

AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
OCTOBER 1, 2012
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 the September 17, 2012, County Council Meeting, and the Minutes from the September 24, 2012, Special Called County Council Meeting
- Dorchester County Employee Longevity Program (*County Council will recognize employees that completed 5, 10, 15, 20, and 25 Years of service during the third quarter of 2012*)
- 2nd Reading for Rezoning Request #666, Harlon E. Joye, TMS #144-00-00-088; 4.98 acres; Location Boone Hill Road, (US Highway 17A) Summerville; Requested Change from (R-2) Single Family Residential to (OI) Office and Institutional
- Correspondence

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

- 1st Reading for an Ordinance “Authorizing The Execution And Delivery Of Documents Relating To The Provision of Jail Facilities; Consenting To And Approving The Issuance Of Not Exceeding \$18,000,000 Installment Purchase Revenue Bonds (Dorchester County Jail Facilities Project), Series 2012 By _____ Corporation To Provide Funding To Finance The Costs Of Acquiring, Constructing, Equipping And Installing Jail Facilities; Approving The Directors Of _____ Corporation; Consenting To And Approving The Execution Of A Base Lease Agreement By And Between Dorchester County, South Carolina And _____ Corporation; Consenting To And Approving The Execution Of A County Facilities Purchase And Occupancy Agreement Relating Thereto By And Between _____ Corporation And Dorchester County, South Carolina; Consenting To The Form Of A Trust Agreement To Be Entered Into By _____ Corporation And _____, As Trustee; And Together Therewith An Assignment To The Trustee Of Certain Rights To Payment And Other Rights Of _____ Corporation Under The County Facilities Purchase And Occupancy Agreement; And Making Provision For All Other Matters Relating To The Foregoing” (*This is an ordinance authorizing the issuance of Installment Purchase Revenue Bonds to purchase land and design and build a new jail.*)

4. COMMITTEE REPORTS

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

- Britt Cemetery Road
- Grading of Ingress/Egress Easement for 242 Infinger Road

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for Prepayment of Impact Fees for 140 lots, Reminisce Subdivision, TMS #135-00-00-001, West Butternut Rd., near Summerville
- Request for Reduction in Fees for Cedar Grove Subdivision Phase 5, TMS #171-00-00-191, in North Charleston

5. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

-3rd Reading for Ordinance #12-15, “An Ordinance to Amend the Code of Ordinances, Dorchester County, South Carolina, To Amend Chapter 2, Article III, Division 2. Sec. 2-98 (c) (4) a. to Delete Certain Language Dealing With Placing Items on the County Council Agenda and Substitute New Language in Lieu Thereof” *(If adopted County Council will not be able to amend the agenda to add items during meetings.)*

-3rd Reading for Ordinance #12-16, “An Ordinance to Supplement the Code of Ordinances, Dorchester County, South Carolina, By Adding a New Section 28-7 to Article I, Chapter 28 Regulating the Discharge of Firearms from Public Roadways in Certain Zoning Districts”

-2nd Reading for an Ordinance “Approving A Loan From The South Carolina Public Service Authority to Dorchester County, South Carolina to Finance Certain Improvements to The Waterworks and Sewer System of Dorchester County; Authorizing the Execution And Delivery of An Intergovernmental Loan Agreement Between The South Carolina Public Service Authority and Dorchester County and A Promissory Note From Dorchester County To The South Carolina Public Service Authority In Connection Therewith; And Other Matters Relating Thereto”

-Executive Session

Legal Advice

-Employee Compensation Lockton Study
-Appointments to the Non-Profit Corporation Board to be Created to Issue Installment Purchase Revenue Bonds

Contractual Matters

-SC Hwy 27 Sewer Diversion
-MeadWestvaco East Edisto Development Agreement

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

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MINUTES

DORCHESTER COUNTY COUNCIL KENNETH F. WAGGONER SERVICES CENTER, ST. GEORGE COUNTY COUNCIL CHAMBERS OCTOBER 1, 2012 7:02 P.M.

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

PRESENT: Mr. Larry S. Hargett, Chairman
Mr. Jay Byars
Mr. Willie Davis
Mr. Davis Chinnis
Mr. 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 invited all to stand for the invocation, given by Councilman Hearn, which was followed by the Pledge of Allegiance.

CHAIRMAN'S TIME – MR. LARRY HARGETT REQUESTS TO ADDRESS COUNCIL

The Chairman recognized the following citizens to address Council.

- Ms. Kendra Linkowski, Summerville, addressed Council and voiced her opposition to the proposed Ordinance concerning the discharge of firearms from public roadways in certain zoning districts. She said there were already laws on the books that covered this subject and felt no more were needed, especially at a time when people had so much distrust in their government. Ms. Linkowski also stated that the proposed Ordinance was vague and left a lot of unanswered questions.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Mr. Rudd Smith, Summerville, attorney for Mr. Harlon E. Joye, applicant for Rezoning Request #666, addressed Council and requested Due Process is given to Mr. Joye and 2nd Reading be given to the request. In addition, he read a short note from Mr. Joye explaining his family ties to Dorchester County and to the property that he is requesting rezoning.
- Mr. Jim Grant, Summerset Lane in Summerville, addressed Council about his opposition to the proposed Ordinance concerning the discharge of firearms from public roadways in certain zoning districts. He had questions about how it would affect him shooting squirrels and snakes in his yard.
- Mr. William E. Spaulding, Jr., of Summerville, addressed Council on his opposition to the proposed Ordinance concerning the discharge of firearms from public roadways in certain zoning districts. He read a prepared statement, which he provided to Council, and stated he was glad to hear there was a proposed amendment to the Ordinance; however, he was still not in favor of this Ordinance.
- Mr. Jerry Ziegler, of Summerville, voiced his opposition to the proposed Ordinance concerning the discharge of firearms from public roadways in certain zoning districts. He said most homes are closer to the road than the allowed distance in the Ordinance and stated some people shoot guns in their backyards and was concerned how the Ordinance affected hunting along the roadside.

Chairman Hargett requested Sheriff Knight to address Council and report information regarding this subject. Sheriff Knight stated he researched this issue and went back to March of 2011 until September of 2012 and found that 547 calls were received by dispatch on shots heard. However, the Sheriff clarified that among those calls some could have been someone shooting fireworks or just a car backfiring, but they were reported as gunfire. He further explained that when his officers responded usually no one was at the scene and the call log was usually not changed. The Sheriff reported out of the 547 calls, there were 12 crimes committed and each time a person or persons was charged with a violation. The Chairman thanked the Sheriff for his report. Chairman Hargett stated there were no more cards, however he saw a few hands and would give a few more people time to speak.

- Mr. Tony Piscatella, of Summerville, addressed Council and stated that he was in opposition to the proposed Ordinance. He stated that after hearing from the Sheriff, with only 12 calls out of the 547 resulting in arrest, he felt there was no need to place another ordinance on the books.
- Mr. Bruce Bates, from the Town of Dorchester, addressed Council and voiced his opposition to the proposed Ordinance concerning the discharge of firearms from public roadways in certain zoning districts. He said he felt that no more laws were needed on the books and was concerned about his rights as a citizen.
- Mr. John Dangerfield, of Tranquil Acres in Ladson, spoke against the proposed Ordinance and stated that he has discharged his firearms in his backyard many times. He stated he has done it for sport and to kill. Mr. Dangerfield said he killed a feral dog that had threatened him and his neighbors. He stated that no more laws were needed on the books regarding guns.

ADOPTION OF SEPTEMBER 17, 2012, COUNTY COUNCIL MINUTES AND THE SEPTEMBER 24, 2012, SPECIAL CALLED COUNTY COUNCIL MINUTES

1. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted six in favor and one absent to adopt the minutes from the meetings as listed above.

Councilman Bailey was absent.

DORCHESTER COUNTY EMPLOYEE LONGEVITY PROGRAM

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

2ND READING FOR REZONING REQUEST #666, HARLON E. JOYE, TMS #144-00-00-088; 4.98 ACRES; LOCATION BOONE HILL ROAD, (US HIGHWAY 17A) SUMMERVILLE; REQUESTED CHANGE FROM (R-2) SINGLE FAMILY RESIDENTIAL TO (OI) OFFICE AND INSTITUTIONAL

Chairman Hargett reported that the next item on the agenda was Rezoning Request #666, for Harlon E. Joye, identified by TMS #144-00-00-088; with 4.98 acres; located at Boone Hill Road, (US Highway 17A), in Summerville, with a requested change in zoning from (R-2) Single Family Residential to (OI) Office and Institutional. He stated the request was referred to Council on September 17, 2012, from the Planning, Development and Building Committee of Council, who also held the Public Hearing for that request. The Chairman stated that the request was originally sent to Council from the Dorchester County Planning Commission who had voted denying the request by a vote of 7-0, and it also came with a recommendation from the County's Planning staff who had recommended the rezoning of the property to R-4 or OI. He then asked Council what their decision was on this request.

2. Councilman Chinnis motioned, and it was seconded by Councilman Davis to give 2nd Reading to Rezoning Request #666, for Harlon E. Joye, identified by TMS #144-00-00-088; 4.98 acres; located at Boone Hill Road, (US Highway 17A), in Summerville, with a requested change from (R-2) Single Family Residential to (OI) Office and Institutional. Chairman Hargett asked if there was any discussion before a vote was taken.

After discussion by Council, and comments from the audience (which were not audible), the below motion was made.

3. On the motion of Councilman Byars, seconded by Councilman Hearn, Council voted five in favor, one abstention, and one absent, to table this issue until the first meeting in November, which will be held on Wednesday, November 7, 2012, in Summerville, where Councilman Bailey can be present since this request is located in his District.

Councilman Chinnis abstained, and Councilman Bailey was absent.

CORRESPONDENCE

There was no correspondence to report.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
1ST READING FOR AN ORDINANCE “AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATING TO THE PROVISION OF JAIL FACILITIES; CONSENTING TO AND APPROVING THE ISSUANCE OF NOT EXCEEDING \$18,000,000 INSTALLMENT PURCHASE REVENUE BONDS (DORCHESTER COUNTY JAIL FACILITIES PROJECT), SERIES 2012 BY _____ CORPORATION TO PROVIDE FUNDING TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING AND INSTALLING JAIL FACILITIES; APPROVING THE DIRECTORS OF _____ CORPORATION; CONSENTING TO AND APPROVING THE EXECUTION OF A BASE LEASE AGREEMENT BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND _____ CORPORATION; CONSENTING TO AND APPROVING THE EXECUTION OF A COUNTY FACILITIES PURCHASE AND OCCUPANCY AGREEMENT RELATING THERETO BY AND BETWEEN _____ CORPORATION AND DORCHESTER COUNTY, SOUTH CAROLINA; CONSENTING TO THE FORM OF A TRUST AGREEMENT TO BE ENTERED INTO BY _____ CORPORATION AND _____ AS TRUSTEE; AND TOGETHER THEREWITH AN ASSIGNMENT TO THE TRUSTEE OF CERTAIN RIGHTS TO PAYMENT AND OTHER RIGHTS OF _____ CORPORATION UNDER THE COUNTY FACILITIES PURCHASE AND OCCUPANCY AGREEMENT; AND MAKING PROVISION FOR ALL OTHER MATTERS RELATING TO THE FOREGOING”

4. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted three in favor, three opposed, and one absent, to give 1st Reading for the Ordinance as stated above. (Motion failed)

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

COMMITTEE REPORTS – CHAIRMAN RICHARD ROSEBROCK
PUBLIC WORKS, PROPERTY & UTILITIES COMMITTEE, BRITT CEMETERY ROAD

5. Chairman Rosebrock reported the Committee's recommendation to Council was to make the necessary improvements to Britt Cemetery Road, as recommended by the Public Works Director, by allocating an estimated \$6,400 in funding, coming from Council's Contingency Fund. The \$6,400 is to improve the road so the water can drain off naturally. That amount includes 10 loads of rock that will be placed on the road where it would be graded, as well as the cost of relocating the necessary equipment and labor. This is all subject to the County Attorney's approval. His approval is necessary to make sure the legal right-of-ways are dedicated to the County from the property owner, whose property a small portion of the road crosses, and that the County receives the easements from the church, in order to perform the work. Council voted six in favor and one absent on the recommendation, contingent upon all legal requirements being met.

Councilman Bailey was absent.

GRADING OF INGRESS/EGRESS EASEMENT FOR 242 INFINGER ROAD

6. Chairman Rosebrock reported the Committee's recommendation to Council was for approval of the repairs at a cost of \$500, pending the County receiving signatures on the permission forms from the 4 other landowners, so the ingress/egress to 242 Infinger Road can be provided to make it passable for EMS upon receiving certification from Ms. Edwards' son's doctor. Council voted six in favor and one absent on the recommendation.

