

JAMIE FELTNER  
CHAIRMAN

WILLIE DAVIS  
VICE CHAIRMAN

JASON L. WARD  
COUNTY ADMINISTRATOR

SANDY W. LAWLEY  
CLERK TO COUNCIL



LARRY S. HARGETT

BILL HEARN, JR.

CHRISTOPHER J. MURPHY

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 7, 2009 7:04 P.M.

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

PRESENT: Mr. Jamie Feltner, Chairman  
Mr. Willie Davis, Vice Chairman  
Mr. Chris Murphy  
Mr. William (Bill) Hearn  
Mr. Richard Rosebrock  
Mr. Larry Hargett  
Mr. Kenneth F. Waggoner  
Mr. Jason Ward, County Administrator  
Mrs. Ashley McDonald, Deputy County Administrator  
Mr. John Frampton, County Attorney  
Mrs. Sandy W. Lawley, Clerk to Council

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

### REQUEST TO ADDRESS COUNCIL

Chairman Feltner asked if there were any requests to address Council and the following citizens replied:

- Mr. Jody C. Eargle, a member of the Harleyville Rural Voluntary Fire Department, addressed Council on behalf of 15 of the 26 firefighters from the Fire Department regarding problems about the Fire Department Bylaws. Mr. Eargle requested Council's assistance with this problem and the County Administrator was directed to handle this matter. Mr. Ward stated he would send Mr. Eargle a copy of the bylaws. Mr. Frampton addressed Council and Mr. Eargle and stated that he had drafted changes to the bylaws, and that they were ready and he would send them to Mr. Ward.

**REQUEST TO ADDRESS COUNCIL CONTINUED**

- Mr. Mike Murphree, a former member of Dorchester County Council, addressed Council in opposition to proposed Resolution #09-24, regarding impact fees assessed to builders to help finance road improvements and development projects, which was on the County Council Agenda for action.
- Mr. Jeff Meyer, Vice President of the Charleston Trident Home Builders Association, addressed Council in opposition to proposed Resolution #09-24, regarding transportation impact fees, and stated that he felt it would hurt jobs in the area.
- Mr. Phillip Ford, Director of the Charleston Trident Homebuilders Association, addressed Council in opposition of transportation impact fees and stated that he opposed the proposed Resolution #09-24. He stated that this would not help the growth problems in Dorchester County and asked Council Members not to adopt the proposed Resolution.
- Mr. Matt Timmons, a resident of North Charleston, addressed Council in opposition to impact fees assessed to builders to help finance road improvements and development projects, and he stated that he was now moving his business to North Charleston.
- Mr. Tom Roe, Executive Director of the South Carolina Landowners Association, addressed Council in opposition to proposed Resolution #09-24, and his opposition to transportation impact fees and how he believed that they hurt small businesses. In addition, he stated that he felt impact fees inadvertently hurt property owners when they become sellers and are not necessary.
- Mr. Robert Pratt, Chairman of the Dorchester County Planning Commission, addressed Council in opposition to proposed Resolution #09-24, and stated that the County was in a credit crunch at this time and now was not the time for more impact fees on transportation or on anything for that matter. In addition, he stated that the Planning Commission was very busy with the Comprehensive Plan, Formed Base Codes, and Smart Code, etc. and could not handle the extra work that this proposed Resolution would impose on the Commission at this time.
- Mr. Ryan Castle addressed Council in opposition to the proposed Resolution #09-24, and stated that home prices needed to stay low at this time with new companies coming to local areas and people looking for affordable housing.

**ADOPTION OF MINUTES FROM THE NOVEMBER 16, 2009, COUNTY COUNCIL MEETING**

1. On the motion of Mr. Murphy, seconded by Mr. Rosebrock, Council voted unanimously, to adopt the Minutes from the November 16, 2009, County Council Meeting.

**ADOPTION OF 2010 COUNTY COUNCIL MEETING SCHEDULE**

2. On the motion of Mr. Rosebrock, seconded by Mr. Davis, Council voted unanimously, to adopt the 2010 County Council Meeting Schedule.

