd., Summerville, SC; Requested Change I (Industrial District) to TRM (Transitional Residential Manuf. Housing Dist.)

Planning, Development and Building Committee Report –Continued

-Public Hearings and Recommendations for 2nd Readings for the following Rezoning Requests:
-#659 Ed Carlile; TMS#'s 121-16-04-013, 121-16-04-014, 121-16-04-015, 121-16-04-031; (Total 10.18 acres); Location - Mallard Rd., Allspice Dr., Cinnamon Rd., Summerville Estates, Summerville, SC; Requested Change R-1M (Single-Family Residential District) to R-4 (Multi-Family Residential Dist.)

6. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

-3rd Reading for Ordinance #10-10, "An Ordinance Authorizing the Transfer of Property from a Lease Agreement dated December 1, 2000 by and between Dorchester County and Robert Bosch, LLC with a fee in lieu of Tax and Infrastructure Tax Credit Pursuant to Title 4, Chapter 29 of the Code of Laws of South Carolina, 1976, and a Lease Agreement with Fee In Lieu of Tax Pursuant to Title 4, Chapter 29 of the Code of Laws of South Carolina, 1976, as Amended to a Fee of Infrastructure Tax Credit Agreement Pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as Amended; The Entering into of Certain Covenants and Agreements and the Execution and Delivery of Certain Instruments Including the Aforesaid Fee and Infrastructure Tax Credit Agreement and the Satisfaction of the Industrial Revenue Bond, Series 2000, and the Satisfaction of the Industrial Revenue Bonds, Series 1992, and Prescribing Matters Related Thereto"

"An Ordinance authorizing the modification of Robert Bosch's Fee in Lieu of Taxes agreements with the County, extending the investment period for the company and allowing for Special Source Revenue Credits related to the installation of reclaim water infrastructure. The Ordinance also consolidates two Fee in Lieu Agreements into one Simplified Fee in Lieu of Taxes Agreement."

-Requests for Condemnation of the following for Bacons Bridge Rd. Widening (SC Hwy. 165):

-Tract 135, TMS #145-13-07-004.000, Property Owner: Nina Faye A. Spell a/k/a Nina A. Spell

-Tract 136, TMS #145-13-07-005.000, Property Owner: Nina A. Spell

**(Both 135 and 136 are located near Waccamaw Drive, in Summerville)*

-Tract 137, TMS #145-09-07-004.000, Property Owner: Nina A. Spell
(Located near Edisto Drive, in Summerville)

-Tract 138, TMS #145-09-07-003.000, Property Owner: Nina A. Spell
(Located near Edisto Drive, in Summerville)

-Tract 139, TMS #145-09-07-002.000, Property Owner: Nina A. Spell
(Located near Mikel Drive, in Summerville)

-Tract 140, TMS #145-09-07-001.000, Property Owner: Nina A. Spell
(Located near Mikel Drive, in Summerville)

-Tract 141, TMS #145-14-08-029.000, Property Owner: Nina A. Spell
(Located near Mikel Drive, in Summerville)

-Executive Session -Contractual Matters -Real Estate Purchase from Knight Family LP
-Widening of Highway 165
-CTC Project Administration
-Real Estate Matter Bank of America
-Fire Protection
-Lake Marion Regional Water Agency

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 NOVEMBER 7, 2011 7:06 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 S. 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
Ms. Ashley Jacobs, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

REQUESTS TO ADDRESS COUNCIL

The following citizens addressed Council.

- Ms. Linda Haynes Whetsell of Atlantic Street addressed Council concerning her problem with the noise and pollution from the company Camtech, located by her home. She again requested Council's assistance with this matter due to the affect on her health, sleep, and quality of life. Councilman Hearn asked Ms. Whetsell if DHEC had held the Community Meeting with the residents of Atlantic Street as promised. Mrs. Whetsell stated that they had not held the meeting, and Councilman Hearn stated he would check with DHEC about this matter.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Mrs. Alvenia A. Smalls of 886 Clubhouse Road, Ridgeville, SC, addressed Council regarding what she called a wrongful arrest by the Dorchester County Sheriff's Department. She explained her version of the circumstances of when, how, and why the arrest took place and requested Council's assistance in her attempt to be refunded the \$500 paid to the Magistrate's Court for her release. She said after two years the charges were thrown out of court.

ADOPTION OF MINUTES FROM THE OCTOBER 17, 2011, COUNTY COUNCIL MEETING

1. On the motion of Mr. Rosebrock, seconded by Mr. Hearn, Council voted unanimously to adopt the Minutes from the October 17, 2011, County Council Meeting.

ADOPTION OF PROCLAMATION #11-03, "SOUTH CAROLINA EARTHQUAKE AWARENESS WEEK"

2. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to adopt Proclamation #11-03, "South Carolina Earthquake Awareness Week", this Proclamation designates November 6th through November 12th, 2011, as Earthquake Awareness Week in Dorchester County. Chairman Hargett read the Proclamation aloud.

PUBLIC HEARING ON "THE PROPOSED SALE OF COUNTY PROPERTY LOCATED AT 108 DORCHESTER STREET, RIDGEVILLE, S.C. (FORMER NEWMAN CLINIC) TO THE RIDGEVILLE COMMUNITY RESOURCE CENTER" TMS #108-04-01-001

Chairman Hargett opened the Public Hearing on "The Proposed Sale of County Property Located at 108 Dorchester Street, Ridgeville, S.C. (Former Newman Clinic) to the Ridgeville Community Resource Center", identified by TMS #108-04-01-001. He then recognized the County Attorney, Mr. John Frampton, prior to receiving public comment. Mr. Frampton stated that the County was required to hold this public hearing prior to taking final action to sell county owned property. He stated the sales price was \$20,000, but the County had received a counter offer of \$40,000 for the property from Mr. Charles Hartzog of 120 Dorchester Street, Ridgeville, SC 29472. He explained County Council was considering selling the property to the Ridgeville Community Resource Center because they were currently leasing the building, was a non-profit organization, and had requested an opportunity to purchase the building.

Chairman Hargett opened the floor to the public:

- Mr. Michael Carter of Ridgeville addressed Council and stated that he opposed the sale of the property to the Ridgeville Community Resource Center for \$20,000 and requested Council to consider opening this up to the public for bid.
- Dr. Rosemary Simmons Brown of Ridgeville addressed Council and stated she was in favor of the sale of the property to the Ridgeville Community Resource Center. She stated the sale of the Center would benefit all the citizens of the Ridgeville Community and not just make money for the County, and it was more than a building, it was a place to learn, receive help and assistance when needed.

Upon hearing no further public comments, Chairman Hargett closed the public hearing.

PUBLIC HEARING ON "THE PROPOSED SALE OF COUNTY PROPERTY LOCATED AT 108 DORCHESTER STREET, RIDGEVILLE, S.C. (FORMER NEWMAN CLINIC) TO THE RIDGEVILLE COMMUNITY RESOURCE CENTER" TMS #108-04-01-001-COUNTINUED

MOTION TO AMEND THE AGENDA

3. On the motion of Mr. Hearn, seconded by Mr. Byars, Council voted unanimously to amend the agenda to discuss the matter of the "Proposed Sale of Former Newman Clinic", in Executive Session as a contractual matter.

PUBLIC HEARING ON "THE PROPOSED SALE OF APPROXIMATELY 25 ACRES OF REAL PROPERTY CONTAINED WITH TMS# 154-00-00-073, WHICH IS BEING PURCHASED BY DORCHESTER COUNTY FROM THE STATE OF SOUTH CAROLINA TO DORCHESTER COUNTY SCHOOL DISTRICT TWO"

Chairman Hargett opened the Public Hearing on "The Proposed Sale of Approximately 25 Acres of Real Property Contained within TMS# 154-00-00-073", which is currently in the process of being purchased by Dorchester County from the State of South Carolina, with plans to sell the "25 Acres" to Dorchester County School District Two. The proposed 25 acres are contained in a portion of the Pine Trace property located on Jamison Road, Summerville. Chairman Hargett then recognized the County Attorney, Mr. John Frampton, prior to receiving public comment. Mr. Frampton stated that the County was required to hold this public hearing prior to taking final action to sell county owned property. Mr. Frampton explained that the State Board of Education has approved the school site for purchase by Dorchester School District Two, simultaneously with the County closing on the larger tract, and that this 25-acre piece would be sold to School District Two.

Chairman Hargett opened the floor to the public. Upon hearing no public comments, Chairman Hargett closed the public hearing.

4. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to authorize the Administrator to sign a contract of sale with School District Two to sell 25 acres of property for \$500,000 contained with in TMS #154-00-00-073, which was being purchased by Dorchester County from the State of South Carolina.

3RD READING FOR ORDINANCE #11-16, "AN ORDINANCE TO AMEND DORCHESTER COUNTY ORDINANCE NUMBER 11-03 WHICH CREATED A DORCHESTER COUNTY PARKS AND RECREATION COMMISSION SO AS TO PROVIDE THAT THE 5TH MEMBER OF THE COMMISSION SHALL BE A MEMBER OF COUNTY COUNCIL APPOINTED BY DORCHESTER COUNTY COUNCIL"

5. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading for Ordinance #11-16, "An Ordinance to Amend Dorchester County Ordinance Number 11-03 Which Created A Dorchester County Parks and Recreation Commission so as to Provide that the 5th Member of the Commission shall be a Member of County Council Appointed by Dorchester County Council".

REVISED S.C. TRANSPORTATION INFRASTRUCTURE BANK APPLICATION

6. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously on the approval of "Revised S.C. Transportation Infrastructure Bank Application".

CORRESPONDENCE

There are no items of correspondence.

MOTION TO AMEND THE AGENDA

7. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously to amend the agenda to discuss an amendment to Ordinance #04-13, the Dorchester County Zoning and Land Development Standards Ordinance, regarding the maximum allowable size of façade signs.

