

LARRY HARGETT  
CHAIRMAN

WILLIE DAVIS  
VICE CHAIRMAN

JASON L. WARD  
COUNTY ADMINISTRATOR

SANDY W. LAWLEY  
CLERK TO COUNCIL



JAMIE FELTNER

CHRISTOPHER J. MURPHY

MIKE MURPHREE

RICHARD ROSEBROCK

KENNETH WAGGONER

## COUNTY COUNCIL OF DORCHESTER COUNTY

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### MINUTES

**DORCHESTER COUNTY COUNCIL  
KENNETH F. WAGGONER SERVICES CENTER**

**COUNCIL CHAMBERS, ST. GEORGE**

**DECEMBER 10, 2007**

**7:00 P.M.**

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

PRESENT: Mr. Larry Hargett – Chairman  
Mr. Willie Davis – Vice Chairman  
Mr. Kenneth F. Waggoner  
Mr. Chris Murphy  
Mr. Jamie Feltner  
Mr. Richard Rosebrock  
Mr. Jason Ward – County Administrator  
Mr. John Frampton – County Attorney  
Mrs. Sandy Lawley – Clerk to Council

ABSENT: Ms. Ashley Jacobs – Deputy County Administrator

Chairman Hargett called the meeting to order, and Reverend David Mullins gave the Invocation.

### **REQUEST TO ADDRESS COUNCIL**

Chairman Hargett asked if anyone would like to address Council. The following citizens replied.

- Mr. James McGraw addressed Council concerning Rezoning Request #572.

**ADOPTION OF MINUTES FROM THE NOVEMBER 19, 2007**

1. On the motion of Mr. Murphy, seconded by Mr. Rosebrock, Council voted unanimously to adopt the Minutes from the November 19, 2007, County Council Meeting, as amended.

**ADOPTION OF COUNCIL MEETING SCHEDULE FOR 2008**

2. On the motion of Mr. Rosebrock, seconded by Mr. Feltner, Council voted to approve Proposal #1 as the County Council Meeting Schedule for 2008. The 2008 Council Meeting Schedule will be posted on the County Website.

**CHANGE OF ORDER OF THE PUBLIC WORKS, PROPERTY AND UTILITIES COMMITTEE REPORT**

Council unanimously approved the request to have Chairman Murphree give his Public Works, Property and Utilities Committee Report after Executive Session.

**3<sup>RD</sup> READING TO PROPOSED ORDINANCE #07-29, "AN ORDINANCE TO SUSPEND THE APPROVAL OF NEW RESIDENTIAL DEVELOPMENT UNDER THE DORCHESTER COUNTY ZONING & LAND DEVELOPMENT STANDARDS ORDINANCE #04-13"**

3. Mr. Rosebrock motioned and Mr. Feltner seconded it, to give 3<sup>rd</sup> Reading to the Proposed Ordinance #07-29, "An Ordinance to Suspend the Approval of New Residential Development under the Dorchester County Zoning and Land Development Standards Ordinance #04-13", in the boundaries of School District II, for six months.

4. Mr. Murphree motioned to amend the main motion, and Mr. Murphy seconded it, to have weekly meetings to discuss the implementation of three critical parts in conjunction with the Comprehensive Plan during the six-month period of the moratorium. The three parts are as follows: 1) Creation of a Master Water and Sewer Plan, 2) Creation of a Municipal Improvement District in coordination with School District 2 and School District 4 to Build Schools, 3) Review Development Agreements in conjunction with the Comprehensive Plan and prepare for approval Development Agreements that conform to the Plan.

The County Attorney addressed Council and stated that in his opinion, this motion would be an additional issue, and needs to be addressed separately, instead of being an amendment to Ordinance #07-29. After much discussion, Mr. Murphree withdrew his amendment, and Mr. Murphy withdrew his second.