**ADOPTION OF RESOLUTION #09-23 FOR MR. RICHARD BEHLING**

3. On the motion of Mr. Waggoner, seconded by Mr. Hargett, Council voted unanimously, to adopt Resolution #09-23 for Mr. Richard Behling for his many years of service on Dorchester County Boards. Mr. Behling was present and Council presented him with the framed Resolution. Council members wished Mr. Behling well in his future endeavors.

**ADOPTION OF RESOLUTION 09-24 "A RESOLUTION DIRECTING THE DORCHESTER COUNTY PLANNING COMMISSION TO CONDUCT STUDIES AND TO DEVELOP AND MAKE RECOMMENDATIONS FOR A CAPITAL IMPROVEMENTS PLAN AND IMPACT FEE ORDINANCE AS PROVIDED FOR IN THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT AS MORE FULLY ACT SET FORTH IN SECTION 6-1-910, ET SEQ, CODE OF LAWS OF SOUTH CAROLINA (1976), AS AMENDED"**

4. Mr. Waggoner motioned, and it was seconded by Mr. Davis, to adopt Resolution #09-24, "A Resolution Directing the Dorchester County Planning Commission to Conduct Studies and to Develop and Make Recommendations for a Capital Improvements Plan and Impact Fee Ordinance as Provided for in the South Carolina Development Impact Fee Act as More Fully Act Set Forth In Section 6-1-910, *et seq*, Code of Laws of South Carolina (1976), as Amended".

The above motion was discussed by Council.

5. Mr. Murphy motioned to amend the main motion, and it was seconded by Mr. Rosebrock, to postpone the issue of the proposed "Resolution Directing the Dorchester County Planning Commission to Conduct Studies and to Develop and Make Recommendations for a Capital Improvements Plan and Impact Fee Ordinance as Provided for in the South Carolina Development Impact Fee Act as More Fully Act Set Forth in Section 6-1-910, *et seq*, Code of Laws of South Carolina (1976), as Amended", for at least one year, which would be December 7, 2010.

The above motion was discussed by Council.

6. On the motion of Mr. Rosebrock, seconded by Mr. Murphy, Council voted five in favor, and two opposed, to call for the question, to end discussion, and to vote on motion #5.

Council Members Davis and Feltner opposed.

Council voted four in favor and three opposed to motion #5.

Council Members Waggoner, Davis, and Feltner, opposed.

**CORRESPONDENCE**

There was no correspondence to report.

**GUEST**

**MR. ALEC BREBNER, PLANNING DIRECTOR, BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS, BERKELEY, DORCHESTER HAZARD MITIGATION PLAN**

Mr. Alec Brebner, Planning Director for the Berkeley-Charleston-Dorchester Council of Governments, was not present so this item was postponed.

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

**1<sup>ST</sup> READING FOR AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING TWELVE MILLION DOLLARS (\$12,000,000) DORCHESTER COUNTY, SOUTH CAROLINA, GENERAL OBLIGATION BONDS, SERIES 2010, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREFORE, AND OTHER MATTERS RELATING THERETO (BY TITLE ONLY)**

7. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to give 1<sup>st</sup> Reading for An Ordinance to Provide For the Issuance and Sale of Not Exceeding Twelve Million Dollars (\$12,000,000) Dorchester County, South Carolina, General Obligation Bonds, Series 2010, To Prescribe the Purposes for Which the Proceeds Shall Be Expended, To Provide For the Payment Therefore, and Other Matters Relating Thereto (By Title Only).