1ST READING TO AN ORDINANCE AMENDING DORCHESTER COUNTY ORDINANCE #04-13 WITH RESPECT TO ARTICLE XIII, SUBSECTION 13.5.7(J)(1),(2), AND (4) REGARDING THE MAXIMUM ALLOWABLE SIZE OF FAÇADE SIGNS BY CHANGING SEVENTY-FIVE SQUARE FEET (75 SF) TO ONE HUNDRED ONE SQUARE FEET (101SF) IN EACH OF THOSE SUBSECTIONS

8. On the motion of Mr. Bailey, seconded by Mr. Rosebrock, Council voted unanimously to 1st Reading to An Ordinance Amending Dorchester County Ordinance #04-13 with respect to Article XIII, Subsection 13.5.7 (j) (1), (2), and (4) regarding the maximum allowable size of façade signs by changing seventy-five square feet (75 SF) to one hundred one square feet (101SF) in each of those subsections.

MOTION TO AMEND THE AGENDA

9. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to amend the agenda to discuss a building repair concerning Old Fort Fire Department Station #5.

APPROVAL OF EXPENDITURE FOR OLD FORT FIRE DEPARTMENT

10. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to approve an expenditure not exceeding \$10,000 from the Dorchester County Fire Protection Improvement Fund to replace the HVAC System and duct work at the Old Fort Fire Department Station #5, and the station is currently owned by the County.

ITEM FROM CITIZEN CONCERNING SCE&G TREE TRIMMING

Councilman Rosebrock stated a citizen contacted him regarding SCE&G trimming trees on Ayers Circle and when they came to his property they crossed over the easement and cut trees on the citizen's property. He stated the citizen went to the County's Planning and Zoning Department to look at the Agreement with SCE&G and was told that the County did not have one, and requested for Council to look into this matter. Mr. Mark Merting (the concerned citizen) from 103 Ayers Circle came forward at this time and addressed Council. He stated that he spoke to Mr. Alec Brebner about the agreement as Mr. Rosebrock stated and he wanted to make Council aware that the County did not have a "Tree Trimming Agreement" at this time. Chairman Hargett placed this item in the Planning, Development, and Building Committee.

GUESTS

**MR. LEE MOULDER, BUDGET & FINANCE DIRECTOR, -BUDGET REPORT YEAR
BUDGET REPORT THROUGH SEPTEMBER 30, 2011**

Mr. Lee Moulder, Budget and Finance Director, addressed Council and presented a Budget Report for the current Fiscal Year through September 30, 2011. Mr. Moulder stated tax revenues were very small as usual for the first part of each year, and the amounts collected were primarily Vehicle Taxes which were received monthly, and the Delinquent Taxes Collected during the period leading up through the tax sales. He stated that the bright spot was in the Sheriff's Revenue from the US Marshal's Service for housing of their inmates which was already at 62.2% of the annual amount expected. Mr. Moulder then briefly went over the remainder of the report and stated it was mostly self-explanatory, but he would take any questions that Council had regarding the Budget Statement. Council thanked Mr. Moulder for his time.

**MR. EDESEL TAYLOR, MASTER GARDENER, AND MRS. CAROLYN TOMLINSON,
KEEP DORCHESTER COUNTY BEAUTIFUL, PRESENTATION OF PILOT PROJECT
"BEAUTIFICATION EFFORTS OF 3 CONVENIENCE SITES"**

Mr. Edsel Taylor, Master Gardener, and Mrs. Carolyn Tomlinson, Keep Dorchester County Beautiful, addressed Council with a presentation on a pilot project. Mrs. Tomlinson stated that she was approached by Mr. Richard Byrd, Public Works Director, about a project concerning the "Beautification Efforts of 3 Convenience Sites", which were the St. George, Bucks, and Givhans convenience sites. Mrs. Tomlinson presented a power point presentation and Mr. Taylor addressed Council on the project. He first stated that he wanted to give credit to the MacDougall Youth Correctional Center for their hard work on this project and stated that they were always happy when the inmates could be taken to work on a safe project, which allows them to return a small amount back to the Community. Mr. Taylor spoke on the types of plants chosen for the sites and the project was successful and a very rewarding effort. Council thanked Mr. Taylor for all of his volunteer work and everyone from Keep Dorchester County Beautiful. Mr. Taylor was also presented with a plaque in the shape of a tree by the Keep Dorchester County Beautiful Committee.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

**REQUEST TO RECOGNIZE AND AUTHORIZE A CODES ENFORCEMENT OFFICER
/ANIMAL CONTROL OFFICER**

11. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to appoint and commission Ms. Regina Corradina, as a Dorchester County Animal Control and Codes Enforcement Officer, who is authorized to enforce the County's Animal Control Ordinance.

**COUNTY ADMINISTRATOR'S TIME-CONTINUED
PROPOSALS FOR PUBLIC DEFENDER AND SOLICITOR FOR SUMMARY COURT
(MAGISTRATE'S COURT)**

Mr. Ward explained that the Solicitor, David Pascoe, the Public Defender, Mark Leiendecker, the Magistrate's Court and the Sheriff were asking County Council to consider funding a six-month pilot program beginning in January 2012 at a cost of \$72,500. He stated that the Public Defender had agreed to contribute \$5,000 to bring the cost to \$67,500 and the objectives of the pilot included reducing the Summary Court docket by moving cases faster from arrest to disposition, providing legal counsel to indigent offenders as required by the U.S. Supreme court, providing law enforcement with a prosecutor to advise them on criminal matters taken before the Summary Court. Mr. Ward also stated that Mr. Leiendecker was present and could answer questions for Council. Mr. Leiendecker, Public Defender addressed Council and stated that this was a pilot program to see if it would work for six-months, which he felt would have a dramatic affect on the backlog of cases. He stated that the six month timeframe would give them the time to put hard numbers together to see the number of cases moved and see the impact on the revenues versus the cost of time spent in jail and at the end of the six-month period come back to Council to reevaluate the project.

12. On the motion of Mr. Rosebrock, seconded by Mr. Hearn, Council voted five in favor and two abstentions, to approve funding a six-month pilot program beginning in January 2012 at a total cost of \$72,500 minus \$5000 that the Public Defender has agreed to contribute to bring the cost to \$67,500, to hire an additional public defender and solicitor. The objectives of the pilot included reducing the Summary Court docket by moving cases faster from arrest to disposition, providing legal counsel to indigent offenders as required by the U.S. Supreme court, providing law enforcement with a prosecutor to advise them on criminal matters taken before the Summary Court.

Council Members Chinnis and Byars abstained.

**REQUESTS FOR FUNDS TO REPAIR 1988 HAHN FIRE ENGINE (3023) –SANDHILL
FIRE DEPARTMENT**

13. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to authorize the requests for funds for the expenditure of not exceeding \$25,000 for the Dorchester County Fire Fund to repair a 1988 Hahn Fire Engine (3023) for Sandhill Fire Department, as recommended by the Fire Coordinator and Fire Board.

**1ST READING FOR REZONING REQUEST #660, ROBERT W. COPE, JR.;
TMS# 129-01-02-004**

14. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 1st Reading for Rezoning Request #660, Robert W. Cope, Jr.; TMS# 129-01-02-004 (151 McMakin Dr., Summerville; Requested Zoning Change from R-1 (Single-Family Residential District) to R-1M (Single-Family Residential Manufactured Housing District), and to refer this matter to the Planning, Development, and Building Committee for further consideration.

COUNTY ADMINISTRATOR'S TIME-CONTINUED

PUBLIC HEARING AND 2ND READING FOR "AN ORDINANCE SUPPLEMENTING THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY ADDING TO CHAPTER 28, ARTICLE II, A NEW SECTION 28-30 PROHIBITING THE ADVERTISEMENT, POSSESSION, PURCHASE, SALE OR USE OF "SYNTHETIC STIMULANTS" AND "SYNTHETIC CANNABINOIDS" WITHIN THE UNINCORPORATED AREAS OF DORCHESTER COUNTY"

Mr. Ward stated that at its Council meeting on October 17, 2011, County Council gave 1st Reading to the above stated Ordinance and authorized a Public Hearing for November 7, 2011. He stated that subsequent to that action, the Board of Directors of South Carolina Department of Health and Environmental Control (DHEC) amended its list of controlled substances on Schedule I to include bath salts and synthetic marijuana. He further stated that since these were controlled substances, state and local law enforcement had the authority to enforce the law concerning possessing, consuming, manufacturing, and distributing these substances. Mr. Ward concluded by stating that since the actions taken by DHEC cover the County, the Public Hearing scheduled to be held tonight and the adoption of the above named Ordinance was no longer required.

3RD READING FOR DORCHESTER COUNTY, SOUTH CAROLINA ORDINANCE #11-17, "A FIFTH SUPPLEMENTAL ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF WATERWORKS AND SEWER SYSTEM REVENUE BORROWING BY DORCHESTER COUNTY, SOUTH CAROLINA, AUTHORIZED BY GENERAL BOND ORDINANCE NO. 03-06 ENACTED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, SOUTH CAROLINA ON SEPTEMBER 2, 2003; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS IN DORCHESTER COUNTY, SOUTH CAROLINA, THROUGH THE BORROWING OF NOT EXCEEDING \$1,481,830 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND, BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, PURSUANT TO TITLE 48, CHAPTER 5 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN DORCHESTER COUNTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM DORCHESTER COUNTY TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO"

15. On the motion of Mr. Davis, seconded by Mr. Byars, Council voted unanimously to give 3rd Reading to Ordinance #11-17, the above named Ordinance. This will allow the County to borrow funds to match a grant to install a reclaimed water system in the area down to Robert Bosch Corporation. This loan will match an EDA grant the County received for this project.