**3<sup>RD</sup> READING TO PROPOSED ORDINANCE #07-29 – CONTINUED**

Chairman Hargett requested for Mr. Harold LeaMond, Planning Director, to address the effective date of the moratorium and the effects it would have on pending applications. He stated that the start of the moratorium would be 8:00 a.m. the day following this meeting and new applications would be returned to the applicants. Mr. LeaMond stated that an amendment to the Ordinance would be necessary to address specific definitions and specific language regarding certain types of developments. He further stated that rezoning requests would go forward, but no building permits would be issued during the moratorium. The County Attorney addressed several issues regarding the types of developments included in the proposed Ordinance #07-29, which was up for 3<sup>rd</sup> Reading.

5. Mr. Feltner motioned, and Mr. Rosebrock seconded it, to amend the main motion, and to give 3<sup>rd</sup> Reading to Ordinance #07-29, “An Ordinance to Suspend the Approval of New Residential Development under the Dorchester County Zoning and Land Development Standards Ordinance #04-13”, in the boundaries of School District II, for six months, and to include Multi-family Developments, which is not currently included in this moratorium.

Mr. Murphree stated that Multi-family comes under Industrial, Commercial, and Retail, which was to be exempt from this moratorium and made the suggestion that maybe this Ordinance needs to be looked at further and that Council should hold off until that time.

After much discussion, Mr. Feltner withdrew his amendment to the main motion and Mr. Rosebrock withdrew his second.

Council voted six in favor and one opposed on the main motion, to give 3<sup>rd</sup> Reading to Ordinance #07-29, “An Ordinance to Suspend the Approval of New Residential Development under the Dorchester County Zoning and Land Development Standards Ordinance #04-13”, in the boundaries of School District II, for six months.

Councilman Murphy opposed.

**MOTION REGARDING ORDINANCE #07-29**

6. Mr. Murphree motioned, seconded by Mr. Murphy, and Council voted two in favor and five opposed, to have weekly meetings to discuss the implementation of three critical parts in conjunction with the Comprehensive Plan during the six-month period of the moratorium. The three parts are as follows: 1) Creation of a Master Water and Sewer Plan, 2) Creation of a Municipal Improvement District in coordination with School District 2 and School District 4 to Build Schools, 3) Review Development Agreements in conjunction with the Comprehensive Plan and prepare for approval Development Agreements that conform to the Plan.

Council Members Feltner, Rosebrock, Davis, Waggoner and Murphy opposed.

**RED CROSS FUNDING REQUEST AND SC DISABLED AMERICAN VETERANS FUNDING REQUEST**

7. On the motion of Mr. Davis, seconded by Mr. Feltner for discussion, regarding the funds requested from the Carolina Lowcountry Chapter of the American Red Cross, in the amount of \$10,000. If approved the funding would come from the County Council Contingency Fund, which is running low at this point in time.

8. Mr. Feltner motioned, seconded by Mr. Murphy, to amend the main motion to approve funding the Carolina Lowcountry American Red Cross, in the amount of \$5,000 instead of the requested amount of \$10,000.

9. Mr. Waggoner motioned, and Mr. Murphy seconded it, to add to the amendment to include the SC Disabled American Veterans Request, for a total approval of \$18,000 in requested funding. Council voted unanimously to approve the funding in the amount of \$5,000 for the Carolina Lowcountry Chapter of the American Red Cross, and to approve funding in the amount of \$13,000 for the SC Disabled American Veterans. The funds for the SC Disabled American Veterans are to assist with the purchase of a van to transport veterans to the VA Medical Center in Charleston and the new VA Clinic being constructed at the Naval Weapons Station. Their old van was severely damaged in a recent accident.

**ADOPTION OF RESOLUTION #07-17, IN SUPPORT OF THE  
ISSUANCE OF BONDS BY THE SOUTH CAROLINA JOBS ECONOMIC  
DEVELOPMENT AUTHORITY FOR WASTE MANAGEMENT**

10. On the motion of Mr. Davis, seconded by Mr. Murphy, Council voted unanimously to adopt Resolution #07-17, stated as follows, "Dorchester County in Support of the Issuance by the South Carolina Jobs Economic Development Authority of Its Economic Development Revenue Bonds (Waste Management of South Carolina, Inc. Project) Series 2007, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, As Amended, In the Aggregate Principal Amount of Not Exceeding \$20,000,000".