Councilman Bailey was absent.

Chairman Hargett passed the gavel to Councilman Hearn in order to give his Committee Report.

**WATER AND SEWER COMMITTEE REPORT - CHAIRMAN LARRY HARGETT
REQUEST FOR PREPAYMENT OF IMPACT FEES FOR 140 LOTS, REMINISCE
SUBDIVISION, TMS #135-00-00-001, WEST BUTTERNUT RD., NEAR SUMMERVILLE**

7. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for prepayment of impact fees for 140 lots, in Reminisce Subdivision, identified by TMS #135-00-00-001, on West Butternut Rd., near Summerville, for Bak Bar Butternut, LLC. Council voted six in favor and one absent on the Committee's recommendation.

Councilman Bailey was absent.

**REQUEST FOR REDUCTION IN FEES FOR CEDAR GROVE SUBDIVISION PHASE 5,
TMS #171-00-00-191, IN NORTH CHARLESTON**

8. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for reduction in fees for Cedar Grove Subdivision Phase 5, TMS #171-00-00-191, in North Charleston and for a camera inspection of the system and that the developer has to make any repairs that are required prior to the County issuing a new operations and maintenance letter. In addition, for the cost of the inspection to be paid by the developer. Council voted six in favor and one absent on the Committee's recommendation.

Councilman Bailey was absent.

Councilman Hearn 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
3RD READING FOR ORDINANCE 12-15 “AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, TO AMEND CHAPTER
2, ARTICLE III, DIVISION 2. SEC. 2-98 (c) (4) A. TO DELETE CERTAIN LANGUAGE
DEALING WITH PLACING ITEMS ON THE COUNTY COUNCIL AGENDA AND
SUBSTITUTE NEW LANGUAGE IN LIEU THEREOF”**

9. On the motion of Councilman Rosebrock, seconded by Councilman Chinnis, Council voted six in favor and one absent to give 3rd Reading for Ordinance 12-15, “An Ordinance to Amend the Code of Ordinances, Dorchester County, South Carolina, To Amend Chapter 2, Article III, Division 2. Sec. 2-98 (c) (4) a. to Delete Certain Language Dealing With Placing Items on the County Council Agenda and Substitute New Language in Lieu Thereof”.

Councilman Bailey was absent.

3RD READING FOR ORDINANCE # 12-16, "AN ORDINANCE TO SUPPLEMENT THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY ADDING A NEW SECTION 28-7 TO ARTICLE I, CHAPTER 28 REGULATING THE DISCHARGE OF FIREARMS FROM PUBLIC ROADWAYS IN CERTAIN ZONING DISTRICTS"

Mr. Frampton said the above stated Ordinance was up for 3rd Reading. Chairman Hargett asked if there was a motion for 3rd Reading.

10. Councilman Chinnis motioned to give 3rd Reading to the above Ordinance, seconded by Chairman Hargett for discussion. Councilman Chinnis stated he was withdrawing his motion because he wanted to amend his motion and Chairman Hargett withdrew his second.
11. Councilman Chinnis motioned, seconded by Chairman Hargett, that prior to giving 3rd Reading to this Ordinance, it be amended by adding the following language as a new paragraph before the penalty provision: "The prohibitions of this Ordinance shall in no way be construed to prevent a person from discharging a firearm in defense of his person, others, or his property as specifically provided in the exclusion contained in S.C. Code Ann. Sec. 23-31-510(2) or as may otherwise be allowed by law." (*Vote listed below discussion portion.)

Discussion was held by Council before taking a vote on the above motion. Councilman Hearn thanked all who came to voice their opinion and for the number of calls, e-mails, and text and said he apologized that he could not respond to each one; however he say none were in favor and he would oppose this Ordinance. Councilman Rosebrock stated he opposed the Ordinance, as he felt it gave more rights to the criminals than the victims. Councilman Davis stated he received calls, but told his constituents that it would not affect this end of the County, and he opposed the Ordinance. Chairman Hargett stated he was in favor of the Ordinance and read several news reports about accidental shootings that happened in Summerville, which was one of the reasons he supported and felt this Ordinance was necessary. He stated he owned guns, and has a concealed weapons permit, but this Ordinance was not intended to infringe upon gun owners rights; it was merely for safety. Councilman Byars said he felt the Ordinance was well-intended and the County does need to find a way to prevent reckless individuals from using firearms in careless ways, but he did not want to see anyone arrested for the wrong reason, and as of now he could not support this Ordinance. Councilman Chinnis said he owned many guns and supported the rights of gun owners, but this Ordinance was not for the responsible gun owner, but for the irresponsible gun owner. He said this Ordinance was merely for the safety of people in neighborhoods and residential areas, however, it unfortunately became much more than that because of falsehoods, for that he was very sorry. Mr. Chinnis said he studied this ordinance and he represented neighborhoods and he became concerned because a bullet fired from any number of different kinds of guns can go as far as a mile, and when shot foolishly in a densely populated area can hurt or kill someone, and he supported this Ordinance.

*The vote on Motion #11. Council voted six in favor and one absent to approve the amendment to the proposed Ordinance, as motioned by Councilman Chinnis.
Councilman Bailey was absent.

12. On the motion of Councilman Chinnis, seconded by Chairman Hargett, Council voted two in favor, four opposed, and one absent, to give 3rd Reading, as amended, to the proposed Ordinance #12-16, "An Ordinance to Supplement the Code of Ordinances, Dorchester County, South Carolina, By Adding a New Section 28-7 to Article I, Chapter 28 Regulating the Discharge of Firearms from Public Roadways in Certain Zoning Districts".

Council Members Hearn, Rosebrock, Davis and Byars opposed, and Councilman Bailey was absent.

COUNTY ATTORNEY'S TIME- CONTINUED
2ND READING FOR AN ORDINANCE "APPROVING A LOAN FROM THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO DORCHESTER COUNTY, SOUTH CAROLINA TO FINANCE CERTAIN IMPROVEMENTS TO THE WATERWORKS AND SEWER SYSTEM OF DORCHESTER COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL LOAN AGREEMENT BETWEEN THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND DORCHESTER COUNTY AND A PROMISSORY NOTE FROM DORCHESTER COUNTY TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY IN CONNECTION THEREWITH; AND OTHER MATTERS RELATING THERETO"

13. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted six in favor and one absent to give 2nd Reading for an Ordinance "Approving A Loan From The South Carolina Public Service Authority To Dorchester County, South Carolina to Finance Certain Improvements to The Waterworks And Sewer System Of Dorchester County; Authorizing The Execution And Delivery Of An Intergovernmental Loan Agreement Between The South Carolina Public Service Authority And Dorchester County And A Promissory Note From Dorchester County To The South Carolina Public Service Authority In Connection Therewith; And Other Matters Relating Thereto".

Councilman Bailey was absent.

REQUEST FOR EXECUTIVE SESSION 8:20 P.M.

The County Attorney requested Council's consideration to enter executive session to give legal advice on employee compensation in regard to the Lockton Study, and to discuss appointments to the Non-Profit Corporation Board to be created to issue Installment Purchase Revenue Bonds, and to discuss the following two contractual matters, sewer diversion on SC Highway 27, and the proposed development agreement between Dorchester County and MeadWestvaco.

14. On the motion of Councilman Rosebrock, seconded by Councilman Davis, 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 10:51 P.M.

The County Attorney reported Council discussed three of the previously announced items, but no action was taken.

SC HIGHWAY 27 SEWER DIVERSION

15. On the motion of Councilman Chinnis, seconded by Councilman Rosebrock, Council voted six in favor and one absent to authorize the expenditure of not to exceed \$160,000 to proceed with the engineering by Robert George for Task Order 5. This money will come from Water and Sewer Impact Fees.

Councilman Bailey was absent.

ADJOURNMENT

16. On the motion of Councilman Chinnis, seconded by Councilman Hearn, Council voted six in favor and one absent to adjourn. Time of adjournment was 10:54 p.m.

Councilman Bailey was absent.

Sandy W. Lawley

Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
OCTOBER 15, 2012
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 the October 1, 2012, County Council Meeting
- Adoption of Proclamation #12-07, "South Carolina Earthquake Awareness Week"
- Correspondence

3. COUNCILMEMBER'S TIME-COUNCILMAN DAVID CHINNIS

- 1st Reading (By Title Only) to an Ordinance Repealing in Its Entirety Dorchester County Ordinance #10-19 "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Previously Amended, with Respect to Article VII, Section 7.2.2 To Allow Not More than a Total of Ten Hen (Female) Chickens and/or Rabbits on Individual Lots Zoned R-1(M) or R-1(M)(A) Which Are At Least One Acre or More" and further amending Dorchester County Zoning and Land Development Standards Ordinance #04-13 by Adding a New "Subsection (s)" to Article X, Section 10.3.1

4. GUEST

- Mrs. Kara Gunter, Interim Budget & Finance Director, Budget Report Month Ending September 2012

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

- Request for Approval to Proceed with the Issuance of not exceeding \$18 Million in GO Bonds for the Jail Project
- 1st Reading for "An Ordinance to Amend Use Article VII of Dorchester County Zoning and Land Development Standards, Ordinance #04-13, As Amended, to Add Section 7.12: CLI-2, Commercial/Light Industrial District Two, the Effect of Which would be to Create a Zoning District Allowing Commercial and Light Industrial Uses without High Traffic Generation and Without Outdoor Storage, and Allowing such Uses to Locate along Arterial Roads Rather than Local Streets"

6. COMMITTEE REPORT

Chairman Larry Hargett, Water and Sewer Committee Report

- Request for Water Service Irrigation, Indigo Palms Phase IV, LLC, for Indigo Palms Phase 4, TMS #172-00-00-117, North Charleston

7. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- 3rd Reading for Ordinance 12-16, "Approving a Loan from The South Carolina Public Service Authority To Dorchester County, South Carolina to Finance Certain Improvements to The Waterworks And Sewer System Of Dorchester County; Authorizing the Execution and Delivery of An Intergovernmental Loan Agreement Between The South Carolina Public Service Authority and Dorchester County and a Promissory Note from Dorchester County to The South Carolina Public Service Authority in Connection Therewith; and Other Matters Relating Thereto"
- Public Hearing "Authorizing a Quit Claim Deed for a Portion of Haven Road" in Ridgeville, SC
- Request for Authorizing a Quit Claim Deed for a Portion of Haven Road
- Request to Ratify and Accept a Drainage Easement and Right-of-Way Easement for the Relocation of Haven Road, Ridgeville, SC
- Executive Session –Confidential Economic Development Projects
 - Legal Advice -Dorchester Seniors, Inc., Board of Directors
 - Contractual Matter -Potential Real Estate Matter Runway Approach Zone

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

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COUNTY COUNCIL OF DORCHESTER COUNTY

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MINUTES

DORCHESTER COUNTY COUNCIL

KENNETH F. WAGGONER SERVICES CENTER, ST. GEORGE

COUNTY COUNCIL CHAMBERS

OCTOBER 15, 2012

7:00 P.M.

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

PRESENT: Mr. Larry S. Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. Willie Davis
Mr. Davis Chinnis
Mr. 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 invited all to stand for the invocation given by Councilman Rosebrock, which was followed by the Pledge of Allegiance.

CHAIRMAN'S TIME – MR. LARRY HARGETT **REQUESTS TO ADDRESS COUNCIL**

The Chairman recognized the following citizens to address Council.

- Mr. Val Risinger, Haven Road, Ridgeville, addressed Council and stated in 2010 he received a letter on changes that were going to take place on Haven Road, and the changes that have taken place were nothing like the changes that were described in the letter he received. Mr. Risinger said because of that incident, he wanted to be on record asking for notification when actions were taken about the road and any meetings were held regarding the Road. This was noted.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Ms. Heather Tamayo, Hodge Road, Summerville, addressed Council regarding the proposed repealing of Ordinance #10-19, which allowed homeowners to raise hens etc... In certain zoning areas in the lower end of the County. She stated that she supported the old Ordinance because it helped her children learn responsibility and helped them make extra money by selling the eggs from the hens and it provided a source of healthy food for her family. Ms. Tamayo requested for Council to support the new proposed Ordinance regarding this same subject.
- Ms. Samm Creech, Summerville, addressed Council and stated she too supported the County Ordinance #10-19, or any new proposed Ordinance that would replace that Ordinance, and would still allow citizens the right to raise hens on their property in the area where she lived. She stated that she started raising the hens for health reasons for her family, but it now has become much more to her and her children. It has saved her family money, taught her children responsibility, and her children have grown to love the hens and even named them. Ms. Creech does not want this learning experience taken away from her family, and requested Council's support of any proposed Ordinance that may keep this right.
- Ms. Debbie Brownfield, Steeple Point Court, Summerville, addressed Council and stated she was from California and grew up on a farm. She stated her reason for speaking tonight was to inform Council that they should always protect the rights of the citizens of the County. In addition, she said she too supported the right to raise hens on private property, and requested for Council to defend that freedom. Ms. Brownfield stated that policymakers should always defend private property rights, especially if it was not harming the public.