COMMITTEE REPORTS

PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE-
CHAIRMAN BILL HEARN
EXECUTIVE SESSION - CONTRACTUAL MATTER – MEADWESTVACO
DEVELOPMENT AGREEMENT

Chairman Hearn reported the Committee met earlier today and discussed a contractual matter in executive session regarding the development agreement with MeadWestvaco and no action was taken.

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

WATER AND SEWER COMMITTEE- CHAIRMAN LARRY HARGETT

REQUEST FOR NEW WATER AND SEWER SERVICE FOR WESTCOTT PARK
TMS# 171-00-00-086

16. Chairman Hargett reported that the Water and Sewer Committee met earlier with two items on the agenda. He stated the first item was a request for new water and sewer service for Westcott Park, identified by TMS# 171-00-00-086. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for water and service for Westcott Park, including irrigation service for 50+/- acres located at 9006 Dorchester Road, North Charleston, which includes a baseball complex, passive park, and associated maintenance facilities. Council voted unanimously in favor of the recommendation.

RECOMMENDATION FOR AUTHORIZATION OF A FORMAL REQUEST TO THE
TOWN OF HOLLYWOOD TO PROVIDE SEWER SERVICE TO POPLAR GROVE

17. Chairman Hargett stated there also was a request for recommendation for authorization of a formal request to the Town of Hollywood, South Carolina, to provide sewer service to Poplar Grove and the Committee's recommendation to Council was for approval. Council voted unanimously in favor of the recommendation.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE-
CHAIRMAN BILL HEARN

Chairman Hearn reported that a second Committee meeting was held at 6:45 p.m. for seven Rezoning Requests and Public Hearings were held for each of the requests.

REZONING REQUEST #651, GEORGE R. & BEVERLY M. GIFFORD, TMS #160-11-
03-013

18. Chairman Hearn reported that the Committee voted unanimously to recommend for Council to give 2nd Reading to Rezoning Request #651, for George R. and Beverly M. Gifford, identified by TMS #160-11-03-013. Council voted unanimously in favor of the recommendation.

COMMITTEE REPORTS-CONTINUED
PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE- CONTINUED
REZONING REQUEST #654, SAMUEL L. HANNA, JR. ET AL; TMS# 151-00-00-036

19. Chairman Hearn reported that the Committee voted unanimously to recommend for Council to give 2nd Reading to Rezoning Request #654, for Samuel L. Hanna, Jr. ET AL, identified by TMS# 151-00-00-036. Council voted unanimously in favor of the recommendation.

REZONING REQUEST #655, WILLIAM S. HALL; TMS#130-13-00-103

20. Chairman Hearn reported that the Committee voted two in favor and one opposed to recommend for Council to give 2nd Reading to Rezoning Request #655, for William S. Hall, identified by TMS#130-13-00-103. Council voted five in favor and two opposed on the recommendation of the Committee.

Council Members Rosebrock and Davis were opposed.

REZONING REQUEST #656, WILLIAM S. HALL; TMS# 130-13-00-105

21. Chairman Hearn reported that the Committee voted two in favor and one opposed to recommend for Council to give 2nd Reading to Rezoning Request #656, for William S. Hall; TMS# 130-13-00-105. Council voted five in favor and two opposed on the recommendation of the Committee.

Council Members Rosebrock and Davis were opposed.

REZONING REQUESTS #657, HAROLD & JUDY VERONEE; TMS# 134-16-01-003;
#658, DAVID PULLIAM; TMS# 122-00-00-171; #659 ED CARLILE; TMS#'S 121-16-04-
013, 121-16-04-014, 121-16-04-015, 121-16-04-031

22. Chairman Hearn stated that he would report on the final three Rezoning Requests together. He reported that the Committee voted unanimously to recommend for Council to give 2nd Reading to Rezoning Request #657, for Harold and Judy Veronee, identified by TMS# 134-16-01-003; Rezoning Request #658, for David Pulliam, identified by TMS# 122-00-00-171; and Rezoning Request #659, for Ed Carlile, identified by the following TMS#'s 121-16-04-013, 121-16-04-014, 121-16-04-015, and 121-16-04-031. Council voted unanimously in favor of the recommendation for 2nd Reading on all of these three Requests.

APPOINTMENTS TO BOARDS AND COMMISSIONS

APPOINTMENT TO THE DORCHESTER COUNTY PARKS AND RECREATION
COMMISSION

23. On the motion of Mr. Bailey, seconded by Mr. Chinnis, Council voted unanimously to appoint Councilman Jay Byars as Council's appointment to the Dorchester County Parks and Recreation Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS- CONTINUED

FOSTER CARE REVIEW BOARD 1-B

24. On the motion of Mr. Chinnis, seconded by Mr. Hearn, Council voted unanimously to recommend to the Governor that Mr. Christopher D. Nisbet be appointed to the Dorchester County Foster Care Review Board 1-B.

ALCOHOL AND DRUG ABUSE COMMISSION

25. On the motion of Mr. Chinnis, seconded by Mr. Hearn, Council voted unanimously to reappoint Ms. Genie Gore to the Dorchester County Alcohol and Drug Abuse Commission as representative for Council District #2.

ALCOHOL AND DRUG ABUSE COMMISSION

26. On the motion of Mr. Byars, seconded by Mr. Chinnis, Council voted unanimously to reappoint Mr. Mike Montei to the Dorchester County Alcohol and Drug Abuse Commission as representative for Council District #7.

DORCHESTER COUNTY LIBRARY BOARD

27. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to reappoint Mr. Thomas Socha to the Dorchester County Library Board, as representative for Council District #5.

ALCOHOL AND DRUG ABUSE COMMISSION, ECONOMIC DEVELOPMENT BOARD GRIEVANCE COMMITTEE AND ZONING APPEALS BOARD

28. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted unanimously on the following reappointments as representatives for Council District #1: Mr. David Rison to the Dorchester County Alcohol and Drug Abuse Commission; Mr. Linwood Ling to the Dorchester County Economic Development Board; Mr. Joe Mack to the Dorchester County Grievance Committee; and Mr. Dwight Herman to the Dorchester County Zoning Appeals Board.

FOSTER CARE REVIEW BOARD 1-B

29. On the motion of Mr. Chinnis, seconded by Mr. Hearn, Council voted unanimously to recommend to the Governor that Ms. Sharon M. Atkinson be reappointed to the Dorchester County Foster Care Review Board 1-B.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

3RD READING FOR ORDINANCE #11-10, "AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTY FROM A LEASE AGREEMENT DATED DECEMBER 1, 2000 BY AND BETWEEN DORCHESTER COUNTY AND ROBERT BOSCH, LLC WITH A FEE IN LIEU OF TAX AND INFRASTRUCTURE TAX CREDIT PURSUANT TO TITLE 4, CHAPTER 29 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AND A LEASE AGREEMENT WITH FEE IN LIEU OF TAX PURSUANT TO TITLE 4, CHAPTER 29 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED TO A FEE OF INFRASTRUCTURE TAX CREDIT AGREEMENT PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS INCLUDING THE AFORESAID FEE AND INFRASTRUCTURE TAX CREDIT AGREEMENT AND THE SATISFACTION OF THE INDUSTRIAL REVENUE BOND, SERIES 2000, AND THE SATISFACTION OF THE INDUSTRIAL REVENUE BONDS, SERIES 1992, AND PRESCRIBING MATTERS RELATED THERETO"

30. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted unanimously to give 3rd Reading to the above named Ordinance #11-10, as the titled stated by the County Attorney with the proper number, and described by the County Attorney as follows: "An Ordinance authorizing the modification of Robert Bosch's Fee in Lieu of Taxes agreements with the County, extending the investment period for the company and allowing for Special Source Revenue Credits related to the installation of reclaim water infrastructure. The Ordinance also consolidates two Fee in Lieu Agreements into one Simplified Fee in Lieu of Taxes Agreement."

REQUESTS FOR CONDEMNATION OF THE FOLLOWING TRACTS FOR THE BACONS BRIDGE RD. WIDENING (SC HWY. 165):

31. On the motion of Mr. Davis, seconded by Mr. Bailey, Council voted unanimously as requested by the County Attorney to authorize the following condemnations as recommended by the Dorchester County Transportation Sales Tax Authority: Tract 135, Tract 136, Tract 137, Tract 138, Tract 139, Tract 140, and Tract 141. Mr. Frampton stated that each of the tracts was owned by Ms. Nina A. Spell.

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into executive session to discuss the following contractual matters: the "Proposed Sale of Former Newman Clinic", a potential real estate purchase by the County from the Knight Family LP, a contractual matter dealing with the widening of Highway 165, the CTC Project Administration, a potential real estate purchase by the County of property owned by the Bank of America, Fire Protection Contracts with the County Fire Departments, and the Lake Marion Regional Water Agency.

EXECUTIVE SESSION

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

MOTION TO AMEND THE AGENDA TO ADD AN ITEM OF DISCUSSION IN EXECUTION BY THE CHAIRMAN - OTHER POST EMPLOYMENT BENEFITS

Chairman Hargett stated he wanted to amend the agenda and to add one item of discussion to executive session as Chairman and that item was OPEB (Other Post Employment Benefits), and requested a motion for that action.

33. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to amend the agenda and add one item of discussion to executive session as requested by the Chairman of Council, and that item was OPEB (Other Post Employment Benefits).

RECONVENE FROM EXECUTIVE SESSION 11:11 P.M.

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

SALE OF COUNTY PROPERTY LOCATED AT 108 DORCHESTER STREET, RIDGEVILLE, S.C. (FORMER NEWMAN CLINIC) TO THE RIDGEVILLE COMMUNITY RESOURCE CENTER" TMS #108-04-01-001

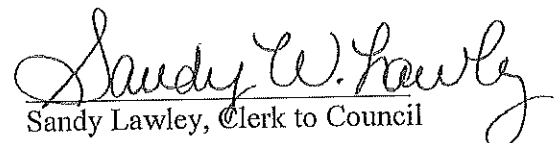
34. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to authorize the County Administrator to execute a Contract of Sale with the Ridgeville Community Resource Center for the sale of 108 Dorchester Street, Ridgeville, S.C., the former Newman Clinic, for a sale price of \$20,000.00.