Mr. Russ Hightower, Manager of Community Relations for Waste Management, was present to answer questions and has already provided answers to the questions posed by County Council and staff relative to the origin of the waste stream and the reduction in host fees. Additionally, the Business Case was provided and explained the improvements to the site in Dorchester. Mr. Hightower stated he would also find out about the 40 acres as requested by Councilman Rosebrock and look at the possibility of renegotiations of host fees paid to Dorchester County.

**CORRESPONDENCE**

There was no correspondence to report.

**GUESTS**

**MR. TED CREECH, PRESENTATION OF GRANT CHECK**

Mr. Ted Creech, AT&T, addressed Council and presented them with a grant check for \$55,000 from AT&T to be used towards specific Economic Development projects.

**MS. AUDREY HOLZHAUSEN, OLD FORT FIRE DEPARTMENT**

Ms. Audrey Holzhausen, Old Fort Fire Department, thanked Council for their active support during this past year and stated that she had requested to address County Council regarding the Dorchester County contracts on the newly acquired apparatus for Old Fort Fire Department. The request from Old Fort Fire Department was to consider assigning the trucks purchased for Knightsville and Givhans to those areas for the life of the vehicles or duration of the County's contract with them for fire service in those areas. Ms. Holzhausen stated that the Capital Improvement Fund was a wonderful tool to assist the county fire services and the Dorchester County residents and business owners. While

**MS. AUDREY HOLZHAUSEN, CONTINUED**

there have been many challenges and frustrations, the willful support that we offer to one another has always been in the best interest of our District. The contracts describe two 2007 Ferrara Pumpers, one custom pumper designated for Old Fort District, and one commercial pumper designated for the Old Fort (Givhans) District. They understand that this apparatus is titled to the County and request that each apparatus be assigned to the District, for which it was approved and intended, for the duration of the service contracts for each District. This requires a change in time from six months to a more permanent level. She asked that Council consider this request.

11. On the motion of Mr. Waggoner, seconded by Mr. Rosebrock, Council voted unanimously to place this item in the Public Safety, Health, and Human Services Committee for further consideration.

**FUNDING OF THE "BLACK EXPO"**

Mr. Darrell Givens, coordinator for the "Black Expo", addressed Council, explained what the "Black Expo" does, and requested that County Council consider becoming a gold level sponsor of the Black Expo, which will be held in March 2008. In the past, County Council has supported the Expo at the Bronze Level in the amount of \$6,000 vs. the Gold Level of \$15,000.

12. It was motioned by Mr. Rosebrock, and seconded by Mr. Murphree, to fund the "Black Expo" at the Bronze Level in the amount of \$6,000., and to place this in the Public Safety, Health and Human Services Committee to explore other funding sources.

13. Mr. Davis motioned to amend the motion, seconded by Mr. Murphy, and Council voted unanimously to fund the "Black Expo" at the Silver Level, in the amount of \$10,000.

**SUMMERVILLE LITTLE LEAGUE FUNDING REQUEST**

Mr. Rosebrock informed Council of a request that he received from the Summerville Little League in the amount of \$35,000 to purchase equipment, and for the funds to come from the Recreation Fund.

Chairman Hargett stated that this item would be on the agenda for the first meeting in January 2008 for Council to receive a report from the County Administrator as to the fund balance in the Recreation Fund.

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

**1<sup>ST</sup> READING FOR PROPOSED AMENDMENT TO ORDINANCE #04-13,  
AS IT PERTAINS TO BOATS, TRAILERS AND RECREATIONAL  
VEHICLES PARKING, TO ADD: SECTION 10.7 RESTRICTIONS ON  
RECREATIONAL VEHICLES PARKED IN RESIDENTIAL ZONED  
DISTRICTS**

14. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted 5 in favor, one opposed, and one abstention, to give 1<sup>st</sup> Reading to a Proposed Amendment to Ordinance #04-13, As it Pertains to Boats, Trailers and Recreational Vehicles Parking, To Add: Section 10.7 Restrictions on Recreational Vehicles Parked in Residential Zoned Districts and to place this item in the Planning, Development, and Building Committee for further consideration.