ADOPTION OF OCTOBER 1, 2012, COUNTY COUNCIL MINUTES

1. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to adopt the minutes from the October 1, 2012, County Council Meeting.

ADOPTION OF PROCLAMATION #12-07, "SOUTH CAROLINA EARTHQUAKE AWARENESS WEEK"

Chairman Hargett read Proclamation #12-07 aloud, which proclaims the week of October 14-20, 2012, as earthquake awareness week in South Carolina and encourages all citizens to participate in the "Great Southeast Shakeout", which is an earthquake drill that will take place Thursday, October 18, 2012.

2. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to adopt Proclamation #12-07, "South Carolina Earthquake Awareness Week", which is this week, October 14 - 20, 2012.

CORRESPONDENCE

The County Administrator stated there was no correspondence to report.

COUNCIL MEMBER'S TIME – COUNCILMAN DAVID CHINNIS
1ST READING (BY TITLE ONLY) TO AN ORDINANCE REPEALING DORCHESTER
COUNTY ORDINANCE #10-19 “AN ORDINANCE TO AMEND DORCHESTER
COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13, AS
PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE VII, SECTION 7.2.2 TO
ALLOW NOT MORE THAN A TOTAL OF TEN HEN (FEMALE) CHICKENS AND/OR
RABBITS ON INDIVIDUAL LOTS ZONED R-1(M) OR R-1(M)(A) WHICH ARE AT
LEAST ONE ACRE OR MORE” AND AMENDING DORCHESTER COUNTY ZONING
AND LAND DEVELOPMENT STANDARDS ORDINANCE #04-13 BY ADDING A NEW
“SUBSECTION (S)” TO ARTICLE X, SECTION 10.3.1

Chairman Hargett turned the floor over to Councilman Chinnis. Councilman Chinnis stated he had given each member of Council a large number of handouts on this subject and then made the following motion. Once the motion was made, but before the vote was taken, Council discussed and commented on the proposed Ordinance.

3. Councilman Chinnis motioned, seconded by Councilman Bailey, and Council voted unanimously to give 1st Reading (By Title Only) to an Ordinance repealing, the current Ordinance, Dorchester County Ordinance #10-19 and further providing for the following amendment to the Dorchester County Zoning and Land Development Standards Ordinance #04-13, by adding subsection (s) to Article X, Section 10.3.1 which would read as follows: Female chickens and/or rabbits, provided that the total number of such animals, or any combination thereof, shall not exceed a total of ten (10), on individual lots containing more than 7,500 square feet and being used for Residential, Single-Family Detached or Residential, Manufactured Housing Unit.

GUEST
MRS. KARA GUNTER, INTERIM BUDGET AND FINANCE DIRECTOR

Mrs. Kara Gunter, Interim Budget and Finance Director, presented the Budget Report for the month ending September 2012. First she reported the property tax bills for the county had been sent out; however she explained the monies generated from the tax bills would not be received until the first of the year. She then reported that the County should be receiving its portion of the Local Government Funds from the state soon. Mrs. Gunter stated that the revenues and expenditures were on target and overall Dorchester County was in a sound financial position. She also gave the cash reports for county projects and noted the Stormwater and Sewer and Water accounts, and commented on any special notations in the report. After her presentation, Mrs. Gunter asked Council if there were any questions, which there were none. Council thanked Mrs. Gunter for all her hard work.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

REQUEST FOR APPROVAL TO PROCEED WITH THE ISSUANCE OF NOT
EXCEEDING \$18 MILLION IN GO BONDS FOR THE JAIL PROJECT

4. On the motion of Councilman Rosebrock, seconded by Councilman Chinnis, Council voted unanimously to proceed with the Issuance of Not Exceeding \$18 Million in General Obligation Bonds for the Jail Project, by confirming that they were requesting for staff and bond counsel to go forth with the purchase of land for and finance the design and construction of a new jail project.

COUNTY ADMINISTRATOR'S TIME-CONTINUED

1ST READING FOR AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE VII TO ADD A NEW SECTION, 7.12: "CLI-2, COMMERCIAL/LIGHT INDUSTRIAL DISTRICT TWO," INCLUDING SUBSECTIONS 7.12.1 THROUGH 7.12.9, WHICH SET THE STANDARDS FOR CLI-2 ZONING DISTRICTS

5. On the motion of Councilman Chinnis, seconded by Councilman Bailey, Council voted unanimously to give 1st Reading to "An Ordinance to Amend Use Article VII of Dorchester County Zoning and Land Development Standards, Ordinance #04-13, As Amended, to Add Section 7.12: CLI-2, Commercial/Light Industrial District Two", the effect of which would be to create a Zoning District allowing commercial and light industrial uses without high traffic generation and without outdoor storage, and to refer this matter to the Planning, Development, and Building Committee for further consideration.

Chairman Hargett passed the gavel to Vice-Chairman Bailey in order to give his Committee Report.

WATER AND SEWER COMMITTEE REPORT - CHAIRMAN LARRY HARGETT REQUEST FOR WATER SERVICE FOR IRRIGATION, INDIGO PALMS PHASE IV, LLC, FOR INDIGO PALMS PHASE 4, TMS #172-00-00-117, NORTH CHARLESTON

6. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for water service for irrigation by Indigo Palms Phase IV, LLC, for Indigo Palms Phase 4, identified by TMS #172-00-00-117, in the City of North Charleston. Council voted unanimously in favor of the Committee's recommendation.

Vice-Chairman Bailey passed the gavel back to Chairman Hargett.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

UPDATE TO CITIZENS ON NEXT STEP FOR REPEAL OF ORDINANCE #10-19

At this time, Council explained to the audience the next step for the proposed Ordinance to repeal Ordinance #10-19, "Ten Hen (Female) Chickens on Individual Lots Which Are At Least One Acre", and on the following amendment to Ordinance #04-13, by adding a subsection etc., which would read as follows: Female chickens not to exceed a total of ten etc., on individual lots containing more than 7,500 square feet etc. Council announced that the Public Hearing would be held at the next Council meeting in Summerville on Wednesday, November 7th, 2012, before full Council, at 7:00 p.m., and this would not take away the right to raise chickens on your private property in the areas specified in the proposed Ordinance, but it fact it would give people with smaller lots in those areas the ability to raise them also.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

3RD READING FOR ORDINANCE 12-16, "APPROVING A LOAN FROM THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO DORCHESTER COUNTY, SOUTH CAROLINA TO FINANCE CERTAIN IMPROVEMENTS TO THE WATERWORKS AND SEWER SYSTEM OF DORCHESTER COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL LOAN AGREEMENT BETWEEN THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND DORCHESTER COUNTY AND A PROMISSORY NOTE FROM DORCHESTER COUNTY TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY IN CONNECTION THEREWITH; AND OTHER MATTERS RELATING THERETO"

7. On the motion of Councilman Rosebrock, seconded by Councilman Bailey, Council voted unanimously to give 3rd Reading for Ordinance 12-16, "Approving a Loan from The South Carolina Public Service Authority To Dorchester County, South Carolina To Finance Certain Improvements To The Waterworks And Sewer System Of Dorchester County; Authorizing The Execution and Delivery of An Intergovernmental Loan Agreement Between The South Carolina Public Service Authority and Dorchester County and a Promissory Note from Dorchester County to The South Carolina Public Service Authority in Connection Therewith; and Other Matters Relating Thereto". If approved, this loan for \$2.1 Million will be used to complete sewer and reclaimed water infrastructure for the Winding Woods Commerce Park.

PUBLIC HEARING "AUTHORIZING A QUIT CLAIM DEED FOR A PORTION OF HAVEN ROAD"

The County Attorney requested for Council to hold a public hearing and receive comments on the county's plan to authorize a quit claim deed on a portion of Haven Road, in Ridgeville, South Carolina. He stated that anytime the County conveys real estate it is required by law to hold a Public Hearing and in this case a portion of Haven Road will be relocated to another location.

Chairman Hargett opened the Public Hearing "Authorizing a Quit Claim Deed for a Portion of Haven Road". Councilman Bailey requested for the County Attorney to go over the items as they came up on the agenda on Haven Road for Mr. Val Risinger. He spoke earlier and lives on Haven Road. Mr. Frampton stated he would be glad to do this. Mr. Frampton said that Haven Road as it is configured is probably a dedicated public road, however there was no conveyance of the road to the County, therefore it is kind of questionable, but it has been used by the public for many, many years. He further explained that this road goes right through the property of Showa Denko Carbon, so what Council was considering doing here tonight was abandoning a portion of the road, because it has been abandoned and relocated in the position of a loop. Mr. Frampton stated that all the County was doing was abandoning the strip of road and accepting the portion which was now the loop.

- Mr. Risinger spoke and stated that he was familiar with that part of the road and asked a few questions and held discussion with the County Attorney regarding drainage and several other issues.

Upon hearing no further discussions, Chairman Hargett closed the Public Hearing.

REQUEST FOR AUTHORIZING A QUIT CLAIM DEED FOR A PORTION OF HAVEN ROAD

8. On the motion of Councilman Bailey, seconded by Councilman Davis, Council voted unanimously to "Authorize a Quit Claim Deed for a Portion of Haven Road", as requested by the County Attorney.

COUNTY ATTORNEY'S TIME – CONTINUED
REQUEST TO RATIFY AND ACCEPT A DRAINAGE EASEMENT AND RIGHT-OF-WAY EASEMENT FOR THE RELOCATION OF HAVEN ROAD, RIDGEVILLE, SC

9. On the motion of Councilman Chinnis, seconded by Councilman Davis, Council voted unanimously to accept the recorded easements and to accept the granted right of way easement for the relocation of Haven Road, in Ridgeville, SC.

REQUEST FOR EXECUTIVE SESSION 7:50 P.M.

The County Attorney requested Council's consideration to enter executive session to discuss confidential economic development projects, to give legal advice on Dorchester Seniors, Inc., Board of Directors and to discuss the following contractual matter, which is a potential real estate matter.

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

RECONVENE FROM EXECUTIVE SESSION 8:22 P.M.

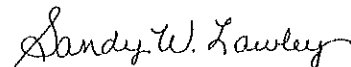
The County Attorney reported Council discussed the previously announced items, but no action was taken.

POTENTIAL REAL ESTATE MATTER RUNWAY APPROACH ZONE

11. On the motion of Councilman Byars, seconded by Councilman Rosebrock, Council voted unanimously to give the Administrator authorization to have an appraisal and survey performed on approximately 70 acres on the approach end of Runway 6 at the Summerville Airport.

ADJOURNMENT

12. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to adjourn. Time of adjournment was 8:26 p.m.



Sandy Lawley, Clerk to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
NOVEMBER 7, 2012
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 the October 15, 2012, County Council Meeting
- Approval of Proclamation 12-08, Proclaiming November in Dorchester County as “Pancreatic Cancer Awareness Month”
- Public Hearing and 2nd Reading to “An Ordinance Repealing Dorchester County Ordinance #10-19 and Amending Dorchester County Zoning and Land Development Standards Ordinance #04-13, by Adding a New “Subsection (s)” to Article X, Section 10.3.1” (*This proposed amendment will allow a total of ten hens and rabbits to be kept by those with Single Family detached residences or mobile homes on lots that are more than 7,500 square feet or approximately .172 acres with certain requirements.*)
- 2nd Reading for Rezoning Request #666, Harlon E. Joye, TMS #144-00-00-088; 4.98 acres; Location Boone Hill Road, (US Highway 17A) Summerville; Requested Change from (R-2) Single Family Residential to (OI) Office and Institutional
- Correspondence

3. GUESTS

- Mr. Hank Bennett, Director-TEF Automotive Technology, FIRST Robotics, Presentation Plaque of Appreciation
- Mr. Marvin Johnson, Discussion, Dorchester Seniors Inc. Board of Directors
- Mr. Robert Ford, Chairman, Dorchester Seniors Inc. Board of Directors

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

- Request for approval of Dorchester County Fire Department Training Captain Position and Reduction in 24-Hour Fulltime Firefighter Positions

5. COMMITTEE REPORTS

Chairman Larry Hargett, Sewer and Water Committee

- Request for New Sewer Service for Deborah Copp, TMS #143-01-00-015, 317 Twin Lakes Drive, near Summerville
- Request for New Water Service for Speedy Felkel, TMS #172-11-01-033, 158 Stratton Drive, near North Charleston
- Request for Approval to Use Sewer Impact Fees to Complete Brownsville Diversion Project to Summerville Commissioners of Public Works

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



JAY BYARS

DAVID CHINNIS

WILLIE DAVIS

WILLIAM "BILL" HEARN, JR.