**ADOPTION OF RESOLUTION #09-25, CONFIRMING THE INTENTION OF DORCHESTER COUNTY, SOUTH CAROLINA, TO BE REIMBURSED FOR CERTAIN EXPENDITURES RELATED TO CAPITAL PROJECTS TO BE FINANCED BY THE ISSUANCE OF BONDS**

8. On the motion of Mr. Davis, seconded by Mr. Murphy, Council voted unanimously to adopt Resolution #09-25, "Confirming the Intention of Dorchester County, South Carolina, to be Reimbursed for Certain Expenditures Related to Capital Projects to be Financed by the Issuance of Bonds". Mr. Ward stated that this Resolution was contingent upon the County receiving the Community Development Block Grant funds for the construction for the new Library, and if the Bonds were not issued, then this Resolution would not be necessary.

**COUNTY ADMINISTRATOR'S TIME- CONTINUED**

**1<sup>ST</sup> READING FOR REZONING REQUEST #633, CIVIL SITE ENVIRONMENTAL, C/O DAVID STEVENS, TMS# 200-00-00-013, 014, 015, 016, 037, 040**

9. On the motion of Mr. Murphy, seconded by Mr. Rosebrock, Council voted unanimously to give 1<sup>st</sup> Reading for Rezoning Request #633, Civil Site Environmental, c/o David Stevens, identified by TMS# 200-00-00-013, 014, 015, 016, 037, 040, and to refer this request to Council's Planning, Development, and Building Committee for further consideration. This is a request to rezone 153.55 acres from SR, Suburban Residential to RR, Rural Residential District.

**1<sup>ST</sup> READING FOR REZONING REQUEST #634, ANTHONY R. KILLIRI, TMS# 151-04-00-036**

10. On the motion of Mr. Rosebrock, seconded by Mr. Murphy, Council voted unanimously to give 1<sup>st</sup> Reading for Rezoning Request #634, Anthony R. Killiri, identified by TMS# 151-04-00-036, and to refer this request to Council's Planning, Development, and Building Committee for further consideration. This is a request to rezone 1.16 acres from CG, General Commercial District to R-4, Multi Family Residential. This is a correction to Ordinance #04-13.

**1<sup>ST</sup> READING FOR AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED, AND TO DELETE IN ITS ENTIRETY ARTICLE X, SECTION 10.4.2(1)(E) AND TO SUBSTITUTE IN LIEU THEREOF A NEW ARTICLE X, SECTION 10.4.2(1)(E)**

11. On the motion of Mr. Hearn, seconded by Mr. Waggoner, Council voted unanimously to give 1<sup>st</sup> Reading for An Ordinance to Amend Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as Previously Amended, and To Delete in its Entirety Article X, Section 10.4.2(1)(e) and to Substitute In Lieu Thereof a New Article X, Section 10.4.2(1)(e), and to refer this Ordinance to Council's Planning, Development, and Building Committee for further consideration. This ordinance, which is an amendment to Ordinance #04-13, would increase the size of accessory structures for larger parcels.

Chairman Feltner passed the gavel to Vice Chairman Davis in order to give his Committee Report.

**COMMITTEE REPORTS**

**WATER AND SEWER COMMITTEE REPORT**  
**CHAIRMAN JAMIE FELTNER**

**REQUEST FOR NEW SEWER SERVICE FOR APPIAN WAY APARTMENTS**  
**POOL, TMS #172-00-00-111**

12. Chairman Feltner stated the Committee voted unanimously to recommend for Council to approve the request for new sewer service for Appian Way Apartments Pool, identified by TMS #172-00-00-111. He stated that staff recommended providing the sewer service to this project located at the intersection of Patriot's Boulevard and Appian Way in North Charleston. Council voted unanimously in favor of the Committee's recommendation.

**REQUEST FOR NEW WATER SERVICE FOR IRENE GREEN, TMS #007-00-00-240**

13. Chairman Feltner stated the Committee voted unanimously to recommend for Council to approve the request for new water service for Irene Green, identified by TMS #007-00-00-240, and staff recommended providing the water service to this property located at 290 Shady Grove Road. Council voted unanimously in favor of the Committee's recommendation.

Vice Chairman Davis passed the gavel back to Chairman Feltner.