Councilman Murphree opposed and Councilman Waggoner abstained.

**1<sup>ST</sup> READING FOR REZONING REQUEST #573, SUMMIT RUBBER  
COMPANY, TMS# 129-00-00-030**

15. On the motion of Mr. Davis, seconded by Mr. Feltner, Council voted unanimously to give 1<sup>st</sup> Reading to Rezoning Request #573, for Summit Rubber Company, TMS# 129-00-00-030 and to place this item in the Planning, Development, and Building Committee for further consideration. This is a request to rezone 104.53 acres on Corporate Way from I (Industrial) to CLI (commercial Light Industrial).

**E 911 AND DISPATCH UPGRADE**

16. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to approve an E-911 and Dispatch Upgrade project and budget as discussed.

Installation of a new Public Safety Answering Point (PSAP) system is underway and will be completed by the week of December 17. This system will include seven chairs, five for call takers, one for the supervisor, and one for training. Additionally, the County needs to payoff the existing lease (\$366,000) for the system we are currently using that has a software platform that will no longer be supported. This funding will allow the County to purchase a new Computer Aided Dispatch (CAD) system. The funding for this project will come from state reimbursement, E 9-1-1 fund balance, PC refresh, and next year's CIP.

**COUNTY ADMINISTRATOR'S TIME – CONTINUED**

**LEASE FOR ST. GEORGE EMS STATION**

17. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to authorize the Administrator to execute a two-year extension to the current lease for the St. George EMS Station. The monthly rent will increase from \$450 to \$475 in 2008 and \$475 to \$500 in 2009. In the future, this EMS unit is to be relocated to a new station on the Courthouse site, in accordance with the Capital Improvement Plan.

**COMMITTEE REPORTS**

**CHAIRMAN RICHARD ROSEBROCK PUBLIC SAFETY, HEALTH AND HUMAN SERVICES COMMITTEE**

**RECOMMENDATION FOR 2<sup>ND</sup> READING TO AN ORDINANCE TO REPEAL DORCHESTER COUNTY ORDINANCE #90-09**

18. Chairman Rosebrock reported that the recommendation from the Committee to Council was to give 2<sup>nd</sup> Reading to a new Ordinance which will replace our existing Ordinance #90-09, which established the Emergency Services Department and outlined the duties for the Emergency Services Director. This ordinance will establish the Emergency Management Department and outline the duties and responsibilities of the Director as well as the procedures for County Council to declare a State of Emergency. Council voted unanimously in favor of this recommendation.

**CHAIRMAN MIKE MURPHREE, PUBLIC WORKS, PROPERTY AND UTILITIES COMMITTEE**

This Committee Report was deferred until Council returns from Executive Session.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

There were no appointments to Boards or Commissions.

**COUNTY ATTORNEY'S TIME – MR. JOHN FRAMPTON  
PUBLIC HEARING AND 2<sup>ND</sup> READING TO AN ORDINANCE TO  
DEVELOP A JOINTLY OWNED AND OPERATED  
INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH  
ORANGEBURG COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO  
BE GEOGRAPHICALLY LOCATED IN ORANGEBURG COUNTY AND  
ESTABLISHED PURSUANT TO THE SOUTH CAROLINA CODES OF  
LAWS OF 1976 SECTION 4-1-170**

Chairman Hargett opened the Public Hearing for an Ordinance to Develop a Jointly Owned and Operated Industrial/Business Park in conjunction with Orangeburg County, Such Industrial/Business Park to be Geographically Located in Orangeburg County and Established Pursuant to the South Carolina Codes of Laws of 1976 Section 4-1-170.