RICHARD ROSEBROCK

COUNTY COUNCIL OF DORCHESTER COUNTY

201 JOHNSTON STREET
ST. GEORGE, SOUTH CAROLINA 29477
(843) 563-0196 FAX (843) 563-0137
SUMMERVILLE (843) 832-0043 FAX (843) 875-8509

MINUTES DORCHESTER COUNTY COUNCIL DORCHESTER COUNTY HUMAN SERVICES BUILDING COUNCIL CHAMBERS, SUMMERVILLE NOVEMBER 7, 2012 7:00 P.M.

Pursuant to the Freedom of Information Act, The 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
Mr. Richard Rosebrock
Mr. Jason Ward, Administrator
Ms. Ashley Jacobs, Deputy Administrator
Mr. John Frampton, County Attorney
Ms. Sally Hebert, Administrative Assistant

ABSENT: Mr. David Chinnis

Chairman Hargett called the meeting to order and invited all to stand for the invocation given by Councilman Davis and followed by the Pledge of Allegiance.

CHAIRMAN'S TIME – MR. LARRY HARGETT

REQUESTS TO ADDRESS COUNCIL

Chairman Hargett recognized the following citizens to address Council:

- Mr. Rudd Smith, 201 South Hickory St., Summerville, spoke on behalf of his client Mr. Harlon E. Joye, regarding Rezoning Request #666. He asked for Council's support in rezoning 4.98 acres on Boone Hill Road near Indian Springs from Single Family Residential (R-2) to Office and Institutional (OI).
- Mrs. Debbie Ainscough, 189 McMakin Drive, Summerville, stated concerns about the enforceability of a proposed new ordinance, regulating the number of hens and rabbits allowed on home lots of more than .172 acres. She presented pictures of a neighbor's lot that was not well kept and took months of lobbying various government offices to get it cleaned up. She said she objects to the proposed ordinance.
- Mr. Rick White, 109 Hanging Moss Road, Summerville, said he is a small business owner and member of the leadership team for Ashley Ridge Church, a portable church in the East Edisto community. He said the church supports the proposed planned community of East Edisto and encourages others to embrace it as well. He asked Council to support it, and said the church would be there to help build the community.
- Mr. Bill Binns, 202 Mohican Circle, Summerville, stated his objections to Rezoning Request #666, and recounted the numerous public meetings he and his neighbors have attended in an effort to block any rezoning request that includes multi-family dwellings, in particular low-income housing.
- Mr. Bruce Bradway, 228 Mohican Circle, Summerville, stated his objections to Rezoning Request #666. He said he has lived in Indian Springs for 26 years. He voiced concerns about crime at nearby apartments. He questioned why a rezoning classification is needed to bring in additional apartments when there are plenty of empty ones nearby.
- Ms. Amy S. Ritchie, 226 Mohican Circle, Summerville, stated her objections to Rezoning Request #666. She said she has lived in Indian Springs 13 years and is opposed to additional low-income housing in the area. She said she would support a nursing home or upscale senior living community or a business that closes at 5 p.m. She asked Council to consider the homeowners' quality of life, impact on property values, and the look of Summerville to visitors who enter from Boone Hill Road and already see the "ratty" apartments across from Summerville High School.
- Ms. Kathy Johnson, 230 Mohican Circle, Summerville, stated her objections to Rezoning Request #666. She asked Council to support the 297 residents of Indian Springs versus one land owner. She objected to an apartment complex going in on that lot.
- Ms. Marilyn Nunnally, 224 Mohican Circle, Summerville, stated her objections to Rezoning Request #666. She said she choose to retire in Summerville and objects to more low-income apartments near Indian Springs.
- Mr. Duard Nunnally, 222 Mohican Circle, Summerville, stated his objections to Rezoning Request #666. He congratulated Council on the election, and asked Council to support the many residents of Indian Springs and not the one land owner from Georgia.
- Ms. Lori Gibby and daughter Sarah, 112 Rosa Street, in the Waring Hall subdivision of Summerville, stated the health and economic benefits of raising hens and consuming brown eggs. She asked Council to pardon the pun, and said there are a few bad eggs that make other hen owners look bad. She said as long as there are no roosters, 10 chickens will not turn into 20.

ADOPTION OF OCTOBER 15, 2012, DORCHESTER COUNTY COUNCIL MINUTES

1. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted six in favor, with one absent, to adopt the minutes from the October 15, 2012, Dorchester County Council meeting. Councilman Chinnis was absent.

PROCLAMATION #12-08, PANCREATIC CANCER AWARENESS MONTH

2. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted six in favor, with one absent, to adopt Proclamation #12-08, designating November in Dorchester County as “ Pancreatic Cancer Awareness Month.” Councilman Chinnis was absent.

PUBLIC HEARING AND SECOND READING TO “AN ORDINANCE REPEALING DORCHESTER COUNTY ORDINANCE #10-19 AND AMENDING DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE 04-13, BY ADDING A NEW SUBSECTION (S) TO ARTICLE X, SECTION 10.3.1”

(This proposed amendment will allow a total of ten hens and rabbits to be kept by those with Single Family detached residences or mobile homes on lots that are more than 7,500 square feet or approximately .172 acres with certain requirements.)

Chairman Hargett opened the public hearing, and the following citizens spoke:

- Ms. Amy Reed, 104 Alwyn Blvd., Summerville, spoke in support of home hen farming. She shared nutrition information as well as the health and wellness benefits of raising hens and consuming the eggs produced. She said she wanted this experience for her children.
- Ms. Samantha Creech, 103 Carmen Street, spoke in support of the proposed ordinance. She said a County official told her Dorchester County has received approximately 15,000 nuisance calls in the past three years and only 40 were about chickens. Many calls were related to cats and dogs. She said her family keeps hens for the health benefits, to save money and as pets for her boys.
- Ms. Marina Shartz, 104 Chalmers Lane, in Greenhurst, she said she lives about a block away from Mrs. Creech and supports her. She questioned whether the proposed ordinance would allow 10 each of hens and rabbits or a total of 10. Mr. Ward clarified that the ordinance would be for a total of 10 in any combination of hens and rabbits.
- Mr. Thomas Ainscough, McMakin Drive, spoke against the proposed ordinance. He pointed out that Summerville was voted among the top 25 cities in the country to retire. He predicted this would change if people find out their neighbors are allowed to have chickens.
- Mr. Roger Swanson, 104 Tranquil Lane, Ladson, spoke in support of the proposed ordinance. He said he raises his own fish, so why not let the neighbors raise their own hens.
- Ms. Joan Brown, 104 Franklin Court, Summerville, spoke in support of the proposed ordinance. She said residents need the freedom to raise chickens because we do not know which way the economy is going and we may all need to have gardens in our front yards as well.
- Ms. Tina Little, 111 St. Audrey Street, spoke in support of the proposed ordinance. She said elected officials have an obligation to protect our freedoms under the Fourth Amendment to the Constitution. She said it is her right to provide for her family as she

sees fit. Additionally, she said parents should be allowed to buy their children a bunny for Easter to keep as a pet, but current ordinances would not allow this in certain circumstances.

Chairman Hargett closed the public hearing and asked Council if there was a motion.

AMENDMENT TO PROPOSED ORDINANCE REGULATING HENS & RABBITS

3. On the motion of Vice Chairman Bailey, seconded by Councilman Rosebrock, Council voted six in favor, with one absent, to amend before second reading the ordinance by adding the following words after "Manufactured Housing Unit:"

“; provided, however, that all such animals must be suitably confined to the rear of the property by fencing or other appropriate confinement mechanism and appropriate sanitation is maintained. Please note that homeowner’s associations (HOA) regulation and/or Restrictive Covenants or other homeowner restrictions may prohibit such animals.”

Councilman Chinnis was absent.

PROPOSED ORDINANCE REGULATING HENS & RABBITS

4. On the motion of Vice Chairman Bailey, seconded by Councilman Rosebrock, Council voted six in favor, with one absent, to give second reading to “An Ordinance Repealing Dorchester County Ordinance #10-19 and Amending Dorchester County Zoning and Land Development Standards Ordinance 04-13, By Adding a New Subsection (s) to Article X, Section 10.3.1”

Councilman Hearn asked for clarification of the original intent of the motion. Mr. Ward said heretofore the limitation was relative to property owners with an acre of property. This addresses lot size. He further explained that Councilman Chinnis was contacted by several of his constituents and began exploring this idea and then presented it for First Reading. Upon further reflection, the amendment was offered to ensure residents would be good stewards of animals in a neighborhood setting. Councilman Hearn added that this would affect only the unincorporated areas of the County. Mr. Ward confirmed and said this ordinance would not supersede HOA covenants. Councilman Hearn followed up asking, if the ordinance was not in place, there is no prohibition on what you do. Mr. Ward said the existing ordinance requires an acre. This repeals the existing ordinance, setting forth a new set of regulations. Councilman Hearn then asked about the 2010 ordinance and what the County had prior to that. Mr. Ward said there was some prohibition in terms of acreage associated with animals not considered domestic.

Councilman Davis said a lot of folks in the county cannot afford to have more than an acre. But if they have chickens or rabbits, they are not considered a farmer. A land owner must have five acres to qualify for the agricultural use tax discount. He pointed out that the person who has an acre or two winds up paying more on the tax books than the person who has 50 acres. He suggested giving agricultural use discounts to those with less than five acres who are raising chickens.

**2ND READING FOR REZONING REQUEST #666, HARLON E. JOYE,
TMS #144-00-00-088**

5. On the motion of Councilman Hearn, seconded by Councilman Rosebrock, Council voted one in favor, five opposed and one absent, to approve 2nd Reading of Rezoning Request #666, Harlon E. Joye, TMS #144-00-00-088; 4.98 acres; Location Boone Hill Road, (US Highway 17A) Summerville; Requested Change from (R-2) Single Family Residential to (OI) Office and Institutional. The motion failed. Chairman Hargett was the one vote of support. Councilman Chinnis was absent.

Chairman Hargett reported that the Rezoning Request failed and the moratorium is in effect.

CORRESPONDENCE

Mr. Ward reported that Dorchester County's bond rating has been sustained at AA2 by Moody's, and we await our rating by Standard and Poor's.

GUESTS

**MR. HANK BENNETT, DIRECTOR, TEF AUTOMOTIVE TECHNOLOGY,
FIRST ROBOTICS**

Mr. Bennett, Lead Mentor for Robotics Team 342, along with two students from Fort Dorchester High School presented Council with plaques of appreciation for the County's financial support. He said Team 342 has been in existence for 13 years. It was the only team in the County, and now there are three teams, including one at Woodlands High School. Team 342 has grown from 45 participating students to more than 70. He said the Teams also support the middle schools through the First Lego League. Pranab Sachithanandan, a high school junior, said he has been involved since middle school, and it has sparked his interest in engineering. Miranda Tanouye, a high school senior, spoke of the opportunities and connections the Team has provided as she applies to colleges. The students brought along a robot built by the team.

MR. MARVIN JOHNSON, DORCHESTER SENIORS BOARD OF DIRECTORS

Mr. Johnson, a member of the Board, presented his concerns to Council regarding Dorchester Seniors, Inc. being a private business and not a part of County government and receiving two mills of taxes annually from the County. He also raised concerns about personnel and Board structure.

**MR. ROBERT FORD, CHAIRMAN, DORCHESTER SENIORS BOARD OF
DIRECTORS**

Mr. Ford, Chairman of the Dorchester Seniors, Inc. Board of Directors, responded to Mr. Johnson's concerns. Additionally, Tony Oglietti, who serves on the Dorchester Seniors Board as Treasurer, also spoke.

Additional discussion was held between Council, Mr. Johnson and Mr. Ford.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

FIRE DEPARTMENT POSITION CHANGES

6. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted six in favor, with one absent, to approve changing the Training Officer Position from part-time to fulltime with Fire Captain's pay and reducing the number of 24-hour fulltime Firefighter positions from 12 to 8 and utilizing more part-time Firefighter Positions to provide coverage.

COMMITTEE REPORTS

Chairman Hargett passed the gavel to Vice-Chairman Bailey to give his Committee Report.

WATER AND SEWER COMMITTEE – CHAIRMAN LARRY HARGETT

7. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for new sewer service for Deborah Copp, TMS# 143-01-00-015, 317 Twin Lakes Drive near Summerville. Council voted six in favor, with one absent, for the Committee's recommendation. Councilman Chinnis was absent.
8. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request for new water service for Speedy Felkel, TMS# 172-11-01-033, 158 Stratton Drive, near North Charleston. Council voted six in favor, with one absent, for the Committee's recommendation. Councilman Chinnis was absent.
9. Chairman Hargett reported the Committee's recommendation to Council was for approval of the request to use sewer impact fees to complete the Brownsville Diversion Project to Summerville Commissioners of Public Works. Council voted six in favor, with one absent, for the Committee's recommendation. Councilman Chinnis was absent.