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

**PUBLIC HEARING AND RECOMMENDATION FOR 3<sup>RD</sup> READING FOR**  
**REZONING REQUEST #632, PERCIVAL D. JR., AND ROBIN M. KNIGHT, TMS#**  
**135-00-00-131**

14. Chairman Davis stated that the Committee voted unanimously to recommend for Council to give 3<sup>rd</sup> Reading to Rezoning Request #632, for Percival D. Jr., and Robin M. Knight, identified by TMS# 135-00-00-131. Council voted unanimously in favor of the recommendation for 3<sup>rd</sup> Reading to Rezoning Request #632, for Percival D. Jr., and Robin M. Knight, identified by TMS# 135-00-00-131.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**DORCHESTER COUNTY LIBRARY BOARD OF TRUSTEES**

15. On the motion of Mr. Waggoner, seconded by Mr. Murphy, Council voted unanimously to re-appoint Mrs. Carolyn Baker to the Dorchester County Library Board as representative for Council District #3.

**DORCHESTER COUNTY BOARD OF DISABILITIES & SPECIAL NEEDS**

Mr. Waggoner motioned to nominate Mrs. Michele Lichtenberger, who resides in Indian Springs, to the Dorchester County Board of Disabilities and Special Needs. This motion did not receive a second.

16. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted six in favor, and one abstention, to make a recommendation to the Governor to appoint Mrs. Martha Ann Baggett to the Dorchester County Board of Disabilities and Special Needs.

Councilman Waggoner abstained. Councilman Waggoner also requested that if a vacancy arises on another Board that Mrs. Michele Lichtenberger be considered.

**DORCHESTER COUNTY MENTAL HEALTH CENTER BOARD**

17. On the motion of Mr. Murphy, seconded by Mr. Rosebrock, Council voted unanimously to make a recommendation to the Governor to re-appoint Mr. Wilson V. Inabinet to the Dorchester County Mental Health Center Board.

**COUNTY ATTORNEY'S TIME - MR. JOHN FRAMPTON**

The County Attorney requested for the order of the agenda to be changed and the General Bond Ordinance be given 3<sup>rd</sup> Reading first and it be numbered 09-24 and the First Supplemental Bond Ordinance be given 3<sup>rd</sup> Reading seconded and it be numbered 09-25.

**MOTION TO CHANGE THE ORDER OF THE AGENDA**

18. On the motion of Mr. Murphy, seconded by Mr. Davis, Council voted unanimously to change the order of the agenda under the County Attorney's time regarding 3<sup>rd</sup> Reading of two Ordinances and to change the numbers of the ordinances as requested by the County Attorney.

**COUNTY ATTORNEY'S TIME – CONTINUED**

**3<sup>RD</sup> READING FOR ORDINANCE #09-24, A GENERAL BOND ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF DORCHESTER COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE ISSUANCE OF ADDITIONAL BONDS AND REFUNDING BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE PLEDGED REVENUES RECEIVED AND RETAINED BY THE COUNTY FROM THE PAYMENT OF FEES IN LIEU OF TAXES FROM CERTAIN DESIGNATED MULTI-COUNTY INDUSTRIAL AND BUSINESS PARKS AND PLEDGING THE PLEDGED REVENUES FOR PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO THOSE FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS AND IN CONNECTIONS WITH THE FOREGOING**

19. On the motion of Mr. Murphy, seconded by Mr. Hargett, Council voted unanimously to give 3<sup>rd</sup> Reading to Ordinance #09-24, A General Bond Ordinance Authorizing and Providing for the Issuance of Special Source Revenue Bonds of Dorchester County, South Carolina; Prescribing the Form of Bonds; Providing for the Issuance of Additional Bonds and Refunding Bonds; Limiting the Payment of the Bonds Solely to the Pledged Revenues Received and Retained by the County from the Payment of Fees In Lieu Of Taxes From Certain Designated Multi-County Industrial and Business Parks and Pledging the Pledged Revenues for Payment; Creating Certain Funds and Providing for Payments into Those Funds; and Making Other Covenants and Agreements and in Connections with the Foregoing.