RESIGNATION AND REAPPOINTMENT OF SANDY W. LAWLEY- CLERK OF COUNCIL

35. On the motion of Mr. Rosebrock, seconded by Mr. Bailey, Council voted unanimously for County Council to accept the resignation of Ms. Sandy Lawley, its Clerk to Council, effective December 6, 2011 and further move to reappoint her to the same position at the same salary effective December 22, 2011.

ADJOURNMENT

36. On the motion of Mr. Bailey, 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, SUMMERVILLE
NOVEMBER 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 November 7, 2011 County Council Meeting
- Adoption of "Proposed Dorchester County Council Meetings Schedule for 2012"
- Correspondence

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

- Request for Approval of Funds for Public Defender and Solicitor for Summary Court (Magistrate's Court)

-Request for 3rd Reading for the following Rezoning Requests:

- #651, George R. & Beverly M. Gifford, TMS #160-11-03-013; (.315-acre); Location – Highway 61, Summerville, SC; Requested Change R-2 (Single-Family Residential District) to CN Neighborhood Commercial District)
 - #654, Samuel L. Hanna, Jr. ET AL; TMS# 151-00-00-036; (1 acre); Location –11035 Dorchester Rd., Summerville, SC; Requested Change R-4 (Multi-Family Residential District) to CG (General Commercial District)
 - #655, William S. Hall; TMS#130-13-00-103; (1.7 acres); Location - 116 Pidgeon Bay Rd., Summerville, SC; Requested Change TRM (Transitional Residential Manufactured Housing District) to CLI (Commercial Light-Industrial District)
 - #656, William S. Hall; TMS# 130-13-00-105; (9.18 acres); Location - 120 Pidgeon Bay Rd., / W Richardson Ave, Summerville, SC; Requested Change R-4 (Multi-Family Residential District) to CLI (Commercial Light-Industrial District)
 - #657, Harold & Judy Veronee; TMS# 134-16-01-003; (2.3 acres); Location – 107 Pruitt St., Summerville, SC; Requested Change R-1MA (Single-Family Residential Manufactured Housing District) to TRM (Transitional Residential Manufactured Housing District)
 - #658, David Pulliam; TMS# 122-00-00-171; (13.42 acres); Location - 507 Hodge Rd., Summerville, SC; Requested Change I (Industrial District) to TRM (Transitional Residential Manufactured Housing District)
 - #659 Ed Carlile; TMS#'s 121-16-04-013, 121-16-04-014, 121-16-04-015, 121-16-04-031; (Total 10.18 acres); Location - Mallard Rd., Allspice Dr., Cinnamon Rd., Summerville Estates, Summerville, SC; Requested Change R-1M (Single-Family Residential District) to R-4 (Multi-Family Residential District)
- Recognition of Revenues from Insurance Company

4. COMMITTEE REPORTS

Chairman Bill Hearn, Planning, Development and Building Committee Report (11-14-11)

- Executive Session -Contractual Matter – MeadWestvaco Development Agreement

Chairman Bill Hearn, Planning, Development and Building Committee Report (11-21-11)

- Executive Session -Contractual Matter – MeadWestvaco Development Agreement

Chairman Bill Hearn, Planning, Development and Building Committee Report

- Recommendation for 2nd Reading for Rezoning Request #660, Robert W. Cope, Jr.; TMS #129-01-02-004; (.51 acre); Location: 151 McMakin Dr., Summerville, SC; Requested Zoning Change from R-1 (Single-Family Residential District) to R-1M (Single-Family Residential Manufactured Housing District)
- Recommendation for 2nd Reading of "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended with Respect to Article XIII, Subsection 13.5.7(j) (1), (2), and (4) by Changing Seventy-Five Square Feet (75 SF) to One Hundred One Square Feet (101 SF)" (The maximum allowable size of façade signs, signs on buildings, would increase from seventy-five square feet (75 SF) to one hundred one square feet (101 SF))
- Recommendation to Remove Amendment to Development Agreement with DC & Myers Mill Dev.
- Recommendation to Deny 2nd Reading to the Following Rezoning Requests: (1st Reading for All Requests given on 10/1/07, & Public Hearings Held for all on 11/5/07) Location for all Request – Sam Lane, Summerville;**
 - #555 - Queen E. Trappier as Trustee for Bobby Trappier; TMS #143-04-00-012; Property Owner & Applicant Queen E. Trappier as Trustee for Bobby Trappier; 4.85-acres; Request zoning change from R-4 (Multi-Family Residential District) to PD (Myers Mill Planned Development District)
 - #556 - Virginia Trappier; TMS #143-04-00-018; Property Owner & Applicant Virginia Trappier; 4.85-acres; Request zoning change from R-4 (Multi-Family Residential District) to PD (Myers Mill Planned Development District)
 - #557- C.F.M. Haigood; TMS #143-04-00-013; Property Owner & Applicant C.F.M. Haigood; 40-acres; Request zoning change from R-4 (Multi-Family Residential District) to PD (Myers Mill Planned Development District)
 - #558 - Isaac, Wanda, & Barbara Smalls, Eloise Williams, Althea Dubois; TMS #143-04-00 019; Property Owner – Isaac, Wanda & Barbara Smalls, Eloise Williams & Althea Dubois; Applicant Isaac Smalls; 4.85-acres; Request zoning change from R-4 (Multi-Family Residential District) to PD (Myers Mill Planned Development District)
 - #559 - Samuel A. Williams; TMS #143-04-00-020; Property Owner & Applicant Samuel A. Williams; 4.86-acres; Request zoning change from R-4 (Multi-Family Residential District) to PD (Myers Mill Planned Development District)
 - #560 - Bobby Trappier TMS #143-04-00-021; Property Owner & Applicant Bobby Trappier: 9.69-acres; Request zoning change from R-4 (Multi-Family Residential District) to PD (Myers Mill Planned Development District)
- Recommendation to Deny 1st Reading of Ordinance Approving Development Agreement between Dorchester County and Heritage Development Group of South Carolina, LLC (Revised)
- Recommendation to Deny 2nd Reading of Ordinance to Amend Zoning & Land Dev. Standards Ord. #04-13 To Amend Article IX, Section 9.1.3 "Use Groups Permitted" To Additionally Prohibit that Portion of Article VI Use Groups 1(d) "Extraction of Mineral Resource Operations"
- Recommendation to Deny 1st Reading of Ordinance to Amend Ordinance #04-13, "Zoning & Land Developments Standards Ordinance", Reg. Article XI Ashley River Historic District Overlay Zone, Section 11.5.7 Add Req. District 1 & Section 11.5.8 Add Req. District 2
- Recommendation to Deny 1st Reading of Ordinance Approving Development Agreement between Dorchester County and Domino Properties, LLC.

5. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

-Request for Condemnation for Bacons Bridge Rd. Widening (SC Hwy. 165): -Tract 132, TMS #145-13-07-001.000, Owner: 1411 Holding, LLC (Located near the corner of Pointer Lane, Summerville)

- Executive Session -Confidential Economic Development Projects
- Legal Advice
- Contractual Matters
- Personnel Policy -OPEB (Other Post Employment Benefits)
- Lake Marion Regional Water Agency Purchase & Supply Agreement
- Pine Trace Property
- Highway 165 (Delmar Highway) Widening
- St. George Waste Water Treatment Plant

7. 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 NOVEMBER 21, 2011 7:03 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 S. Hargett, Chairman
Mr. Jay Byars
Mr. David Chinnis
Mr. Willie Davis
Mr. William "Bill" Hearn
Mr. Richard Rosebrock
Mr. Jason Ward, County Administrator
Ms. Ashley Jacobs, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

ABSENT: Mr. George H. Bailey, Vice Chairman

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

REQUESTS TO ADDRESS COUNCIL

The following citizens addressed Council at this meeting.

- Captain David Moore, employee of the Dorchester County Sheriff's Department, addressed Council concerning "Other Employee Post Retirement Health Benefits" and the proposed wage increase. He stated he had questions on a handout, which was presented to employees at the two presentations on the benefit changes, and requested Council put a subcommittee together to help make a more informed decision.

REQUESTS TO ADDRESS COUNCIL -CONTINUED

- Mrs. Marva Hardee-Thomas, 195 Pidgeon Bay Road, Summerville, addressed Council and spoke in opposition of Rezoning Requests #655 and #656, which are located on Pidgeon Bay Road and up for 3rd Reading later in this meeting.
- Ms. Linda Whetsell, Atlantic Street, Summerville, addressed Council concerning the poor condition of Highway 78, the wear and tear it has placed on her car and the danger it places on the citizens who drive on it each day. She requested that Council look into having it repaired as soon as possible.
- Ms. Dale Parkey, McMakin Street, Summerville addressed Council about the flooding on McMakin Street and gave Council a copy of a picture of what one hour of rain looks like on her street and the flooding issues associated with the rain. Ms. Parkey requested a copy of an Ordinance she was informed about which stated as a property owner she was prohibited from installing any type drainage pipe on property that was an easement in her yard to stop the flooding problem. Councilman Hargett stated that she would be hearing from the County regarding the information she requested.
- Mrs. Debbie Ainscough of 189 McMakin Drive, Summerville, addressed Council regarding drainage problems on her property. However, Mrs. Ainscough thanked the County for putting in a drainage culvert to stop some of the flooding issues she had been experiencing for sometime. In addition, she requested a copy of an Ordinance, she was informed about, which stated as a property owner she was prohibited from placing any type of drainage solution in her yard to stop a flooding problem if it stops a natural flow of water. Councilman Hargett stated that this would be checked on and she would be hearing from someone from the County regarding the Ordinance she requested.
- Mr. John Haynes, 164 Pidgeon Bay Road, Summerville, addressed Council and spoke in opposition of Rezoning Request #655 and #656, which are located on Pidgeon Bay Road. He requested for Council to deny 3rd Reading for both of the requests because of the noise and other annoyances that come along with commercial development and stated they would disrupt this residential area.
- Mrs. Linda Berganske, 149 Carolinian Drive, Summerville, addressed Council and requested assistance with the "Cut-through Traffic" in Legend Oaks Subdivision. She described some terrible accidents that this fast cut-thru traffic had caused, and requested speed bumps, stop signs, and any help that Council could provide. She also requested assistance from the Sheriff's Department and stated the Homeowners Association supported her request. Sheriff Knight was present and also addressed the issue.
- Mr. Joe Ballentine, a resident of Legend Oaks Subdivision and a former police officer, addressed Council regarding the cut-through traffic problem. He stated as a former police officer he had dealt with traffic problems like this and made suggestions on types of traffic control devices that could be placed in the Subdivision.