Vice-Chairman Bailey passed the gavel back to Chairman Hargett.

**PLANNING, DEVELOPMENT AND BUILDING COMMITTEE –
CHAIRMAN BILL HEARN**

10. Chairman Hearn reported the Committee held a Public Hearing and recommends 2nd Reading for Rezoning Request #667, Alan Reynolds, TMS# 136-07-03-001, located at 151 Alicia Drive, and TMS# 136-07-03-009, located at 1215 Central Avenue, both in Summerville, SC; Adjoining Lots total 1.51 acres; Requested Change for both lots are from R-4 (Multi-Family Residential District) to CG (General Commercial District). Council voted six in favor, with one absent, for the Committee's recommendation. Councilman Chinnis was absent.
11. Chairman Hearn reported the Committee held a Public Hearing and recommends 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 VII To Add a New Section, 7.12: 'CLI-2, Commercial/Light Industrial District Two,' Including Subsections 7.12.1 through 7.12.9, Which Set The Standards for CLI-2 Zoning Districts."
(The proposed zoning district will allow commercial and light industrial uses without high traffic generation and without outdoor storage, and allow such uses to locate along arterial roads rather than local streets.)

Council voted six in favor, with one absent, for the Committee's recommendation. Councilman Chinnis was absent.

APPOINTMENTS TO BOARDS AND COMMISSIONS: There were no appointments.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

JOINT COUNTY INDUSTRIAL PARK

12. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted six in favor, with one absent, to approve 1st Reading For "An Ordinance To Remove Property From Joint County Industrial Park Between Dorchester County, South Carolina, and Orangeburg County, South Carolina." Councilman Chinnis was absent.
(This Ordinance will remove 93 Springview Lane and 301 East Fifth North Street in Summerville from the Multi-County Industrial Park.)

REZONING REQUEST #640 & EAST EDISTO DEVELOPMENT AGREEMENT

13. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted six in favor, with one absent, to defer the following two matters until after discussion in Executive Session under Contractual Matters: 1st Reading to an Ordinance approving Rezoning Request #640 and 1st Reading to an Ordinance approving a Development Agreement by and between Dorchester County, SC and MWV-East Edisto Dorchester LLC. Councilman Chinnis was absent.

REEVESVILLE CONVENIENCE SITE

14. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted six in favor, with one absent, to approve the County Administrator to execute a lease agreement between Dorchester County and the Town of Reevesville for an existing convenience site on property owned by the Town of Reevesville. Councilman Chinnis was absent.

EXECUTIVE SESSION

The County Attorney requested Council's consideration to enter into Executive Session to receive legal advice concerning the following items:

- Employee compensation pursuant to the Lockton Study,
- Status of the former treatment plant property in Kings Grant subdivision,
- Request for disposal of a fire truck from the Ashley River Fire Department and
- Assessment appeals process;

Additionally, the County Attorney requested Council's consideration to discuss the following contractual matters:

- MeadWestvaco Ridgeville Commerce Park,
- MeadWestvaco-East Edisto Dorchester, LLC Development Agreement,
- Givhans Fire Contract,
- EOC Financing and
- Housing of Municipal Inmates.

15. On the motion of Councilman Davis, seconded by Vice Chairman Bailey, Council voted six in favor, with one absent, to enter into Executive Session at approximately 8:50 p.m. to discuss the above listed items. Councilman Chinnis was absent.

RECONVENE FROM EXECUTIVE SESSION

The County Attorney reported Council discussed the previously announced items, but no action was taken.

REZONING REQUEST #640

16. On the motion of Councilman Hearn, seconded by Vice Chairman Bailey, Council voted six in favor, with one absent, to give 1st Reading to Rezoning Request #640 to rezone approximately 38,699.23 acres and identified with Dorchester County TMS #193-00-00-001, TMS #184-00-00-004, TMS #183-00-00-001, TMS #174-00-00-009, TMS #185-00-00-001, TMS #176-00-00-001, TMS #177-00-00-002, TMS #195-00-00-001, TMS #167-00-00-001, TMS #140-00-00-038, TMS #148-00-00-025, TMS #148-00-00-006, TMS #148-00-00-012, TMS #148-00-00-014, TMS #150-00-00-029, TMS #168-00-00-008, TMS #159-00-00-009, TMS #192-00-00-001, TMS #191-00-00-019, TMS #148-00-00-024 to East Edisto Form District Master Plan, and refer the rezoning to the Planning Commission for its recommendation. Councilman Chinnis was absent.

EAST EDISTO DEVELOPMENT AGREEMENT

17. On the motion of Vice Chairman Bailey, seconded by Councilman Hearn, Council voted six in favor, with one absent, to give 1st Reading to an Ordinance approving that certain local governmental development agreement by and between MWV-East Edisto Dorchester, LLC and Dorchester County and schedule the first public hearing before County Council on November 19, 2012. Councilman Chinnis was absent.

ASHLEY RIVER FIRE TRUCK DISPOSAL

18. On the motion of Vice Chairman Bailey, seconded by Councilman Davis, Council voted six in favor, with one absent, to approve the request of the Ashley River Fire Department Board of Directors to sell the 1995 Chevrolet HD Model 3500 truck provided that the proceeds from the sale apply to the purchase of a new rescue truck for use in the Fire District. Councilman Chinnis was absent.

ASSESSMENT APPEALS PROCESS

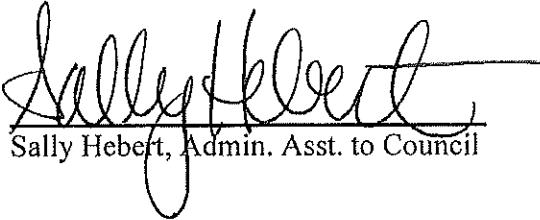
19. On the motion of Councilman Rosebrock, seconded by Councilman Hearn, Council voted six in favor, with one absent, to allow, if the County Assessor receives an adverse decision, the Assessor to proceed with the appeal of the written decision of the Board of Assessment Appeals granting Middleton Place Equestrian Center, LLC an agricultural real property classification by requesting a contested case hearing before the Administrative Law Judge Division. Councilman Chinnis was absent.

GIVHANS FIRE CONTRACT

20. On the motion of Councilman Davis, seconded by Vice Chairman Bailey, Council voted six in favor, with one absent, to authorize the County Administrator to execute the Amendment to the Agreement for Fire Protection Services between Dorchester County and Old Fort Fire District for Districts 204 and 404, commonly referred to as the Givhans fire service area. Councilman Chinnis was absent.

ADJOURNMENT

21. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted six in favor, with one absent, to adjourn at approximately 11:10 p.m. Councilman Chinnis was absent.



Sally Hebert, Admin. Asst. to Council

AGENDA
DORCHESTER COUNTY COUNCIL
DORCHESTER COUNTY HUMAN SERVICES BUILDING
COUNCIL CHAMBERS, SUMMERVILLE
NOVEMBER 19, 2012
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 the November 7, 2012, County Council Meeting
- Adoption of Resolution #12-21, Recognizing 2012 Leadership Dorchester Class
- 3rd Reading for Ordinance #12-17, “An Ordinance Repealing Dorchester County Ordinance #10-19, and Amending Dorchester County Zoning and Land Development Standards Ordinance #04-13, by Adding a New “Subsection (s)” to Article X, Section 10.3.1”
(This proposed amendment will allow a total of ten hens and rabbits to be kept by those with Single Family detached residences or mobile homes on lots that are more than 7,500 square feet or approximately .172 acres with certain requirements.)
- Adoption of Dorchester County Council Meeting Schedule for Calendar Year 2013
- Correspondence

3. GUESTS

- Presentation of House Resolution #5264 by The Honorable Christopher J. Murphy, The Honorable Jenny Horne, and The Honorable Patsy G. Knight
- Dr. Minnie Newman Blackwell, Career Academy & STEM Coordinator, Dorchester County FIRST Robotics Program, Request for Approval of a \$20,000 Grant
- Mrs. Kara Gunter, Interim Budget and Finance Director, Budget Report for the Month Ended October 31, 2012
- Wayne Welch, Assessor and David Garber, GIS Director, Request for Approval of a Rate Increase For Assessors’ and GIS Data Sets and Approval of Update of User Agreements

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

- Amendment to Personnel Policy Regarding Retirement
- 3rd Reading for Rezoning Request #667, for Alan Reynolds, TMS #136-07-03-001, located at 151 Alicia Drive, and TMS #136-07-03-009, located at 1215 Central Avenue, both in Summerville, SC; Adjoining Lots Total 1.51 acres; Requested Change for both lots are from R-4 (Multi-Family Residential District) to CG (General Commercial District)
- 3rd Reading for Ordinance #12-18, “An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended, With Respect to Article VII To Add a New Section, 7.12: “CLI-2, Commercial/ Light Industrial District Two,” Including Subsections 7.12.1 through 7.12.9, Which Set The Standards for CLI-2 Zoning Districts”
(The proposed zoning district will allow commercial and light industrial uses without high traffic generation and without outdoor storage, and allow such uses to locate along arterial roads rather than local streets.)
- 3rd Reading, Rezoning Request #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 CLI2 (Commercial Light-Industrial Two)

- 3rd Reading, Rezoning Request #656, William S. Hall; TMS# 130-13-00-105; (9.18 acres); Location: West Richardson Ave, Summerville, SC; Requested Change R-4 (Multi-Family Residential District) to CLI2 (Commercial Light-Industrial District Two)
- Request for New Sewer Service, Arbor Village Apartments, TMS# 152-00-00-009 and 152-00-00-236, 10825 Dorchester Road, Summerville
- Private Drive Maintenance Due to Medical Reasons, 150 Alfred Avenue, Harleyville, SC 29448

5. APPOINTMENTS TO BOARDS AND COMMISSIONS

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

- Request for Approval of Intergovernmental Agreement Between Dorchester County and SCDOT – SC Highway 165 Widening Project
- Public Hearing and 2nd Reading for “An Ordinance To Remove Property from Joint County Industrial Park Between Dorchester County, South Carolina, and Orangeburg County, South Carolina” *(This Ordinance will remove 93 Springview Lane and 301 East Fifth North Street in Summerville from the Multi-County Industrial Park.)*
- 2nd Reading for “An Ordinance approving Rezoning Request #640, which approves the East Edisto Form District Master Plan”
- Public Hearing and 2nd Reading for “An Ordinance Approving a Development Agreement By and Between Dorchester County, South Carolina and MWV – East Edisto Dorchester LLC”, and setting the Second Public Hearing on the Development Agreement before County Council on December 3, 2012
- Executive Session
 - Confidential Economic Development Project
 - Personnel Matter
 - Potential Employment of a Chief Financial Officer
 - Legal Advice
 - Lockton Compensation and Classification Study
 - Required Condemnation for Highway 27 Sewer Diversion

7. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



JAY BYARS

DAVID CHINNIS

WILLIE DAVIS

WILLIAM "BILL" HEARN, JR.

RICHARD ROSEBROCK

COUNTY COUNCIL OF DORCHESTER COUNTY

201 JOHNSTON STREET
ST. GEORGE, SOUTH CAROLINA 29477
(843) 563-0196 FAX (843) 563-0137
SUMMERVILLE (843) 832-0043 FAX (843) 875-8509

MINUTES DORCHESTER COUNTY COUNCIL DORCHESTER COUNTY HUMAN SERVICES BUILDING COUNCIL CHAMBERS, SUMMERVILLE NOVEMBER 19, 2012 7:16 P.M.

Pursuant to the Freedom of Information Act, The 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. 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
Ms. Sally Hebert, Administrative Assistant

Chairman Hargett called the meeting to order and invited all to stand for the invocation, given by Councilman Hearn, and followed by the Pledge of Allegiance.