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

19. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously to give 2<sup>nd</sup> Reading to an Ordinance to Develop a Jointly Owned and Operated Industrial/Business Park in conjunction with Orangeburg County, Such Industrial/Business Park to be Geographically Located in Orangeburg County and Established Pursuant to the South Carolina Codes of Laws of 1976 Section 4-1-170.

**PUBLIC HEARING AND 3<sup>RD</sup> READING FOR ORDINANCE #07-31, “AN  
ORDINANCE AUTHORIZING ECONOMIC DEVELOPMENT  
INCENTIVES, INCLUDING A FEE AGREEMENT, BETWEEN  
DORCHESTER COUNTY, SOUTH CAROLINA, AND WEBER  
AUTOMOTIVE CORPORATION (FORMERLY KNOWN AS ALBERT  
WEBER MANUFACTURING CORPORATION), WHEREBY  
DORCHESTER COUNTY WILL ENTER INTO AN ARRANGEMENT  
FOR PAYMENTS IN LIEU OF PROPERTY TAXES”**

Chairman Hargett opened the Public Hearing for the proposed Ordinance #07-31, including a Fee in Lieu of Tax Agreement between Dorchester County and Weber Automotive Corporation, formally known as Albert Weber Manufacturing Corporation.

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

20. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted six in favor and one abstention, to give 3<sup>rd</sup> Reading to Ordinance #07-31, including a Fee in Lieu of Tax Agreement between Dorchester County and Weber Automotive Corporation.

Mr. Murphree abstained.

**COUNTY ATTORNEY'S TIME – CONTINUED**

**ADOPTION OF RESOLUTION IDENTIFYING A CERTAIN ECONOMIC DEVELOPMENT PROJECT TO BE LOCATED IN DORCHESTER COUNTY, SOUTH CAROLINA BY LAFARGE BUILDING MATERIALS, INC., AND AUTHORIZING A FEE AGREEMENT BY AND BETWEEN LAFARGE BUILDING MATERIALS, INC., AND DORCHESTER COUNTY**

21. On the motion of Mr. Murphy, seconded by Mr. Feltner, Council voted six in favor, and one abstention, to adopt a Resolution Identifying a Certain Economic Development Project to be Located in Dorchester County, South Carolina by Lafarge Building Materials, Inc., and Authorizing a Fee Agreement by and between Lafarge Building Materials, Inc., and Dorchester County.

Councilman Murphree abstained.

**1<sup>ST</sup> READING TO AN ORDINANCE AUTHORIZING A FEE AGREEMENT BY AND BETWEEN LAFARGE BUILDING MATERIALS, INC AND DORCHESTER COUNTY**

22. On the motion of Mr. Murphy, seconded by Mr. Feltner, Council voted six in favor, and one abstention, to give 1<sup>st</sup> Reading to An Ordinance Authorizing a Fee Agreement by and between Lafarge Building Materials, Inc. and Dorchester County.

Councilman Murphree abstained.

**REQUEST FOR EXECUTIVE SESSION**

The County Attorney made a request for Council's consideration to enter into executive session to discuss confidential economic development projects, to receive legal advice concerning Myers Mill Subdivision and its Agreement with the County, collection of municipal taxes by the County, water and sewer service commitments, stormwater exemptions, an annexation boundary property line swap with Berkeley County, a FOIA Request, and the practice of reassessing property upon subdivision of land, and the addition of an issue concerning Quail Arbor and Mr. Everett Knight, and to discuss several contractual matters, those being the Waste Water Treatment Plant Lease Agreement with School District II, the Sheriff's Audit and a CDBG Grant with Trident Technical College, and one personnel matter.

**COUNTY ATTORNEY'S TIME – CONTINUED**  
**EXECUTIVE SESSION 8:50 P.M.**

23. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to enter into Executive Session.

**RECONVENE FROM EXECUTIVE SESSION 11:25 P.M.**

The County Attorney reported that in Executive Session, Council discussed all items previously announced and no action was taken on any of the items.