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

1. On the motion of Mr. Hearn, seconded by Mr. Chinnis, Council voted six in favor and one absent, to adopt the Minutes from the November 7, 2011, County Council Meeting.

Councilman Bailey was absent.

**ADOPTION OF "DORCHESTER COUNTY COUNCIL MEETINGS
SCHEDULE FOR 2012"**

2. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted six in favor and one absent, to adopt the proposed "Dorchester County Council Meetings Schedule for 2012"

Councilman Bailey was absent.

Discussion was held by members of Council regarding the meeting schedule and maybe considering a change in the schedule, however it was adopted as presented.

CORRESPONDENCE

There was no correspondence to report.

**COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
REQUEST FOR APPROVAL OF FUNDS FOR PUBLIC DEFENDER AND
SOLICITOR FOR SUMMARY COURT (MAGISTRATE'S COURT)**

Mr. Ward requested for Council's approval of funds to cover the cost of the six-month Pilot Program for the Public Defender and Solicitor which was approved by Council at its last meeting held on November 7th, 2011. The funds have been identified to cover the cost from sufficient savings in workers compensation, liability insurance, and unemployment insurance. The objectives of the Pilot Program included reducing the Summary Court Docket by moving cases faster from arrest to disposition, providing legal counsel to indigent offenders, as required by the U.S. Supreme Court, providing law enforcement with a prosecutor to advise them on criminal matters taken before the Summary Court.

Several Councilmen had questions on the program and the benchmark that would be used as a measurement for Council to decide if the program was worth the expense.

Sheriff Knight addressed the pilot program and stated it would be an asset by providing law enforcement with a prosecutor to advise them on criminal matters, helping to prepare the cases faster, therefore taking the cases before the Summary Court faster. He stated the end of the six-month period, which would be January through June, would be the benchmark. Mr. Ward stated that he agreed the benchmark would be January 2012- June 30, 2012, compared to previous years.

3. On the motion of Mr. Hearn, seconded by Mr. Davis, Council voted four in favor, one opposed, one abstention, and one absent, to approve the use of the savings in workers compensation, liability insurance, and unemployment insurance to fund the six-month Pilot Program for the Public Defender and Solicitor for Summary Court, at the cost of \$67,500.

Councilman Chinnis opposed, Councilman Byars abstained, and Councilman Bailey was absent.

**COUNTY ADMINISTRATOR'S TIME-CONTINUED
REQUEST FOR 3RD READING FOR REZONING REQUESTS #651, GEORGE R.
& BEVERLY M. GIFFORD, TMS #160-11-03-013; REZONING REQUEST #654,
SAMUEL L. HANNA, JR. ET AL; TMS# 151-00-00-036; REZONING
REQUESTS'#657, HAROLD & JUDY VERONEE; TMS# 134-16-01-003; #658,
DAVID PULLIAM; TMS# 122-00-00-171; #658, DAVID PULLIAM; TMS# 122-00-
00-171; #659 ED CARLILE; TMS #'S 121-16-04-013, 121-16-04-014, 121-16-04-015,
121-16-04-031**

4. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to give 3rd Reading to Rezoning Request #651, George R. & Beverly M. Gifford, TMS #160-11-03-013; Rezoning Request #654, Samuel L. Hanna, Jr. ET AL; TMS# 151-00-00-036; Rezoning Request #657, Harold & Judy Veronee; TMS# 134-16-01-003; #658, David Pulliam; TMS# 122-00-00-171; and #659 Ed Carlile; TMS#'s 121-16-04-013, 121-16-04-014, 121-16-04-015, 121-16-04-031.

Councilman Bailey was absent.

Councilman Davis had requested that Rezoning Request #655, William S. Hall; TMS#130-13-00-103; and Rezoning Request #656, for William S. Hall; TMS# 130-13-00-105 be taken out of the above group and voted on separately for 3rd Reading. As Council discussed these two Rezoning Requests, Mr. Brebner was asked to speak on these two requests concerning the type zoning change that was requested, and why it was requested. Upon conclusion of the discussion the following motion was made.

**REQUEST TO AMEND THE AGENDA TO ADD TWO REZONING REQUESTS
TO EXECUTIVE SESSION UNDER THE COUNTY ATTORNEY'S TIME
#655, WILLIAM S. HALL; TMS #130-13-00-103 AND #656, WILLIAM S. HALL;
TMS# 130-13-00-105**

5. On the motion of Mr. Hearn, seconded by Mr. Davis, Council voted six in favor and one absent, to amend the agenda and to add Rezoning Requests #655, for William S. Hall; and #656, for William S. Hall, to Executive Session to receive legal advice under the County Attorney's time.

Councilman Bailey was absent.

RECOGNITION OF REVENUES FROM INSURANCE COMPANY

The Administrator told Council that the Sheriff's Office had three (3) vehicles totaled in accidents in 2011, and that the County received the insurance monies from the State and requested Council to recognize the funds as revenues and authorize these funds for purchasing the replacement vehicles.

6. On the motion of Mr. Davis, seconded by Mr. Chinnis, Council voted six in favor and one absent, to recognize the funds received from the State for the vehicles totaled in accidents in 2011 as revenues, and authorize these funds for purchasing the replacement vehicles.

Councilman Bailey was absent.

COUNTY ADMINISTRATOR'S TIME-CONTINUED
U.S. HIGHWAY 78

Mr. Ward addressed the concerns raised by Ms. Linda Whetsell regarding the poor condition of U.S. Highway 78. He stated that within the last two weeks the Board of Directors of the Berkeley-Charleston-Dorchester Council of Governments approved funding through Rural Guidesshare that would allow right-of-way to be purchased for Phase Two of Highway 78, which comes down through Ridgeville. Additionally, Rural Guidesshare funds were approved for construction of this project. Additionally, on last Thursday funds were requested from the S.C. Transportation Infrastructure Bank specifically for providing turn lanes and signals for the intersection at Deming Way and monies have already been approved for intersection improvements at US Highway 78 and Orangeburg Road, as well as US Highway 78 and SC Highway 27 going through Ridgeville. To the extent that the County receives \$4 million additional dollars from the S.C. Transportation Infrastructure Bank, the county will complete design, permitting, and right-of-way acquisition for Phase 3 of the US Highway 78 project so that it will be made shovel ready for federal funding.

REQUEST TO AMEND THE AGENDA TO ADD AN ADDITION ITEM TO EXECUTIVE SESSION – CONTRACTURAL MATTER CONCERNING THE PROPOSED REAL ESTATE PURCHASE

7. On the motion of Mr. Byars, second by Mr. Hearn, Council voted six in favor and one absent, to amend the agenda and add an additional item to executive session to allow Council to discuss a contractural matter concerning a proposed real estate purchase.

REQUEST TO AMEND THE AGENDA TO ADD AN ADDITIONAL ITEM AND FOR COUNCIL TO TAKE ACTION ON THE ITEM AS A WHOLE BODY – VERSUS THE WATER AND SEWER COMMITTEE

8. On the motion of Mr. Chinnis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to amend the agenda to add an additional item for action by Council as a whole body versus the Water and Sewer Committee due to the issue being time sensitive.

Councilman Bailey was absent.

REQUEST FOR NEW SEWER AND WATER SERVICE FOR 3698 APPLETREE AVENUE, TMS #172-15-04-017

9. On the motion of Mr. Chinnis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to approve the request for new sewer and water service for 3689 Appletree Avenue, identified by TMS #172-15-04-017.

Councilman Bailey was absent.

TREE TRIMMING

Councilman Rosebrock brought up the tree trimming issue, and it was stated that this issue would be discussed at the next Council Meeting to be held on December 5th, 2011.

COMMITTEE REPORTS
PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE- CHAIRMAN
BILL HEARN
EXECUTIVE SESSION - CONTRACTUAL MATTER – MEADWESTVACO
DEVELOPMENT AGREEMENT (11-14-2011)

Chairman Hearn reported that the Planning, Development, and Building Committee met on November 14, 2011, and discussed a contractual matter in executive session regarding the development agreement with MeadWestvaco and no action was taken.

PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE-
CHAIRMAN BILL HEARN
EXECUTIVE SESSION - CONTRACTUAL MATTER – MEADWESTVACO
DEVELOPMENT AGREEMENT (11-21-2011)

Chairman Hearn reported that the Planning, Development, and Building Committee met earlier this morning and discussed a contractual matter in executive session regarding the development agreement with MeadWestvaco and no action was taken.

PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE-
CHAIRMAN BILL HEARN

RECOMMENDATION FOR 2ND READING FOR REZONING REQUEST
#660, ROBERT W. COPE, JR.

10. Chairman Hearn reported that the Committee voted to recommend that Council give 2nd Reading to Rezoning Request #660, for Mr. Robert W. Cope, Jr.; TMS #129-01-02-004. Council voted six in favor and one absent, on the recommendation.