CHAIRMAN'S TIME – MR. LARRY HARGETT

REQUESTS TO ADDRESS COUNCIL

Chairman Hargett recognized the following citizens to address Council:

- Mr. Stephen Scott, 327 Pidgeon Bay Road, spoke on behalf of the Pidgeon Bay residents, regarding Rezoning Requests #655/656. He said he and the residents support the proposed new zoning designation, CLI-2, Commercial/Light Industrial District Two, to allow commercial and light industrial uses without high traffic generation and without outdoor storage to locate along arterial roads rather than on local streets. He said the application of this new zoning district, CLI-2, would be a satisfactory resolution to the residents' concerns. The residents remain adamantly opposed to any rezoning that would permit the ingress/egress from Pidgeon Bay Road except for those businesses that currently have customer entrances from Pidgeon Bay Road, he said.
- Ms. Peggy Bangle, 114 Ravenwood Court, said Mr. Rosebrock and his wife, Grace, have been an asset to community. She asked Council to consider the unintended consequences when adopting new rules and regulations. She asked Council to spend taxpayer money wisely and pay down debt with any surplus. She challenged everyone whether they voted for or against the school referendum to volunteer in the schools.
- Mr. Dekle Griffith, 127 Blackwater Drive, Legend Oaks, spoke in favor of the East Edisto Development Agreement and asked Council to vote for it. He said MeadWestvaco has had a longtime presence in the area and is a big employer. He asked Council to remember that it was MeadWestvaco who purchased the Watson Hill tract and prevented a poorly planned end run by North Charleston. He said the East Edisto plan is a comprehensive approach that preserves a lot of rural area as rural. He said he disagrees with breaking up the plan into smaller components, preferring an overreaching plan for the entire area.
- Ms. Debbie G. Brownfield, 111 Shropshire St., applauded Council for considering the hens & rabbits ordinance and thanked Councilman Chinnis for all the research he did on the issue. However, she said she believes the law goes against the Constitution of the United States of America, specifically the Fourth Amendment. She cautioned Council against passing ordinances that conflict with the Constitution.
- Mr. Robby Robbins, 107 Glen Abbey Drive, thanked Mr. Rosebrock for his years of service and especially his willingness to look at Dorchester County as a whole with regards to the Regional Development Alliance, the Lake Marion Regional Water Authority and many other issues.

ADOPTION OF NOVEMBER 7, 2012, DORCHESTER COUNTY COUNCIL MINUTES

1. On the motion of Vice Chairman Bailey, seconded by Councilman Hearn, Council voted unanimously to adopt the minutes from the November 7, 2012, Dorchester County Council meeting.

ADOPTION OF RESOLUTION #12-21, RECOGNIZING LEADERSHIP DORCHESTER

2. On the motion of Vice Chairman Bailey, seconded by Councilman Chinnis, Council voted unanimously to adopt Resolution #12-21, expressing appreciation for Leadership Dorchester, Class of 2012, for help in obtaining six bus stop structures for the Tri-County Link Summerville-St. George Bus Route and raising \$7,750 to fund the route.

Chairman Hargett invited members of the Leadership Dorchester, Class of 2012, from the Greater Summerville/Dorchester Chamber of Commerce to stand before Council while he read

the Resolution. In attendance were: Pam Bass, Jan Parsons, Susan Watts, Gloria Barbee, Deseret Scharett, Sandra Chaz and Tori Burke-Koskela.

ORDINANCE #12-17, REGULATING HENS & RABBITS

3. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted unanimously to give 3rd Reading to adopt “An Ordinance Repealing Dorchester County Ordinance #10-19 And Amending Dorchester County Zoning And Land Development Standards Ordinance #04-13, By Adding A New Subsection (S) To Article X, Section 10.3.1”
(This allows a total of ten hens and rabbits to be kept by those with Single Family detached residences or mobile homes on lots that are more than 7,500 square feet or approximately .172 acres with certain requirements.)

2013 MEETING SCHEDULE OF DORCHESTER COUNTY COUNCIL

4. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to adopt the 2013 meeting schedule of Dorchester County Council.

CORRESPONDENCE

Mr. Jason Ward, County Administrator, reported that the South Carolina Department of Transportation has approved \$750,000 in Safety funding for the intersection of Butternut and Orangeburg Roads. This is in conjunction with the funds from the South Carolina Transportation Infrastructure Bank to make much needed intersection improvements at a location that serves four area schools.

Mr. Chinnis congratulated Mr. Ward and staff for the increase in the County bond rating from AA- to AA.

GUESTS

PRESENTATION OF HOUSE RESOLUTION #5264

The Honorable Christopher J. Murphy and The Honorable Patsy G. Knight presented Councilman Rosebrock with House Resolution #5264, which they introduced along with The Honorable Jenny Horne and The Honorable Robert Harrell. The Resolution was passed on May 15, 2012, and kept secret from Councilman Rosebrock. It honors Councilman Rosebrock for 20 years of faithful service on Dorchester County Council, recognizing his dedication and leadership to the citizens of this community. Representative Murphy, who formerly served on County Council, said Councilman Rosebrock has served with distinction, honor and integrity.

DR. MINNIE NEWMAN BLACKWELL

Dr. Blackwell, Career Academy & STEM Coordinator for Dorchester School District Two, along with Mr. Hank Bennett, of Bosch Corporation who is Lead Mentor for Robotics Team 342, asked County Council to consider providing support in the amount of \$20,000 for the FIRST Robotics program. In recent years, Council has provided \$10,000. The increase was requested due to the program’s growth and expansion and because of the competition site moving from Charleston to Myrtle Beach, S.C.

Councilman Hearn asked if Council typically refers this request to Committee. Chairman Hargett said Council has not done that before. Chairman Hargett said Council does have the money available in Council’s Contingency Fund. Councilman Chinnis said he wanted more time to

discuss the request. Vice Chairman Bailey noted that some of the teams to benefit from the funding request are not in Dorchester County. Councilman Chinnis asked how much funding Charleston County contributes. Mr. Bennett said Charleston County contributes nothing. Councilman Byars asked for data on the number of FIRST Robotics participants who return to Dorchester County after college to live and work. Mr. Bennett said the program has only recently begun tracking students. Councilman Davis said when the program began it did not include Dorchester School District Four. Now that the program has expanded to DD4, the program has gained his support, said Councilman Davis.

5. On the motion of Councilman Rosebrock, seconded by Councilman Davis, Council voted six in favor, one opposed, to refer the funding request for FIRST Robotics to the Budget Finance and Purchasing Committee. Chairman Hargett opposed the motion.

MRS. KARA GUNTER, INTERIM BUDGET & FINANCE DIRECTOR

Mrs. Gunter presented the budget report for the month ending October 31, 2012, and answered questions from Council.

MR. WAYNE WELCH, ASSESSOR, AND MR. DAVID GARBER, GIS DIRECTOR

Mr. Garber presented the requested rate increase as Mr. Welch, who had laryngitis, stood by. Mr. Garber said it has been more than 10 years since the County has had a rate increase. The proposed rates for Assessor and GIS data would bring Dorchester County in line with other counties in the state.

6. On the motion of Councilman Chinnis, seconded by Councilman Hearn, Council voted unanimously to adopt the rate increases for Assessor and GIS data.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD

AMENDMENT TO PERSONNEL POLICY REGARDING RETIREMENT

7. On the motion of Councilman Davis, seconded by Vice Chairman Bailey, Council voted unanimously to approve:
 - Effective January 2, 2013, the leave accrual rate for new retirees that return to work with the County will be set at the same leave rate for a new hire.
 - Effective January 2, 2013, the wage rate for new retirees who return to work with the County will be set at the wage rate (salary) for a new hire unless they TERE. If the employee elects to TERE, their wage rate (salary) will remain the same as their preretirement salary during the TERE period, and their employment with the County will end at the end of their TERE period.

3RD READING FOR REZONING REQUEST #667

8. On the motion of Councilman Rosebrock, seconded by Councilman Hearn, Council voted unanimously to approve 3rd Reading to adopt Rezoning Request #667, for Alan Reynolds, TMS #136-07-03-001, located at 151 Alicia Drive, and TMS #136-07-03-009, located at 1215 Central Avenue, both in Summerville, SC, from R-4 (Multi-Family Residential District) to CG (General Commercial District).

3RD READING FOR ORDINANCE #12-18, CREATING CLI-2 ZONING DISTRICT

9. On the motion of Councilman Hearn, seconded by Councilman Chinnis, Council voted unanimously to approve 3rd Reading to adopt Ordinance #12-18, "An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, As Previously Amended, with Respect to Article VII To Add a New Section, 7.12: "CLI-2, Commercial/Light Industrial District Two," Including Subsections 7.12.1 Through 7.12.9, Which Set The Standards for CLI-2 Zoning Districts.
(This new zoning district allows commercial and light industrial uses without high traffic generation and without outdoor storage, and allows such uses to locate along arterial roads rather than local streets.)

3RD READING FOR REZONING REQUESTS #655 & #656

10. On the motion of Councilman Davis, seconded by Councilman Byars, Council voted unanimously to approve 3rd Reading to adopt Rezoning Request #655, William S. Hall, TMS #130-13-00-103, 1.7 acres, 116 Pidgeon Bay Road, Summerville, from TRM (Transitional Residential Manufactured Housing District) to CLI-2 (Commercial Light Industrial-Two) and Rezoning Request #656, William S. Hall, TMS #130-13-00-105, 9.18 acres, West Richardson Avenue, Summerville, from R-4 (Multi-Family Residential District) to CLI-2 (Commercial Light Industrial-Two).

REQUEST FOR NEW SEWER SERVICE

11. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to approve a request for new sewer service at Arbor Village Apartments, TMS #152-00-00-009 and TMS #152-00-00-236, 10825 Dorchester Road, Summerville, which is a 240-unit apartment complex.

PRIVATE DRIVE MAINTENANCE

Mr. Ward reported that staff has an application for private drive maintenance due to medical reasons at 150 Alfred Avenue, Harleyville. He said staff wanted to bring to Council's attention that we are moving forward with the Chairman's signature to improve the road for the purpose of providing improved access for Emergency Medical Services response. He said the County has a signed affidavit from the resident's physician.

APPOINTMENTS TO BOARDS AND COMMISSIONS: There were no appointments.

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON

INTERGOVERNMENTAL AGREEMENT: DORCHESTER COUNTY & SCDOT

12. On the motion of Councilman Chinnis, seconded by Councilman Rosebrock, Council voted unanimously to authorize the County Administrator to execute an Intergovernmental Agreement between Dorchester County and SCDOT.
(This is the last requirement before the County can proceed with the project for the stretch of S.C. Highway 165 from Carolinian Drive to Ashley Ridge High School.)

JOINT COUNTY INDUSTRIAL PARK: PUBLIC HEARING & 2ND READING

Chairman Hargett opened the public hearing. In the absence of anyone wishing to speak, Chairman Hargett closed the public hearing.

13. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to approve 2nd Reading for “An Ordinance To Remove Property From Joint County Industrial Park Between Dorchester County, South Carolina, and Orangeburg County, South Carolina.”

(This Ordinance will remove 93 Springview Lane, 3.03 acres, TMS #162-01-14-002, owned by Low Country Boys, LLC, and 301 East Fifth North Street, 2 acres, TMS #137-04-08-001, owned by McCreery Coal Land Company, in Summerville, from the Multi-County Industrial Park.)

2ND READING FOR “AN ORDINANCE APPROVING REZONING REQUEST #640, WHICH APPROVES THE EAST EDISTO FORM DISTRICT MASTER PLAN”

14. On the motion of Councilman Rosebrock, seconded by Vice Chairman Bailey, Council voted unanimously to approve 2nd Reading for “An Ordinance Approving Rezoning Request #640, Which Approves the East Edisto Form District Master Plan.

(This will rezone approximately 38,699.23 acres identified with Dorchester County TMS #193-00-00-001, TMS #184-00-00-004, TMS #183-00-00-001, TMS #174-00-00-009, TMS #185-00-00-001, TMS #176-00-00-001, TMS #177-00-00-002, TMS #195-00-00-001, TMS #167-00-00-001, TMS #140-00-00-038, TMS #148-00-00-025, TMS #148-00-00-006, TMS #148-00-00-012, TMS #148-00-00-014, TMS #150-00-00-029, TMS #168-00-00-008, TMS #159-00-00-009, TMS #192-00-00-001, TMS #191-00-00-019, TMS #148-00-00-024 to the East Edisto Form District Master Plan.)

PUBLIC HEARING AND 2ND READING FOR “AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND MWV – EAST EDISTO DORCHESTER LLC”

Chairman Hargett opened the Public Hearing, and the following citizens spoke:

- Mr. William Baughman, 289 Horseford Road, Ridgeville, said he has lived and worked in Dorchester County for more than 50 years. He said this is a unique opportunity for the County to work with a single large land owner for planned growth that maintains the rural character of the County. He strongly urged Council to approve the East Edisto Development Agreement.
- Mr. Mike Soyka, a Dorchester County resident, said he has lived here for about 12 years. He voiced his support for the East Edisto Development Agreement. He said this would allow us to get ahead of the curve of development rather than always trying to catch up to development with infrastructure. He said the East Edisto project fits into the long-range planning of other regional groups such as Our Region, Our Plan and the Berkeley-Charleston-Dorchester Council of Governments. He said he hopes this project sets a model for how other development throughout the tri-county region could occur.
- Ms. Jenn Williams, 105 Thomaston Avenue, said she has lived in the area for about 8 years and is pastor of the newly formed Ashley Ridge Church. She encouraged Council to vote in favor of the East Edisto Development Agreement. She said she wants to live and raise her family in the area to be developed as part of the East Edisto Development Agreement.
- Ms. Peggy Bangle, 114 Ravenwood Court, noted that Mead Westvaco would build infrastructure to the limit of their property and Dorchester County would be responsible for building infrastructure up to the property line. She asked how the County would pay for this and how much it would cost the taxpayers. She also asked if the Ordinance was for the entire 30,000 acres and whether it would include businesses or be limited to residential. Chairman Hargett said the proposed ordinance was comprehensive, including many different types of properties and would

govern the entire area. Vice Chairman Bailey said the County would receive impact fees, which would pay for the infrastructure.