**3<sup>RD</sup> READING FOR ORDINANCE # 09-25 A FIRST SUPPLEMENTAL BOND ORDINANCE, PROVIDING FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$3,250,000, SPECIAL SOURCE REVENUE BONDS SERIES 2009, OF DORCHESTER COUNTY, SC, IN ONE OR MORE SERIES, TAXABLE OR TAX-EXEMPT; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OR VICE-CHAIRMAN AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER RELATED MATTERS**

20. On the motion of Mr. Davis, seconded by Mr. Hargett, Council voted unanimously to give 3<sup>rd</sup> Reading for Ordinance #09-25, A First Supplemental Bond Ordinance, Providing for the Issuance and Sale of not exceeding \$3,250,000, Special Source Revenue Bonds Series 2009, of Dorchester County, South Carolina, in One or More Series, Taxable or Tax-Exempt; Prescribing the Form and Details of the Bonds; Authorizing the Chairman or Vice-Chairman and the County Administrator to Determine Certain Matters Relating to the Bonds; Providing for the Payment of the Bonds and the Disposition of the Proceeds Thereof; and Other Related Matters.

**COUNTY ATTORNEY'S TIME – CONTINUED**

**REQUEST TO AMEND THE AGENDA**

Mr. Frampton requested to amend the agenda to add an additional item in executive session under contractual matters, concerning an agreement for the extension of the services of a commercial appraiser.

21. On the motion of Mr. Murphy, seconded by Mr. Rosebrock, Council voted unanimously to amend the agenda to add an additional item in executive session under contractual matters concerning an agreement for the extension of the services of a commercial appraiser, as requested by the County Attorney.

**REQUEST FOR EXECUTIVE SESSION**

The County Attorney made a request for Council's consideration to enter into executive session to give legal advice concerning a tax sale overage issue, the return of certain service weapons, and the interpretation of TMDL limits, and to discuss four contractual matters, with those items being the old courthouse structure, a piece of real estate owned by the County, an amendment to the Wentworth Hall Development Agreement, and a contractual matter concerning appraisals services.

**EXECUTIVE SESSION 8:07 P.M.**

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

**RECONVENE FROM EXECUTIVE SESSION 9:10 P.M.**

The County Attorney reported that Council received legal advice and discussed the items reported before going into executive session and no action was taken.

**134 CLUB HOUSE ROAD**

23. On the motion of Mr. Hargett, seconded by Mr. Rosebrock, Council voted unanimously to reduce the selling listing price for 134 Club Road, in St. George, to \$229,000., and to extend our current listing agreement, with REMAX - Pro Realty to July 6, 2010.

**COMMERCIAL APPRAISAL AGREEMENT**

24. On the motion of Mr. Rosebrock, seconded by Mr. Murphy, Council voted unanimously that the County Administrator be authorized to extend the commercial appraisal agreement with D. Michael Huggins for up to four months beginning December 22, 2009, in order for him to assist the County with the appeal process, upon the recommendation of the County's Administrator and the Assessor.

**1<sup>ST</sup> READING FOR AN ORDINANCE CONCERNING A PROPOSED AMENDMENT  
TO THE DEVELOPMENT AGREEMENT BETWEEN LENNAR CAROLINAS, LLC**

25. On the motion of Mr. Hearn, seconded by Mr. Davis, Council voted unanimously to give 1<sup>st</sup> Reading to an Ordinance Authorizing the Execution of a First Amendment to the Development Agreement between Dorchester County and Lennar Carolinas, LLC, referring the Matter to the Dorchester County Planning Commission for its recommendation, and for it to conduct the first public hearing on the amendment to the Development Agreement, referring the matter to the Dorchester County Planning Committee for its recommendation, and scheduling the second public hearing before Dorchester County Council at its meeting on Tuesday, January 19, 2010.

**ADJOURNMENT 9:06 P.M.**

26. On the motion of Mr. Murphy, seconded by Mr. Waggoner, Council voted unanimously to adjourn.

  
Sandy Lawley, Clerk to Council