Councilman Bailey was absent.

RECOMMENDATION FOR 2ND READING OF “AN ORDINANCE TO AMEND
DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS
ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED WITH RESPECT
TO ARTICLE XIII, SUBSECTION 13.5.7(J) (1), (2), AND (4) BY CHANGING
SEVENTY-FIVE SQUARE FEET (75 SF) TO ONE HUNDRED ONE SQUARE
FEET (101 SF)”

11. Chairman Hearn reported that the Committee voted to recommend that Council give 2nd Reading for “An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended with Respect to Article XIII, Subsection 13.5.7(j) (1), (2), and (4) by Changing Seventy-Five Square Feet (75 SF) to One Hundred One Square Feet (101 SF)”. *(The maximum allowable size of façade signs, signs on buildings, would increase from seventy-five square feet (75 SF) to one hundred one square feet (101 SF).* Council voted six in favor and one absent, on the recommendation.

Councilman Bailey was absent.

COMMITTEE REPORTS
PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE- CONTINUED

Chairman Hearn stated that the rest of the agenda consisted of "House Keeping" items which had been in the Planning, Development, and Building Committee for a number of years and needed to be cleared from the Committee properly.

RECOMMENDATION TO REMOVE AMENDMENT TO DEVELOPMENT AGREEMENT WITH DORCHESTER COUNTY AND MYERS MILL DEVELOPMENT

12. Chairman Hearn reported that the Committee's recommendation to Council was to remove the amendment to the Development Agreement with Dorchester County and Myers Mill Development. Council voted six in favor and one absent, on the recommendation.

Councilman Bailey was absent.

RECOMMENDATION TO DENY 2ND READING TO THE FOLLOWING REZONING REQUESTS:

13. Chairman Hearn reported that the following were Rezoning Requests that were up for denial of 2nd Reading, and the Committee's recommendation to Council was to deny 2nd Reading for all of the following Rezoning Requests: #555 for Queen E. Trappier as Trustee for Bobby Trappier; TMS #143-04-00-012; #556 for Virginia Trappier; TMS #143-04-00-018; #557 for C.F.M. Haigood; TMS #143-04-00-013; #558 for Isaac, Wanda, & Barbara Smalls, Eloise Williams, Althea Dubois; TMS #143-04-00-019; #559 for Samuel A. Williams; TMS #143-04-00-020; and #560 for Bobby Trappier; TMS #143-04-00-021. Council voted six in favor and one absent, for the recommendation to deny 2nd Reading on all of the above listed Rezoning Requests.

Councilman Bailey was absent.

RECOMMENDATION TO DENY 1ST READING OF AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN DORCHESTER COUNTY AND HERITAGE DEVELOPMENT GROUP OF SOUTH CAROLINA, LLC (REVISED)

14. Chairman Hearn reported the Committee's recommendation to Council was to deny 1st Reading of An Ordinance Approving a Development Agreement between Dorchester County and Heritage Development Group of South Carolina, LLC, revised. Council voted six in favor and one absent, on the recommendation.

Councilman Bailey was absent.

COMMITTEE REPORTS
PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE- CONTINUED
RECOMMENDATION TO DENY 2ND READING OF AN ORDINANCE TO
AMEND THE ZONING AND LAND DEVELOPMENT STANDARDS
ORDINANCE #04-13, TO AMEND ARTICLE IX, SECTION 9.1.3 "USE GROUPS
PERMITTED" TO ADDITIONALLY PROHIBIT THAT PORTION OF
ARTICLE VI USE GROUPS 1(D) "EXTRACTION OF MINERAL RESOURCE
OPERATIONS

15. Chairman Hearn reported that that the Committee's recommendation to Council was to deny 2nd Reading of an Ordinance to Amend the Zoning and Land Development Standards Ordinance #04-13, To Amend Article IX, Section 9.1.3 "Use Groups Permitted" To Additionally Prohibit that Portion of Article VI Use Groups 1(d) "Extraction of Mineral Resource Operations. Council voted six in favor and one absent, for the recommendation.

Councilman Bailey was absent.

RECOMMENDATION TO DENY 1ST READING OF AN ORDINANCE TO
AMEND ORDINANCE #04-13, "THE ZONING AND LAND DEVELOPMENTS
STANDARDS ORDINANCE", REGARDING ARTICLE XI, ASHLEY RIVER
HISTORIC DISTRICT OVERLAY ZONE, SECTION 11.5.7, ADD REQ.
DISTRICT 1 AND SECTION 11.5.8 ADD REQ. DISTRICT 2

16. Chairman Hearn reported that that the Committee's recommendation to Council was to deny 1st Reading of an Ordinance to Amend Ordinance #04-13, "The Zoning and Land Developments Standards Ordinance", regarding Article XI ,Ashley River Historic District Overlay Zone, Section 11.5.7, Add Req. District 1 and Section 11.5.8 Add Req. District 2. Council voted five in favor, one opposed, and one absent, on the recommendation.

Councilman Bailey was absent.

RECOMMENDATION TO DENY 1ST READING OF AN ORDINANCE
APPROVING A DEVELOPMENT AGREEMENT BETWEEN DORCHESTER
COUNTY AND DOMINO PROPERTIES, LLC.

17. Chairman Hearn reported that that the Committee's recommendation to Council was to deny 1st Reading of an Ordinance Approving a Development Agreement between Dorchester County and Domino Properties, LLC. Council voted six in favor and one absent on the recommendation.

Councilman Bailey was absent.

APPOINTMENTS TO BOARDS AND COMMISSIONS
FOSTER CARE REVIEW BOARD 1-B

18. On the motion of Mr. Chinnis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to recommend to the Governor that Ms. Lynn C. Nowell be appointed to the Dorchester County Foster Care Review Board 1-B.

Councilman Bailey was absent.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
REQUEST FOR CONDEMNATION OF TRACT #132 FOR THE BACONS
BRIDGE ROAD WIDENING PROJECT

The County Attorney requested Council's consideration to authorize the condemnation of Tract 132, identified by TMS #145-13-07-001.000, for the Bacons Bridge Road widening project.

19. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted six in favor and one absent, to authorize the condemnation of Tract 132, identified by TMS #145-13-07-001.000 for the widening project for Bacons Bridge Road.

Councilman Bailey was absent.

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session to receive updates concerning several confidential economic development projects, to give legal advice concerning Rezoning Requests #655 and #656, to discuss and receive legal advice concerning Personnel Policy (Other Post Employment Benefits), to discuss contractual matters dealing with a real estate purchase, Lake Marion Regional Water Agency Purchase and Supply Agreement, a contractual matter concerning services rendered at the Pine Trace Property, to discuss the Highway 165 (Delmar Highway) Widening Project, and to discuss the design and construction of the St. George Waste Water Treatment Plant.

EXECUTIVE SESSION 8:11 P.M.

20. On the motion of Mr. Chinnis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to enter into Executive Session, as requested by the County Attorney.

Councilman Bailey was absent.

RECONVENE FROM EXECUTIVE SESSION 10:49 P.M.

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

ST. GEORGE WASTE WATER TREATMENT PLANT

21. On the motion of Mr. Hearn, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to approve the Director of the Water and Sewer Department be authorized to expend up to \$300,000 of Sewer Impact Fees for the expansion of the St. George Wastewater Treatment Facility.

Councilman Bailey was absent.

PINE TRACE PROPERTY

22. On the motion of Mr. Chinnis, seconded by Mr. Byars, Council voted six in favor and one absent, to authorize the expenditure of not more than \$20,000 from County Council Contingency for the purpose of wetlands delineation and a wetlands survey for the Pine Trace property.

Councilman Bailey was absent.

POSTPONE 3RD READING FOR REZONING REQUESTS #655 - TMS #130-13-00-103; AND #656 -TMS# 130-13-00-105; UNTIL JANUARY 3, 2012, COUNTY COUNCIL MEETING

23. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted six in favor and one absent, to postpone voting on 3rd Reading of Rezoning Requests #655, for William S. Hall; TMS#130-13-00-103, and #656, for William S. Hall; TMS# 130-13-00-105; until Council's January 3, 2012 County Council Meeting.

Councilman Bailey was absent.

PERSONNEL POLICY - OPEB (OTHER POST EMPLOYMENT BENEFITS)

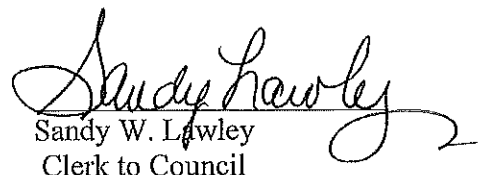
24. On the motion of Mr. Byars, seconded by Mr. Davis, Council voted six in favor and one absent, that based upon the outcome of the poll of county employees that County Council change the county's retiree health and dental benefits as follows:
- Grandfather all current retirees (including those who have retired as of December 31, 2011)
 - Grandfather employees with 10 or more years of service with Dorchester County effective January 1, 2012. This group will receive current benefits, but coverage ends at age 65, when the retiree is Medicare eligible (currently age 65).
 - All employees with 10 or fewer years of service and all new employees will not receive any retiree benefits. A pre-tax Post Employment Health Plan will be setup for those employees to set aside savings which will come from the employee's paycheck; the County will not contribute or match.
 - Additionally, grandfather all employees with at least 25 years of service as of December 31, 2011 under the current retiree health and dental benefits policy.
 - Finally, provide a 2.8% raise for all employees, effective January 1, 2012, based upon savings from changing the county's retiree health and dental benefits policy.

Councilman Bailey was absent.

ADJOURNMENT

25. On the motion of Mr. Davis, seconded by Mr. Hearn, Council voted six in favor and one absent, to adjourn. Time of adjournment was 10:56 p.m.

Councilman Bailey was absent.