- Ms. Angie Crum, 324 Coburn Town Road, Ridgeville, said she supports the East Edisto Development Agreement because it will bring much needed jobs to the area. She asked Council to endorse the plan.
- Ms. Kelly Spencer, 3008 Vista Court, Summerville, Senior Class President at Ashley Ridge High School and member of Ashley Ridge Church, asked Council to support the East Edisto development plan.
- Mr. Corey Rutelonis, 1028 Blockade Runner Parkway, spoke in favor of the East Edisto development plan. He said he wants the retail options, so he will not have to drive to Knightsville or Oakbrook to shop.

In the absence of any else wishing to speak, Chairman Hargett closed the public hearing.

Mr. Frampton said before this Ordinance can be passed, the South Carolina Local Government Development Agreement Act requires two public hearings. He announced that the second public hearing will be held on Monday, December 3, 2012, at the Dorchester County Council meeting at 7 p.m. in St. George.

15. On the motion of Councilman Chinnis, seconded by Councilman Davis, Council voted unanimously to amend the East Edisto Development Agreement with the following with respect to the final sentence of the paragraph in the section 8.2 to add “as may be amended from time to time after Ordinance #10-24.”

Councilman Chinnis explained that Ordinance #10-24 is the County’s impact fee ordinance, and if Ordinance #10-24 is amended, the East Edisto Development Agreement goes along with it.

16. On the motion of Councilman Rosebrock, seconded by Vice Chairman Bailey, Council voted unanimously to approve 2nd Reading with the Amendment for “An Ordinance Approving a Development Agreement By and Between Dorchester County, South Carolina and MWV – East Edisto Dorchester LLC.”

EXECUTIVE SESSION

The County Attorney requested Council’s consideration to enter into Executive Session to discuss:

- Confidential Economic Development Project
- Personnel Matter
 - Potential Employment of a Chief Financial Officer
- Legal Advice
 - Lockton Compensation and Classification Study
 - Required Condemnation for Highway 27 Sewer Diversion

17. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously, to enter into Executive Session to discuss the above listed items.

RECONVENE FROM EXECUTIVE SESSION

The County Attorney reported that Council discussed the previously announced items, and no action was taken.

PROJECT AERO

18. On the motion of Vice Chairman Bailey, seconded by Councilman Hearn, Council voted unanimously to approve Special Source revenue Credits in the amount of 10 percent for five years to Project Aero.

REQUIRED CONDEMNATION FOR HIGHWAY 27 SEWER DIVERSION


19. On the motion of Councilman Hearn, seconded by Councilman Rosebrock, Council voted unanimously to authorize the condemnation of the sewer easement across property owned by Strobel Investments Family Limited Partnership bearing a TMS #150-00-00-041 for the Highway 27 sewer diversion project.

LOCKTON COMPENSATION AND CLASSIFICATION STUDY

20. On the motion of Councilman Chinnis, seconded by Councilman Byars, Council voted unanimously to abandon the conclusions reached by the Lockton study as well as its recommendations for implementation or any further consideration by Dorchester County Council for further implementation of that study. Further, current pay ranges should be reduced by 2.8 percent effective January 1, 2013. This will in no way affect or reduce the compensation presently being paid to current County employees.

ADJOURNMENT

21. On the motion of Councilman Davis, seconded by Councilman Rosebrock, Council voted unanimously to adjourn.


Sally Hebert, Admin. Asst. to Council

**AGENDA
DORCHESTER COUNTY COUNCIL
KENNETH F. WAGGONER SERVICES CENTER
COUNCIL CHAMBERS, ST. GEORGE
DECEMBER 3, 2012
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 the November 19, 2012, County Council Meeting
- Adoption of Resolution #12-22, "In Honor of Richard H. Rosebrock"
- Correspondence

3. COUNCIL MEMBER'S TIME- COUNCILMAN BILL HEARN

- Retirement of Councilman Richard Rosebrock

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

- 1st Reading for an Amendment to Rezoning Request #452, which created the Drakesborough Planned Development under the "Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Amended", (To Increase Maximum Gross Residential Density to 3.23 units per acre (+2.9%) and to Decrease Minimum lot size from 5,500 square feet to 4,250 square feet in the District)
- Request for Approval of 2014 Budget Calendar

5. COMMITTEE REPORTS

Chairman Larry Hargett, Water and Sewer Committee

- Presentation on Fat, Oil and Grease (FOG) Program by the Water and Sewer Department

Chairman Larry Hargett, Budget, Finance and Purchasing Committee

- Dorchester County FIRST Robotics Program, Request for Approval of a \$20,000 Grant
- Request to Purchase Emergency Response Vehicle for New Deputy Fire Chief

6. APPOINTMENTS TO BOARDS AND COMMISSIONS

- Adoption of Resolution #12-23, "Dorchester County Council Appointing Willie Davis to Represent Dorchester County as a Commissioner of the Lake Marion Regional Water Agency and Jason Ward to Serve as an Alternate Representative"

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

- 3rd Reading for Ordinance #12-19, "An Ordinance approving Rezoning Request #640, which approves the East Edisto Form District Master Plan"
- Public Hearing and 3rd Reading for Ordinance #12-20, "An Ordinance Approving a Development Agreement By and Between Dorchester County, SC and MWV– East Edisto Dorchester LLC"
- 3rd Reading for Ordinance #12-21, "An Ordinance To Remove Property from Joint County Industrial Park Between Dorchester County, South Carolina, and Orangeburg County, South Carolina" (93 Springview Lane, 3.03 Acres, TMS #162-01-14-002-000, owned by Low Country Boys, LLC, and 301 East Fifth North Street, 2.00 Acres, TMS #137-04-08-001-000, owned by McCreery Coal Land Company)
- Executive Session
 Contractual Matters -Sewer Capacity Reservation Agreements
 -Potential Sale of Real Estate
 -Potential Purchase of Conservation Easements
 -Potential Employment of a Chief Financial Officer
 Personnel Matter

8. ADJOURN

LARRY S. HARGETT
CHAIRMAN

GEORGE H. BAILEY
VICE-CHAIRMAN

JASON L. WARD
COUNTY ADMINISTRATOR

SANDY W. LAWLEY
CLERK TO COUNCIL



WILLIE R. DAVIS

WILLIAM (BILL) HEARN, JR.

DAVID CHINNIS

RICHARD ROSEBROCK

JAY BYARS

COUNTY COUNCIL OF DORCHESTER COUNTY

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MINUTES

DORCHESTER COUNTY COUNCIL

KENNETH F. WAGGONER SERVICES CENTER, ST. GEORGE

COUNTY COUNCIL CHAMBERS

DECEMBER 3, 2012

7:03 P.M.

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

PRESENT: Mr. Larry S. Hargett, Chairman
Mr. George H. Bailey, Vice Chairman
Mr. Jay Byars
Mr. Willie Davis
Mr. Davis Chinnis
Mr. Bill Hearn
Mr. Richard Rosebrock
Mr. Jason Ward, Administrator
Ms. Ashley Jacobs, Deputy Administrator
Mr. John Frampton, County Attorney
Mrs. Sandy W. Lawley, Clerk to Council

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

CHAIRMAN'S TIME – MR. LARRY HARGETT- REQUESTS TO ADDRESS COUNCIL

Chairman Hargett recognized the following citizens to address Council:

- Mr. Wallace Kizer, 134 Mill Branch Road, St. George, addressed Council with a concern of water backing up in a stream on his property. He explained after examination of the problem, he found trees near the stream, which had been eaten all the way around, and stated although he did not see any beavers, he could tell from the evidence that they were the cause of the problem. Mr. Kizer requested assistance from the County. Mr. Ward stated the County could go in and breakup the dam, which the beavers built and someone from the County would be in touch with him. Councilman Bailey, Chair of the Public Safety, Health, and Human Services Committee, requested for the "Beaver problem" to be placed in his Committee, and Chairman Hargett agreed.

REQUESTS TO ADDRESS COUNCIL-CONTINUED

- Ms. Joan Brown, 104 Franklin Ct., Summerville, addressed Council and stated she was speaking on behalf of other concerned citizens regarding the East Edisto Project. She thanked Council for their work on the project; however she wanted to bring to Council's attention concerns on how it appeared they had placed a strong emphasis of concentration and support towards multi-county planning and the concept of sustainability. After Ms. Brown finished her speech, she requested for Council to postpone all actions on the MeadWestvaco East Edisto project and any actions on "Sustainable Communities" until everyone could learn more about these issues.
- Ms. Peggy Bangle, 114 Ravenwood Court, Summerville, asked that Council not support the request from the DC FIRST Robotics Program in the amount of \$20,000, especially since that would be a 100% increase in the amount they received last year. Ms. Bangle also spoke on the East Edisto Project, and encouraged Council to always look at the unintended consequences of all agreements because things always appear better on paper.

Chairman Hargett announced that at the Budget, Finance and Purchasing Committee meeting held earlier, the recommendation that will go before full Council was to fund the FIRST Robotics Program in the amount of \$10,000, not the \$20,000 as requested.

ADOPTION OF NOVEMBER 19, 2012, COUNTY COUNCIL MINUTES

1. On the motion of Councilman Davis, seconded by Councilman Bailey, Council voted unanimously to adopt the minutes from the November 19, 2012, County Council Meeting.

ADOPTION OF RESOLUTION #12-22, "IN HONOR OF RICHARD H. ROSEBROCK"

2. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted six in favor and one abstention to adopt Resolution #12-22, "In Honor of Richard H. Rosebrock", recognizing Councilman Rosebrock for his 20 years of service on County Council.

Councilman Rosebrock abstained.

Chairman Hargett read the Resolution a loud, and Councilman Rosebrock received a very loud applause from Council and everyone in attendance.

CORRESPONDENCE There was no correspondence to report.

**COUNCIL MEMBER'S TIME – COUNCILMAN BILL HEARN
RETIREMENT OF COUNCILMAN RICHARD ROSEBROCK**

Councilman Hearn stood at the podium to address Councilman Rosebrock on his retirement. He said he could not believe it had been 18 years since they started serving together and reminisced over how things had changed over the years. He told Councilman Rosebrock that he had done a wonderful job in representing the citizens of District #5, and all citizens of the County, and thanked him for his dedicated service and commended him on a job well done. He told everyone the best way to honor Councilman Rosebrock was to challenge all citizens in the county to stop and pickup any litter they see in his honor. He said that may sound strange, but he knew that would be something Councilman Rosebrock would want, because of how hard he had worked to keep Dorchester County clean and beautiful. Councilman Hearn then presented Councilman Rosebrock with a Dorchester County polo shirt, which he had purchased for him. He explained this was part of a long-standing joke between the two Councilmen from many years ago. It was all in good humor. Councilman Rosebrock thanked Councilman Hearn for the shirt and kind words.

COUNTY ADMINISTRATOR'S TIME – MR. JASON WARD
REQUEST FOR 1ST READING FOR AN AMENDMENT TO REZONING REQUEST #452,
WHICH CREATED THE DRAKESBOROUGH PLANNED DEVELOPMENT UNDER
THE “DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS
ORDINANCE #04-13, AS AMENDED”, (TO INCREASE MAXIMUM GROSS
RESIDENTIAL DENSITY TO 3.23 UNITS PER ACRE (+2.9%) AND TO DECREASE
MINIMUM LOT SIZE FROM 5,500 SQUARE FEET TO 4,250 SQUARE FEET IN THE
DISTRICT

3. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted unanimously to give 1st Reading for an Amendment to Rezoning Request #452, which created the Drakesborough Planned Development under the “Dorchester County Zoning and Land Development Standards Ordinance #04-13, As Amended”, (To Increase Maximum Gross Residential Density to 3.23 units per acre (+2.9%) and to Decrease Minimum lot size from 5,500 square feet to 4,250 square feet in the District), as recommended by the Planning Commission and Planning and Zoning staff and to place this request in the Planning, Development, and Building Committee.