**COMMUNITY DEVELOPMENT BLOCK GRANT WITH TRIDENT  
TECHNICAL COLLEGE**

24. On the motion of Mr. Davis, seconded by Mr. Rosebrock, Council voted unanimously to commit Lot 1(4.4 acres) and Lot 2 (4.74 acres) at the St. George Courthouse site for the purpose of the Community Development Block Grant with Trident Technical College.

**ECONOMIC DEVELOPMENT PROJECT #07-61**

25. On the motion of Mr. Waggoner, seconded by Mr. Davis, Council voted unanimously to approve \$2,000 to fund the appraisal of a Dorchester County site being considered for confidential project #07-61. These funds will come from the Dorchester County Economic Development Fund.

**ECONOMIC DEVELOPMENT PROJECT #07-42**

26. On the motion of Mr. Murphree, seconded by Mr. Waggoner, Council voted unanimously, to approve \$2,500 from the Dorchester County Economic Development Fund to assist Project #07-42 with a road improvement plan to serve the site of the planned \$5.0 million dollar project. An announcement will be made in the spring of 2008.

**CHAIRMAN MIKE MURPHREE, PUBLIC WORKS, PROPERTY AND  
UTILITIES COMMITTEE REPORT**  
**QUAIL ARBOR DRAINAGE**

27. Chairman Murphree reported that with regard to the Quail Arbor Issue, the Committee's recommendation to Council was to have Mr. Rosebrock work with Mr. Everett Knight and negotiate some sort of resolution. Council voted unanimously in favor of the recommendation.

**PUBLIC WORKS, PROPERTY AND UTILITIES COMMITTEE REPORT  
CONTINUED**

**SIGN DESIGN FOR “NO THRU TRAFFIC” FOR QUAIL ARBOR**

Chairman Murphree reported that the Committee discussed the request concerning the sign design for “No Thru Traffic” in Quail Arbor Subdivision and that this subject would be discussed again in January 2008.

**RECOMMENDATION FOR 1<sup>ST</sup> READING FOR AN ORDINANCE  
AMENDING THE DORCHESTER COUNTY ROAD MAINTENANCE  
ORDINANCE NUMBER 97-12, PERTAINING TO THE STANDARDS  
FOR MAINTAINING EXISTING ROADS**

28. Chairman Murphree reported that the Committee’s recommendation to Council was to give 1<sup>st</sup> Reading to an Ordinance Amending The Dorchester County Road Maintenance Ordinance #97-12, pertaining to the Standards for Maintaining Existing Roads and to place this item in the Public Works, Property and Utilities Committee for further action. Council voted unanimously in favor of the recommendation. This amendment would add to the Ordinance that road petition requests for acceptance into the County Maintenance System must meet subdivision specifications.

**OWENS CIRCLE – ONE WAY STREET REQUEST**

Chairman Murphree reported that a resident of Owens Circle addressed the Committee concerning the Owens Circle Petitions request and the Committee will follow up with this in January 2008.

**AUDIT OF THE SHERIFF’S DEPARTMENT**

29. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to expand the audit of the Sheriff’s Department as discussed in executive session for a fee not to exceed \$60,000.

**RESOLUTION #07-19 APPROVING A PROPOSED ANNEXATION**

30. On the motion of Mr. Murphy, seconded by Mr. Murphree, Council voted five in favor and two opposed, to adopt Resolution #07-19, approving the proposed annexation of approximately 49.99 acres of TMS #207-00-01-025, owned by Carolina Resource Development, LLC, from Berkeley County into Dorchester County and consenting to the proposed annexation of approximately 25.712 acres of the Dorchester County portion of TMS #'S 221-00-00-008 and 130-00-00-022, owned by Salisbury Farm L.P., Uchee Farms L.P., Salisbury Farms II, LLC and LSB, LLC, #220-00-02-019, owned by Rosemary S. Ward and TMS#130-00-00-021, owned by Margaret S. Bell, from Dorchester into Berkeley County.

**ADJOURNMENT 11:25 P.M.**

31. On the motion of Mr. Davis, seconded by Mr. Feltner, Council voted unanimously to adjourn.

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Sandy Lawley, Clerk to Council