Sandy W. Lawley
Clerk to Council

AGENDA

**JOINT SPECIAL CALLED COUNTY COUNCIL MEETING WITH
DORCHESTER COUNTY CONSERVATION COMMISSION AND
DORCHESTER COUNTY PARKS & RECREATION COMMISSION
HUMAN SERVICES BUILDING
COUNTY COUNCIL CHAMBERS, SUMMERVILLE
NOVEMBER 30, 2011
7:00 PM**

1. CALL TO ORDER – COUNTY COUNCIL CHAIRMAN LARRY HARGETT

INVOCATION AND PLEDGE OF ALLEGIANCE

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

-Executive Session

Contractual Matter – Potential Purchase of Real Estate

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
JOINT SPECIAL CALLED MEETING OF
DORCHESTER COUNTY COUNCIL WITH
DORCHESTER COUNTY CONSERVATION COMMISSION AND
DORCHESTER COUNTY PARKS & RECREATION COMMISSION
HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
NOVEMBER 30, 2011
7:05 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 before the meeting.

PRESENT: Mr. Larry S. Hargett—Chairman
Mr. George Bailey—Vice Chairman
Mr. Jay Byars
Mr. Willie Davis
Mr. Bill Hearn (arrived late)
Mr. Richard Rosebrock
Mr. Jason Ward—Administrator
Ms. Ashley Jacobs—Deputy Administrator
Mr. John Frampton—County Attorney
Mrs. Sally Hebert—Admin. Asst. to Council

ABSENT: Mr. David Chinnis

Chairman Hargett called the Joint Special Called Meeting of Dorchester County Council to order and gave the invocation.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

CONTRACTUAL MATTER – REAL ESTATE PURCHASE

The County Attorney requested for Council's consideration to enter into Executive Session to discuss a contractual matter concerning a potential real estate purchase with the Conservation Commission and the Parks and Recreation Commission.

EXECUTIVE SESSION – 7:08 P.M.

1. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted five in favor, two absent, to enter into Executive Session for the purpose of discussing a contractual matter concerning a potential real estate purchase. Councilman Chinnis and Hearn were absent. Mr. Hearn arrived shortly after Council and the Commissions entered into Executive Session.

On the motion of Mr. Mike Dawson, seconded by Mr. Howard Bridgman, the Conservation Commission voted to go into Executive Session to discuss a contractual matter concerning a potential real estate purchase.


On the motion of Mr. Byars, seconded by Mr. Mike Montei, the Parks and Recreation Commission voted to go into Executive Session to discuss a contractual matter concerning a potential real estate purchase.

RECONVENE FROM EXECUTIVE SESSION – 8:18 P.M.

Mr. Frampton reported that Council entered into Executive Session with the Conservation and Parks and Recreation Commissions to discuss the previously announced item and no action was taken.

ADJOURNMENT

2. On the motion of Mr. Bailey, seconded by Mr. Davis, Council voted six in favor, one absent (Mr. Chinnis), to adjourn. The time of adjournment was 8:18 p.m.


Sally Hebert, Admin. Asst. to Council

**AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
DECEMBER 5, 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 November 21, 2011, County Council Meeting, and November 30, 2011, Joint Special Called County Council Meeting with the Conservation and Parks and Recreation Commissions
- Re-appointment of Ms. Suzie Davis as Delinquent Tax Collector
- Public Hearing and 3rd Reading for Ordinance #11-18, "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended with Respect to Article XIII, Subsection 13.5.7(j) (1), (2), and (4) by Changing Seventy-Five Square Feet (75 SF) to One Hundred One Square Feet (101 SF)" *(The maximum allowable size of façade signs, signs on buildings, would increase from seventy-five square feet (75 SF) to one hundred one square feet (101 SF))*
- Public Hearing and 3rd Reading for Rezoning Request #660, Robert W. Cope, Jr.; TMS #129-01-02-004; (.51 acre); Location: 151 McMakin Dr., Summerville, SC; Requested Zoning Change from R-1 (Single-Family Residential District) to R-1M (Single-Family Residential Manufactured Housing District)
- Adoption of the Revised "Dorchester County Council Meetings Schedule for 2012" *(Move the November 5, 2012, Meeting to November 7, 2012, because of the 2012 General Election)*
- Correspondence

3. GUEST -Mrs. Barbara Jones, St. George Tennis Program

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

- Request for 1st Reading for Rezoning Request #650, for Giles N. Branch, c/o Earthsource Engineering; TMS# 135-00-00-219, Property Owner – Emory O. Brown; Acreage – 1.22-acres; Location – W. Butternut Road, Summerville; Request zoning change from PD (Planned Development District) to OI (Office and Institutional District)
- Request for 1st Reading for Rezoning Request #661, for Frank Jarvis; TMS# 145-13-07-001, Property Owner – 1411 Holdings, LLC; Acreage – 0.51-acres; Location – 1411 Bacons Bridge Road, Summerville; Request zoning change from CG (General Commercial District) to CN (Neighborhood Commercial District)
- Request for Approval of Funds for HVAC Repairs for Harleyville Fire Station

5. COMMITTEE REPORTS

Chairman Bill Hearn, Planning, Development and Building Committee Report

- SCE&G Tree Protection Agreement with Dorchester County

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for New Water and Sewer Service to 298 Picard Drive TMS #162-08-02-037
- Request to become a Member of South Carolina Water/Wastewater Agency Response Network (SCWARN)

6. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

-3rd Reading for Ordinance 11-19, "An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of December 5, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing For a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto" (*"An Ordinance authorizing the Chairman of County Council to execute a Fee in Lieu of Taxes Agreement for SRE, Dorchester's Facility to be located on Seven Mile Road near Harleyville"*)

-3rd Reading for Ordinance 11-20, "An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto"

(*"An Ordinance amending the Multi-County Industrial Park Agreement with Orangeburg County to add SRE, Dorchester's Property located on Seven Mile Road near Harleyville to the Multi-County Industrial Park as required by state statutes pertaining to Fee in Lieu of Taxes"*)

-Approval of Biomass Material Supply Agreement by and between SRE-Dorchester, LLC and Dorchester County, South Carolina (*This is the agreement for SRE-Dorchester, LLC to take virgin wood waste from the County to produce electricity*)

-Executive Session -Contractual Matters -Magistrate's Oversight Committee Agreement

-Potential Purchase of Real Estate

-Potential Sale Real Estate

-Legal Advice- -Presidential Preference Primary

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
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
DECEMBER 5, 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 S. 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
Ms. Ashley Jacobs, Deputy County Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

Councilman Bailey made an announcement regarding a topic brought up at the last meeting, which he missed due to a family commitment, regarding changing the County Council meeting places.

REQUESTS TO ADDRESS COUNCIL

The following citizens addressed Council.

- Mr. Ricky Johnston, a resident of Harleyville, addressed Council regarding the William Moore Cemetery. He stated he appreciated the work that the County had performed at the William Moore Cemetery, but requested the County please come back and work on the road and around the cemetery. Mr. Johnston stated that a lot more work was necessary for the cemetery to look decent, because it was very old and had been neglected for many years.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Mr. Virgil Boyd, Harleyville, addressed Council regarding the William Moore Cemetery. He also addressed the work the County had performed at the cemetery and stated much more work was needed because the cemetery was over 100 years old and was still in terrible shape. Mr. Boyd requested that the County Public Works employees please be allowed to come back and work on the road and the other areas.

ADOPTION OF MINUTES FROM THE NOVEMBER 21, 2011, COUNTY COUNCIL MEETING AND NOVEMBER 30, 2011, JOINT SPECIAL CALLED COUNTY COUNCIL MEETING WITH THE PARKS AND RECREATION AND THE CONSERVATION COMMISSIONS

1. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to adopt the Minutes from the November 21, 2011, County Council Meeting, and November 30, 2011, Joint Special Called County Council Meeting with the Conservation Commission and Parks and Recreation Commission.

RE-APPOINTMENT OF MS. SUZIE DAVIS AS DELINQUENT TAX COLLECTOR

2. On the motion of Mr. Rosebrock, seconded by Mr. Bailey, Council voted unanimously to re-appoint Ms. Suzie Davis as Delinquent Tax Collector.

PUBLIC HEARING AND 3RD READING FOR ORDINANCE #11-18, "AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED WITH RESPECT TO ARTICLE XIII, SUBSECTION 13.5.7(J) (1), (2), AND (4) BY CHANGING SEVENTY-FIVE SQUARE FEET (75 SF) TO ONE HUNDRED ONE SQUARE FEET (101 SF)"

Chairman Hargett opened the Public Hearing for the proposed Ordinance #11-18 "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended with Respect to Article XIII, Subsection 13.5.7 (J) (1), (2), and (4) by Changing Seventy-Five Square Feet (75 SF) to One Hundred One Square Feet (101 SF)", he explained that this would change the maximum allowable size of façade signs and signs on buildings, with an increase from seventy-five square feet (75 SF) to one hundred one square feet (101 SF). He stated that the Planning Commission and the Planning and Zoning staff unanimously recommended this amendment.

Chairman Hargett opened the floor to the public. Upon hearing no public comments, the Chairman closed the Public Hearing.

3. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to give 3rd Reading to Ordinance #11-18 "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended with Respect to Article XIII, Subsection 13.5.7(J) (1), (2), and (4) by Changing Seventy-Five Square Feet (75 SF) to One Hundred One Square Feet (101 SF)".

**PUBLIC HEARING AND 3RD READING FOR REZONING REQUEST #660,
ROBERT W. COPE, JR.; TMS #129-01-02-004;**

Chairman Hargett opened the Public Hearing for Rezoning Request #660, for Robert W. Cope, Jr.; TMS #129-01-02-004, which is .51 acre located at 151 McMakin Drive in Summerville, South Carolina. He stated that the requested zoning change was from R-1 (Single-Family Residential District) to R-1M (Single-Family Residential Manufactured Housing District).