REQUEST FOR APPROVAL OF THE FY 2014 BUDGET CALENDAR

4. On the motion of Councilman Davis, seconded by Councilman Hearn, Council voted six in favor and one abstention to approve the Fiscal Year 2014 Budget Calendar as presented by the County Administrator. The Administrator also discussed the retreat dates with Council and one date was changed.

Councilman Rosebrock abstained.

COMMITTEE REPORTS

Chairman Hargett passed the gavel to Vice-Chairman Bailey in order to give his Committee Report.

WATER AND SEWER COMMITTEE REPORT - CHAIRMAN LARRY HARGETT

PRESENTATION ON FAT, OIL AND GREASE (FOG) PROGRAM BY THE WATER AND SEWER DEPARTMENT

Chairman Hargett reported the Committee received a presentation made by Ms. Kacy Byrd, Pretreatment and Technical Administrator of the Dorchester County Water and Sewer Department. He stated the presentation was very informative and was on the (FOG) Fat, Oil and Grease Program. He said it was for information only and no action was necessary.

BUDGET, FINANCE AND PURCHASING COMMITTEE REPORT –
CHAIRMAN LARRY HARGETT
DORCHESTER COUNTY FIRST ROBOTICS PROGRAM, REQUEST FOR APPROVAL
OF A \$20,000 GRANT

5. Chairman Hargett reported the Committee's recommendation to Council was to approve the request of the \$10,000 grant for the Dorchester County FIRST Robotics Program, and for the money to come from Council's Contingency. Council voted unanimously in favor of the recommendation.

COMMITTEE REPORTS –CONTINUED
REQUEST TO PURCHASE EMERGENCY RESPONSE VEHICLE FOR NEW DEPUTY FIRE CHIEF

6. Chairman Hargett reported the Committee's recommendation to Council was to approve the request to purchase a Ford F-250 truck for use by the new Deputy Fire Chief as a response vehicle at a cost not exceeding \$31,000. The vehicle will be purchased using FY 2011 Carryover Funds and savings from the purchase of the Fire Chief's vehicle. 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.

ADOPTION OF RESOLUTION #12-23, "DORCHESTER COUNTY COUNCIL APPOINTING WILLIE DAVIS TO REPRESENT DORCHESTER COUNTY AS A COMMISSIONER OF THE LAKE MARION REGIONAL WATER AGENCY AND JASON WARD TO SERVE AS AN ALTERNATE REPRESENTATIVE"

7. On the motion of Councilman Chinnis, seconded by Councilman Bailey, Council voted unanimously to adopt Resolution #12-23, "Dorchester County Council Appointing Willie Davis to Represent Dorchester County as a Commissioner of the Lake Marion Regional Water Agency and Jason Ward to serve as an Alternate Representative".

COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON
3RD READING FOR ORDINANCE #12-19, " AN ORDINANCE APPROVING REZONING REQUEST #640, WHICH APPROVES THE EAST EDISTO FORM DISTRICT MASTER PLAN"

The County Attorney had Mr. Alec Brebner, Planning and Zoning Manager, give the report from the Special Called Planning Commission meeting, which was held earlier in the day on Rezoning Request #640. Mr. Brebner, Planning and Zoning Manager reported that the Request #640 was approved at the meeting with a vote of four in favor, which was to approve the request. The County Attorney then requested Council give 3rd Reading to the above stated Ordinance.

8. On the motion of Councilman Bailey, seconded by Councilman Rosebrock, Council voted unanimously, to give 3rd Reading to Ordinance #12-19, "An Ordinance Approving Rezoning Request #640 to rezone approximately 38,699.23 acres and identified with the following Dorchester County TMS#,
TMS #193-00-00-001, TMS #184-00-00-004, TMS #183-00-00-001,
TMS #174-00-00-009, TMS #185-00-00-001, TMS #176-00-00-001,
TMS #177-00-00-002, TMS #195-00-00-001, TMS #167-00-00-001,
TMS #140-00-00-038, TMS #148-00-00-025, TMS #148-00-00-006,
TMS #148-00-00-012, TMS #148-00-00-014, TMS #150-00-00-029,
TMS #168-00-00-008, TMS #159-00-00-009, TMS #192-00-00-001,
TMS #191-00-00-019, TMS #148-00-00-024 to East Edisto Form District Master Plan.

COUNTY ATTORNEY'S TIME-CONTINUED
2ND PUBLIC HEARING AND 3RD READING FOR ORDINANCE #12-20, "AN
ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN
DORCHESTER COUNTY, SC AND MWV- EAST EDISTO DORCHESTER LLC"

Chairman Hargett opened the 2nd Public Hearing, for Ordinance #12-20, "An Ordinance Approving a Development Agreement By and Between Dorchester County, SC and MWV- East Edisto Dorchester LLC", as required by the South Carolina Local Government Development Act.

- Ms. Debbie Brownfield, Summerville, addressed Council with questions about the public hearings regarding this agreement. She also stated she was uncomfortable with the fact that the wording in the Development Agreement was similar to the wording in the United Nations Agenda 21.
- Ms. Angie Crum, 324 Coburn Town Road, Ridgeville, addressed Council and spoke in favor of the East Edisto Development Agreement and stated she knew it had been publicized. She requested that Council approve the agreement and said it would be a great asset to the Ridgeville Community and would bring in much needed jobs to the area.

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

Mr. Frampton stated that Council received in their packets the latest red-lined version of the Agreement between the County and MWV- East Edisto Dorchester LLC, and explained that the version received had typographical corrections and a number of definitional additions made to it, which were already in the agreement, but not defined. He stated it also incorporated Councilman Chinnis' amendment, which he made at the last Council meeting. Mr. Frampton stated the only significant change between the last draft and the draft received was the third-party agreement between the County, School District Two and East Edisto. He explained that provision had now been changed, since we do not have a final draft of the third-party agreement. However, it states that the County agrees to enter into such an agreement, upon concurrence by the three entities, and other than that the agreement was prepared for Council as amended for a potential 3rd Reading.

9. Councilman Bailey motioned and it was seconded by Councilman Rosebrock, to give 3rd Reading to Ordinance #12-20, "An Ordinance Approving a Development Agreement By and Between Dorchester County, SC and MWV- East Edisto Dorchester LLC", as amended.

Chairman Hargett asked if Council had any questions or comments before a vote was taken on the above motion. Councilman Chinnis showed the audience the huge agreement that Council started with and then showed the document as it looked now. He then took a minute to thank all involved with the project. Councilman Chinnis stated he had some minor concerns and questions about transportation infrastructure that he would like answered before the end of the year and before Council voted on 3rd Reading. He stated they were minor and wanted all to know that this Development was "Smart Development", but he still had concerns. He then made the following motion.

10. Councilman Chinnis motioned, seconded by Councilman Byars, to amend the main motion and to postpone the vote on 3rd Reading for a time not to exceed December 31st, 2012.

2ND PUBLIC HEARING AND 3RD READING FOR ORDINANCE #12-20, "AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN DORCHESTER COUNTY, SC AND MWV- EAST EDISTO DORCHESTER LLC"

A discussion took place after the motion to delay the vote was made. Councilman Davis stated he agreed with Councilman Chinnis that some concerns were still pending; however he felt 3rd Reading was still possible at this time. He then commended all of the staff and stated that this document was not perfect, but was an enormous achievement, and as close to perfect as possible for such a vast undertaking by all. Councilman Davis stated that every five years it was set where the County could go back and revisit issues and changes could be made. Councilman Chinnis addressed Chairman Hargett and stated that the attorney for MeadWestvaco, Mr. George Bullwinkle, and staff from MWV, had always answered his questions and he appreciated their assistance, however, he did not want to go twenty-years down the road and future Councils having to deal with discussions on funding for adequate roads like Highway 165. Chairman Hargett then asked if anyone else had anything to add. Councilman Bailey spoke and said that MeadWestvaco had always been a good company and a good partner with Dorchester County. He then discussed the transportation projects that the DCTA were working on and said he had spoken with members of the Authority about after the completion of the current projects, looking at another referendum and placing some of the roads such as Highway 17, 165 and 65 on a new list and they were interested. In conclusion, Councilman Bailey said that this could be looked at in the future, and that MeadWestvaco and the County staff must consult annually to see whether the plan is on track. Councilman Hearn stated this was a collaborative effort and he appreciated the hard work everybody put into this project. He said he agreed with Councilman Chinnis that there were some concerns with the roads; however, his concern was the timing. Councilman Rosebrock spoke and agreed with Councilman Bailey about MeadWestvaco and he felt he would like to see this go forward tonight. Councilman Byars said he had not planned to meet anymore this year, but did have small concerns on the transportation infrastructure as Councilman Chinnis had stated, but would like to do so in an expeditious manner. Chairman Hargett stated he was not concerned about a state road because he felt the state would take care of the road and did not want to delay the final reading. In conclusion, he too commended MeadWestvaco for being a good partner with the County.

MeadWestvaco Attorney, Mr. Neil Robinson of Nexsen Pruet, requested to speak as the applicant. He stated that the development agreement does include the concept of "concurrency", which means the necessary infrastructure must be in place as each phase is completed or the development can't proceed. MeadWestvaco Attorney, Mr. George Bullwinkel also spoke and stated that update traffic studies would be done every five years or every 2,500 certificates of occupancy for each "settlement" within the Summers Corner development. Mr. Robinson stated the document was now shorter compared to what it was in the beginning and the two partners would be getting together each year, and he requested that Council approve the agreement.

Councilman Bailey called for the question. Councilman Bailey withdrew his request, as Councilman Chinnis had more questions. Councilman Chinnis asked a few questions and received some answers from Mr. Robinsons and Mr. Bullwinkle. After reviewing more documents and additional discussion, the following action took place.

Motion #10: Councilman Chinnis withdrew his motion, and Councilman Byars withdrew his second.

Vote on Motion #9: Council voted unanimously, to give 3rd Reading to Ordinance #12-20, "An Ordinance Approving a Development Agreement By and Between Dorchester County, SC and MWV- East Edisto Dorchester LLC", as amended.

COUNTY ATTORNEY'S TIME – CONTINUED

3RD READING FOR ORDINANCE #12-21, “AN ORDINANCE TO REMOVE PROPERTY FROM JOINT COUNTY INDUSTRIAL PARK BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA” (93 SPRINGVIEW LANE, 3.03 ACRES, TMS #162-01-14-002-000, OWNED BY LOW COUNTRY BOYS, LLC, AND 301 EAST FIFTH NORTH STREET, 2.00 ACRES, TMS #137-04-08-001-000, OWNED BY McCREERY COAL LAND COMPANY)

11. On the motion of Councilman Davis, seconded by Councilman Bailey, Council voted unanimously to give 3rd Reading to Ordinance #12-21, “An Ordinance To Remove Property from the Joint County Industrial Park Between Dorchester County, South Carolina, and Orangeburg County, South Carolina” (93 Springview Lane, 3.03 Acres, TMS #162-01-14-002-000, owned by Low Country Boys, LLC, and 301 East Fifth North Street, 2.00 Acres, TMS #137-04-08-001-000, owned by McCreery Coal Land Company).

REQUEST FOR EXECUTIVE SESSION

The County Attorney requested Council’s consideration to enter into executive session to discuss the following contractual matters, sewer capacity reservation agreements, a potential sale of real estate, and a potential purchase of conservation easement, and one personnel matter concerning the potential employment of a Chief Financial Officer.

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

RECONVENE FROM EXECUTIVE SESSION

The County Attorney reported Council discussed the previously announced items, but no action was taken.

SEWER CAPACITY RESERVATION AGREEMENTS

13. On the motion of Councilman Hearn, seconded by Councilman Rosebrock, Council voted unanimously to authorize the County Administrator to execute the reservation Sewer Capacity Agreements in order to receive advance payments from the developers for the reservation of sewer capacity once the Highway 27 Sewer Diversion is completed with such non-substantive changes as approved by the County Administrator in conjunction with the County Attorney.

POTENTIAL PURCHASE OF CONSERVATION EASEMENTS

14. On the motion of Councilman Chinnis, seconded by Councilman Davis, Council voted unanimously to award the Lowcountry Open Land Trust a grant in the sum of \$150 per acre for the purchase of a conservation easement on approximately 335 acres owned by Joe Henry Branton, Sr. a portion of TMS #096-00-00-014.

PERSONNEL MATTER

15. On the motion of Councilman Chinnis, seconded by Councilman Bailey, Council voted unanimously to amend Dorchester County Class description Grade 19 Class Title Chief Financial Officer, Finance and Administration, County Administrator’s Office, specifically special certifications and licensing, from “Must be a Certified Public Accountant” to “Certified Public Accountant Preferred”.

ADJOURNMENT

16. On the motion of Councilman Rosebrock, seconded by Councilman Hearn, Council voted unanimously to adjourn. Time of adjournment was 9:54 p.m.

Sandy W. Lawley

Sandy Lawley, Clerk to Council