Chairman Hargett opened the floor to the public, upon hearing no public comment; the Chairman closed the Public Hearing.

4. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to give 3rd Reading to Rezoning Request #660 for Robert W. Cope, Jr.; TMS #129-01-02-004, which is .51 acre located at 151 McMakin Drive in Summerville, South Carolina.

**ADOPTION OF THE REVISED "DORCHESTER COUNTY COUNCIL MEETINGS
SCHEDULE FOR 2012"**

Chairman Hargett stated that he would like to entertain a motion to adopt the revised schedule, which moves the Monday, November 5, 2012, meeting of Dorchester County Council to Wednesday, November 7, 2012, because of the 2012 General Election which is scheduled to be held on Tuesday, November 6, 2012.

5. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to adopt the revised "Dorchester County Council Meetings Schedule for 2012", which moves the Monday, November 5, 2012, County Council meeting to Wednesday, November 7, 2012, because of the 2012 General Election which is scheduled to be held on Tuesday, November 6, 2012.

CORRESPONDENCE

There are no items of correspondence to report.

GUEST

Mrs. Barbara Jones, Coordinator of the St. George Jr. Tennis Team, addressed Council concerning the Adult Tennis Program. Mrs. Jones made a presentation requesting that County Council keep the tennis courts in the plans for the proposed Courthouse Park on the grounds of the new Dorchester County Courthouse. Mrs. Jones made a wonderful presentation and showed how the tennis program would be an excellent asset to the St. George area and the other surrounding towns, especially being right off Interstate 95. She explained that the town's tennis program had the support of the US Tennis Association. Mrs. Jones stated that the leagues were literally bursting with participation and that tennis was a year round sport and not seasonal like most activities. She said the adult tennis program was greatly needed and could bring in national tennis tournaments and tourism dollars to the County and to the town. In addition, she stated that tennis was one of the fastest-growing sports. Council thanked Mrs. Jones for her time and presentation and stated that the request would be taken under advisement.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

REQUEST FOR 1ST READING FOR REZONING REQUEST #650, FOR GILES N. BRANCH, C/O EARTHSOURCE ENGINEERING; TMS# 135-00-00-219

6. On the motion of Mr. Rosebrock, seconded by Mr. Chinnis, Council voted unanimously to give 1st Reading for Rezoning Request #650, for Giles N. Branch, c/o Earthsource Engineering; TMS# 135-00-00-219, and to place this item in the Planning Development, and Building Committee for further consideration and a recommendation. (*Property Owner – Emory O. Brown; Acreage – 1.22-acres; Location – W. Butternut Road, Summerville; Request zoning change from PD (Planned Development District) to OI (Office and Institutional District).*)

REQUEST FOR 1ST READING FOR REZONING REQUEST #661, FOR FRANK JARVIS; TMS# 145-13-07-001

7. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 1st Reading for Rezoning Request #661, for Frank Jarvis; TMS# 145-13-07-001, and to place it in the Planning Development, and Building Committee for further consideration and a recommendation. (*Property Owner – 1411 Holdings, LLC; Acreage – 0.51-acres; Location – 1411 Bacons Bridge Road, Summerville; Request zoning change from CG (General Commercial District) to CN (Neighborhood Commercial District).*) .

REQUEST FOR APPROVAL OF FUNDS FOR HVAC REPAIRS FOR HARLEYVILLE FIRE STATION

8. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to approve the request for the expenditure of funds not exceeding \$1,000 from the Fire Fund to repair the HVAC system at the Harleyville Fire Station.

COMMITTEE REPORTS

PLANNING, DEVELOPMENT, AND BUILDING COMMITTEE- CHAIRMAN BILL HEARN SCE&G TREE PROTECTION AGREEMENT - DORCHESTER COUNTY

9. Chairman Hearn reported that the Committee had one item on the agenda and that was the SCE&G Tree Protection Agreement with Dorchester County. He stated that the Committee heard a report from Mr. Alec Brebner, Dorchester County Planning and Codes Manager, and from Mr. Clarence Wright, SCE&G's Lowcounty District Manager. Chairman Hearn reported that the Committee voted unanimously to recommend to Council for approval to the SCE&G Tree Protection Agreement with Dorchester County, and to recommend the agreement to be executed by the County Administrator. Council voted unanimously in favor of the recommendation.

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

WATER AND SEWER COMMITTEE REPORT
CHAIRMAN LARRY HARGETT

REQUEST FOR NEW WATER AND SEWER SERVICE TO 298 PICARD DRIVE
TMS #162-08-02-037

10. Chairman Hargett stated the Water and Sewer Committee's met earlier and the first request was for new water and sewer service to 298 Picard Drive, identified by TMS #162-08-02-037, and the Committee voted unanimously to recommend for Council to grant this request. Council voted unanimously in favor of the recommendation.

REQUEST TO BECOME A MEMBER OF SOUTH CAROLINA
WATER/WASTEWATER AGENCY RESPONSE NETWORK (SCWARN)

11. Chairman Hargett stated the Committee voted unanimously to recommend that Council approve the request to authorize the County Administrator and Water and Sewer Director to execute the Mutual Aid and Assistance Agreement for Water and Wastewater Utilities, and allow the County to become a Member of South Carolina Water/Wastewater Agency Response Network (SCWARN). Council voted unanimously in favor of the recommendation.

Vice Chairman Bailey passed the gavel back to Chairman Hargett.

APPOINTMENTS TO BOARDS AND COMMISSIONS

DORCHESTER COUNTY TRANSPORTATION COMMITTEE

12. On the motion of Mr. Rosebrock, seconded by Mr. Bailey, Council voted unanimously to appoint Mr. Don Ruff to the Dorchester County Transportation Committee, as Chairman Hargett's appointment to represent District 4.

At this time in the meeting Council Members took time to recognize and thank several young people who attended the Council meeting.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
3RD READING FOR ORDINANCE 11-19, "AN ORDINANCE AUTHORIZING THE
EXECUTION AND DELIVERY OF A FEE AGREEMENT DATED AS OF DECEMBER
5, 2011 BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND SRE
DORCHESTER LLC PROVIDING FOR A PAYMENT OF A FEE IN LIEU OF TAXES
AND OTHER MATTERS RELATED THERETO"

13. On the motion of Mr. Chinnis, seconded by Mr. Davis, Council voted unanimously to give 3rd Reading for Ordinance 11-19, "An Ordinance Authorizing the Execution and Delivery of a Fee Agreement Dated as of December 5, 2011 by and Between Dorchester County, South Carolina and SRE Dorchester LLC Providing For a Payment of a Fee In Lieu of Taxes and Other Matters Related Thereto". This Ordinance was authorizing the Chairman of County Council to execute a Fee in Lieu of Taxes Agreement for SRE, Dorchester's Facility to be located on Seven Mile Road near Harleyville.

COUNTY ATTORNEY'S TIME-CONTINUED

3RD READING FOR ORDINANCE 11-20, "AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK DATED MAY 17, 2010, SO AS TO INCLUDE ADDITIONAL PROPERTY IN DORCHESTER COUNTY (SRE DORCHESTER LLC) AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATED THERETO"

14. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 3rd Reading for Ordinance 11-20, "An Ordinance Authorizing an Amendment to the Amended and Restated Agreement for Development of Joint County Industrial Park Dated May 17, 2010, so as to Include Additional Property in Dorchester County (SRE Dorchester LLC) as part of the Joint County Industrial Park, and Other Matters Related Thereto". Once adopted this Ordinance would be amending the Multi-County Industrial Park Agreement with Orangeburg County to add SRE, Dorchester's property located on Seven Mile Road near Harleyville to the Multi-County Industrial Park as required by state statutes pertaining to a Fee in Lieu of Taxes).

APPROVAL OF BIOMASS MATERIAL SUPPLY AGREEMENT BY AND BETWEEN SRE-DORCHESTER, LLC AND DORCHESTER COUNTY, SOUTH CAROLINA

15. On the motion of Mr. Bailey, seconded by Mr. Chinnis, Council voted unanimously on the approval of the Biomass Material Supply Agreement by and between SRE-Dorchester, LLC and Dorchester County, South Carolina, and to authorize the County Administrator to sign the agreement. (This is the agreement for SRE-Dorchester, LLC to take virgin wood waste from the County to produce electricity.)

REQUEST TO AMEND THE AGENDA TO ADD A PERSONNEL ITEM TO EXECUTIVE SESSION

16. On the motion of Mr. Chinnis, seconded by Mr. Hearn, Council voted unanimously to amend the agenda and to include a personnel mater under executive session under the County Attorney's Time.

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into executive session to discuss a personnel matter, and three contractual matters, a Magistrate's Oversight Committee Agreement, a potential real estate purchase, a potential real estate sale, and to give legal advice concerning the Presidential Preference Primaries.

EXECUTIVE SESSION 7:37 P.M.

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

RECONVENE FROM EXECUTIVE SESSION 9:16 P.M.

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

NEGOTIATION FOR THE SALE OF REAL ESTATE

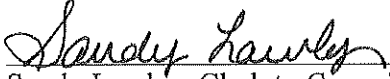
18. On the motion of Mr. Chinnis, seconded by Mr. Byars, Council voted unanimously that Vice-Chairman Bailey be authorized to negotiate for the sale of a portion of the Pine Trace Tract as discussed in Executive Session subject to Council's approval of a proposed contract.

NEGOTIATE FOR THE PURCHASE OF REAL ESTATE

19. On the motion of Mr. Hearn, seconded by Mr. Byars, Council voted unanimously that Vice-Chairman Bailey be authorized to negotiate for the purchase of real estate as discussed in Executive Session subject to Council's approval of a proposed contract.

ADJOURNMENT

20. On the motion of Mr. Bailey, seconded by Mr. Hearn, Council voted unanimously to adjourn. Time of adjournment was 9:20 p.m.


Sandy Lawley, Clerk to Council